

19:43-9.6 Notice, verification and implementation of wage execution

(a) The Commission shall, on a weekly basis, notify each casino licensee of the name, date of birth, and, if applicable, the license or registration number of each person subject to a Commission order pursuant to N.J.A.C. 19:42-2.11A.

1. This notice shall be provided to each casino licensee by hard copy (printed) communication or electronic data transfer by no later than 3:00 P.M. each Thursday, unless Thursday is a State or Federal holiday, in which case notice shall be provided by no later than 3:00 P.M. on the first weekday thereafter that is not a State or Federal holiday.

2. Notwithstanding N.J.A.C. 19:40-3.3(d), this notice shall be deemed received by the casino licensee at 9:00 A.M. on the second weekday following the issuance of the notice, unless that weekday is a Friday or State or Federal holiday, in which case notice shall be deemed received at 9:00 A.M. on the first weekday thereafter that is not a State or Federal holiday.

(b) Upon receipt of the notice in (a) above, a casino licensee shall either:

1. Verify that, except as provided in (c)1 below, a wage execution is in place for each employee whose name appears on the list; or

2. If a wage execution is not in place for any such employee, the casino licensee shall:

i. Obtain a copy of the Commission order and relevant consent agreement or court order from the employee or immediately request copies from the Commission; and

ii. Within 10 days of receipt of the notice, implement the Commission order by remitting the required amount of the employee's wages to the agency identified in the consent agreement or court order until the amount specified has been remitted or until the employee provides evidence that the debt has been paid in full.

(c) Notwithstanding (b) above:

1. A casino licensee shall notify the Commission in writing of any prior wage execution orders, final decrees in bankruptcy proceedings or any other reason which prevents compliance with the Commission's order, including the terms and priorities of such orders or decrees.

2. A casino licensee shall be permitted, upon written notice to the Commission, to cease implementation of any consent agreement imposed pursuant to N.J.A.C. 19:42-2.11A, if it receives a subsequent court order directing a wage execution for that employee or a final decree in a bankruptcy proceeding which discharges the underlying debt.

New Rule, R.1996 d.473, effective October 7, 1996.
See: 28 N.J.R. 2806(a), 28 N.J.R. 4515(a).

SUBCHAPTER 10. REQUIREMENTS FOR DOING BUSINESS WITH VENDORS**19:43-10.1 Requirements for doing business; Active Vendors Record; Prohibited Vendors Record**

(a) No agreement entered into with any person by or on behalf of a casino licensee or applicant shall be performed or in force or effect unless the casino licensee or applicant has filed a Master Purchasing and Disbursement Report, and:

1. The person is licensed as a casino service industry pursuant to N.J.S.A. 5:12-92a or c, is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92c, or is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92a or N.J.S.A. 5:12-92c and N.J.A.C. 19:51-1.2A(b) and has been granted a transactional waiver pursuant to N.J.A.C. 19:51-1.2B; or

2. The appropriate filings have been submitted on behalf of the person in accordance with N.J.A.C. 19:43-10.4 or the Commission has exempted the transaction from such filing requirements pursuant to N.J.A.C. 19:43-10.5.

(b) The Commission shall maintain an Active Vendors Record of persons with whom a casino licensee or applicant may do business for the reasons set forth in (a) above.

(c) Notwithstanding any other provision of this subchapter no casino licensee or applicant shall enter into an agreement with any person who:

1. Has been found disqualified pursuant to N.J.S.A. 5:12-86;

2. Has failed to comply with the filing requirements of N.J.A.C. 19:43-10.4;

3. Has been subject to a suspension, revocation or denial of a casino service industry license or dismissal of an application pursuant to N.J.A.C. 19:41-9.3 or 19:51-1.5 or 1.10;

4. Is restricted from application pursuant to N.J.A.C. 19:41-8.6 or 19:51-1.2A(h); or

5. Has been temporarily prohibited from doing business with casino licensees and applicants pursuant to N.J.A.C. 19:42-3.

(d) The Commission shall maintain a Prohibited Vendors Record of persons with whom casino licensees and applicants are prohibited from doing business for the reasons set forth in (c) above. Such record shall be made available to casino licensees and applicants on a regular basis.

(e) No person shall be removed from the Prohibited Vendors Record except by order of the Commission or until the applicable period of restriction ends or until the person has complied with all applicable filing requirements.

New Rule, R.1995 d.496, effective September 5, 1995.
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).
Amended by R.1997 d.36, effective January 21, 1997.
See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).
In (c)5, amended N.J.A.C. reference.

19:43-10.2 Maintaining agreements; filing of agreements

(a) Pursuant to N.J.S.A. 5:12-104b, each casino licensee or applicant shall be required to maintain a fully signed copy of every written agreement and records with respect to any unwritten agreement, which provide, at a minimum, the terms thereof, the parties thereto and a description of the goods or services provided regarding the following, whether or not the casino licensee or applicant is a party to such agreement and whether or not the agreement provides for the exchange of direct compensation:

1. The realty of the casino hotel or related facility, including construction, maintenance, renovation, expansion or demolition;
2. Any person doing business with or for the benefit of the casino licensee or applicant; or
3. Any person doing business on the premises of the casino hotel.

(b) Each casino licensee or applicant shall submit a copy of any written agreement or a precise written description of any unwritten agreement for which records are maintained pursuant to (a) above upon oral or written request from the Commission based upon a determination that such filing is necessary to protect the public interest and accomplish the policies of the Act.

Recodified from 19:41-11.1 and amended by R.1994 d.220, effective May 2, 1994.
See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).
Amended by R.1995 d.496, effective September 5, 1995.
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).
Amended by R.1997 d.282, effective July 7, 1997.
See: 28 N.J.R. 5167(a), 29 N.J.R. 2846(a).
In (a)1, inserted reference to demolition.

19:43-10.3 Review of agreements and records of agreements; termination upon disapproval

(a) The Commission may review each agreement and record maintained or filed pursuant to N.J.A.C. 19:43-10.2 to determine the following:

1. The reasonableness of the terms of the agreement, including the terms of compensation;
2. The qualifications of the persons involved in and associated with the agreement in accordance with the standards enumerated in section 86 of the Act, after which the Commission may make a finding as to the suitability of such persons to be involved or associated with the casino licensee or applicant;

3. Whether any enterprise involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a casino licensee or applicant, its employees or agents which requires casino service industry licensure pursuant to section 92 of the Act and N.J.A.C. 19:51-1.2 or 1.2A, in which case the Commission shall direct that a casino service industry license application be promptly filed by the enterprise; and

4. Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any casino service industry or to encourage or preserve competition in any casino service industry in accordance with N.J.S.A. 5:12-1b(12) and N.J.A.C. 19:51-1.6.

(b) If the Commission disapproves of an agreement governed by N.J.A.C. 19:43-10.2 or any person associated therewith, the Commission may by directive require the termination of such agreement or association or pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission. If such disapproved agreement or association is not thereafter promptly terminated as required by Commission directive, the Commission may pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission. This subsection shall apply notwithstanding that the Commission has granted an exemption pursuant to N.J.S.A. 5:12-92c to any person involved in or associated with such agreement from the casino service industry license requirements set forth therein.

(c) Each agreement maintained or filed pursuant to N.J.A.C. 19:43-10.2 shall be deemed to include a provision for its termination without liability on the part of the casino licensee or applicant, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon such agreement, in the event that the Commission disapproves the agreement in accordance with (b) above.

Recodified from 19:41-11.2 and amended by R.1994 d.220, effective May 2, 1994.
See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).
Amended by R.1995 d.496, effective September 5, 1995.
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

19:43-10.4 Filing requirements: Notice of Intent to Conduct Enterprise Business, Vendor Registration Form, Junket Enterprise Registration Form

(a) Except as otherwise provided in (b) or (c) below or N.J.A.C. 19:43-10.5, each casino licensee or applicant shall file with the Commission no later than 20 calendar days following the formal offer and acceptance of an agreement a completed Notice of Intent to Conduct Enterprise Business, as set forth in N.J.A.C. 19:41-5.11A, for any enterprise which does not appear on the Active Vendors Record maintained by the Commission pursuant to N.J.A.C. 19:43-10.1.