

(c) The annual reorganizational meeting of the Commission shall be the first meeting of the Commission in January of each year.

(d) All meetings of the Commission shall be in compliance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).

(e) The Commission may prepare an agenda describing the order of business for public meetings, which agenda shall include, but not be limited to:

1. Presiding officer's statement of compliance with the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;
2. Roll call;
3. Ratification of the minutes of prior meetings;

4. Consideration of applications for licenses;
5. Consideration of complaints against licensees;
6. Consideration of petitions for Commission action or approval; and
7. Questions and comments from the public.

19:40-2.3 Quorum; votes

(a) A majority of the full Commission shall constitute a quorum at any meeting of the Commission.

(b) The vote on any matter before the Commission shall be taken in a manner to be determined by the Commission. The names of the members voting for or against or abstaining shall be entered in the minutes of the meeting.

19:40-2.4 Resolutions and minutes

(a) The records of the Commission shall include a minute book and a resolution book. The vote on any matter before the Commission shall be set forth in the minutes in accordance with the requirements of (b) below. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in accordance with the requirements of (c) below and shall be recorded in the resolution book.

(b) Every vote of the Commission recorded in the minutes shall include the following information:

1. The substance of the matter considered;
2. The vote of the Commission, including the names of any commissioners dissenting or abstaining;
3. If appropriate, reference to the existence of a formal resolution concerning the matter; and
4. Certification by the Executive Secretary.

(c) Every formal resolution of the Commission shall include the following information:

1. A concise statement of the issues presented and the relevant procedural history;
2. The precise statutory authority for the action taken;
3. A precise statement of the action taken by the Commission, including any terms or conditions attached thereto; and
4. Certification by the Executive Secretary.

19:40-2.5 Delegation of Commission authority

(a) The Commission may, in its discretion and where permitted by law, delegate its authority to perform any of its functions under the Act or this title to a member or members of its staff. Except as provided in (d) below, such action shall for all purposes be deemed the final action of the Commission, without approval, ratification or other further action by the Commission.

(b) Any delegation of Commission authority shall be effected through the adoption of a formal resolution at a public meeting of the Commission. Such resolution shall specify the following, without limitation:

1. The specific authority delegated;
2. The member or members of the Commission's staff to whom such authority is delegated; and
3. Any limitations or conditions imposed on the authority delegated.

(c) All delegations of authority made pursuant to this section shall remain in effect indefinitely, unless otherwise specified in the implementing resolution. Any delegation of authority previously approved by the Commission may be

revoked or modified by the Commission through the adoption of a subsequent formal resolution. All previous delegations of authority shall be reviewed by the full Commission, concurrent with each readoption of this chapter, to determine whether each delegation should be retained.

(d) Any determination by the Commission staff pursuant to delegated authority shall be presented for review by the full Commission, upon timely request by the Division or any party adversely affected by such determination. Such request shall be in writing, and must be received by the Commission within three days after the date of such determination. No determination by the Commission staff pursuant to delegated authority shall be deemed final until all parties have been afforded an opportunity for review in accordance with this subsection.

(e) Notwithstanding any other provision of this section, any matter which has otherwise been delegated to the Commission staff may alternatively be presented to and determined by the full Commission on its own motion or at the discretion of the Chair, or upon the request of the Commission staff.

(f) The use of the term "Commission," "Chair," "Chairman," "Commissioner," or "member" in this title shall not be interpreted to preclude any delegation of authority to the Commission staff in accordance with this section.

(g) Whenever any provision of these regulations requires that a party provide notice to or file any application, petition or other submission with the Commission or Chair, the Commission shall provide written notice to such party, designating any member or members of its staff authorized to accept such notice or filings on behalf of the Commission or Chair.

New Rule, R.1992 d.409, effective October 19, 1992.
See: 24 N.J.R. 2348(a), 24 N.J.R. 3737(b).

19:40-2.6 Post-employment restrictions

(a) For purposes of this section, a "policy-making management position" means:

1. For the Commission, the Executive Secretary; a Director of any Division; the General Counsel; the Director of Communications; the Equal Employment Opportunity and Affirmative Action Officer; and any other person designated to serve on the Commission's Management Team; and
2. For the Division, the Director; the Deputy Director; the Executive in Charge of Investigations; the Attorney Administrator, Licensing Prosecution Bureau; the Attorney Administrator, Regulatory Prosecution Bureau; the Agent Administrator, Licensing Investigations; and the Agent Administrator, Regulatory Enforcement.

(b) No employee of the Commission or employee or agent of the Division shall solicit or accept employment

with, or acquire any direct or indirect interest in, any person who is an applicant, licensee or registrant with the Commission for a period of two years from the date of termination of his or her employment with the Commission or Division. Notwithstanding the foregoing:

1. A secretarial or clerical employee may solicit and accept such employment at any time after termination of employment with the Commission or the Division;

2. Any employee, other than a person subject to (c) below, who is terminated as the result of a reduction in workforce at the Commission or the Division may accept employment otherwise prohibited by this subsection upon application to and the approval of the Commission pursuant to (d) and (e) below;

3. Nothing in this section shall prohibit a former employee of the Commission or a former employee or agent of the Division from soliciting or accepting employment with, or acquiring an interest in, any person who is licensed as a casino service industry enterprise pursuant to subsection 92c of the Act or is an applicant for such licensure.

(c) At the end of two years from termination of employment, and for a period of two years thereafter, any person who held a policy-making management position with the Commission or Division at any time during the five years prior to termination of employment shall not:

1. Solicit employment with an applicant, licensee or registrant unless he or she has provided prior written notice of an intent to solicit such employment to the Commission's General Counsel; or

2. Accept or commence employment with, or acquire an interest in, an applicant, licensee or registrant except upon application to and the approval of the Commission pursuant to (d) below for that particular employment or interest.

(d) A petition for waiver pursuant to (b)2 or (c) above shall be in writing and shall identify the following:

1. The applicant, licensee or registrant that has made an offer of employment, or in which the petitioner will acquire an interest;

2. The position to be held and the specific nature of the duties to be performed for the applicant, licensee or registrant, or the nature of the interest to be acquired; and

3. Any positions held and the specific nature of the duties performed while employed by the Commission or Division.

(e) The Commission may grant a waiver upon a finding that the acceptance of the employment or the acquisition of the interest identified in the petition will not create the appearance of a conflict of interest or evidence a conflict of interest in fact.

(f) The Commission's General Counsel shall review each petition for waiver and supporting documentation and shall make a recommendation to the Commission, with copies to the Division and the petitioner, within 10 days of the receipt of a completed petition.

(g) Any waiver granted pursuant to (e) above shall apply only to the applicant, licensee or registrant and the position or interest identified in the petition for waiver. No person subject to post-employment restriction pursuant to (b)2 or (c) above shall accept or commence employment in any other position or with any other applicant, licensee or registrant, or acquire any other interest that is otherwise prohibited unless a waiver has been granted by the Commission for such employment or interest.

New Rule, R.1993 d.291, effective June 21, 1993.
See: 25 N.J.R. 1501(a), 25 N.J.R. 2702(a).
Amended by R.1995 d.388, effective July 17, 1995.
See: 27 N.J.R. 1965(a), 27 N.J.R. 2703(c).
Amended by R.1999 d.169, effective May 3, 1999.
See: 31 N.J.R. 1501(a).

Rewrote (a)1.
Administrative correction.
See: 31 N.J.R. 1818(c).

SUBCHAPTER 3. INFORMATION AND FILINGS

19:40-3.1 Offices; hours

(a) The main offices of the Commission are located at:

Arcade Building
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401

(b) The offices of the Commission are open for the filing of papers and for other business (except for public inspection of documents) from 9:00 A.M. to 5:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are open for public inspection of documents from 10:00 A.M. to 4:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are closed on legal holidays.

(c) The offices of the Division of Gaming Enforcement are located at:

1. 140 East Front Street
PO Box 047
Trenton, NJ 08625-0047; and
2. 1601 Atlantic Avenue
PO Box 047
Atlantic City, NJ 08401-0047

Administrative change.
See: 23 N.J.R. 3655(a).
Amended by R.1996 d.72, effective February 5, 1996.
See: 27 N.J.R. 3920(a), 28 N.J.R. 901(b).

Administrative change.

See: 29 N.J.R. 5075(a).

Deleted (b); and recodified existing (c) and (d) as (b) and (c).

19:40-3.2 Official records; fees for copies

(a) No original official record of the Commission shall be released from the custody of the Commission except upon express direction of the Chair or the Executive Secretary, or upon the order of a court of competent jurisdiction.

(b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in N.J.A.C. 19:40-3.1 upon the payment of appropriate fees.

(c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or the Division or from other sources, information of any kind which is not made available by proper authority.

(d) No application, petition, notice, report, document or other paper will be accepted for filing by the Chair and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.

(e) Any person may subscribe to the Commission's meeting notices, minutes, or notices of rule-making by written request accompanied by a check or money order in accordance with the subscription rates established by the Commission. All subscriptions shall be on a calendar year basis only, and rates for subscriptions commencing during a calendar year will be prorated accordingly. At the discretion of the Commission, no payment may be required when the request is made by the governor of the State of New Jersey or by a member of the Legislature or by any newspaper, television station or radio station regularly serving New Jersey.

(f) Except as provided in (g) below, copies of official records of the Commission which are required by law to be made available for public inspection shall be made available according to the following fee schedule:

1. First page to 10th page: \$.75 per page;
2. Eleventh page to 20th page: \$.50 per page;
3. All pages over 20: \$.25 per page;

(g) Copies of the following documents may be obtained upon payment of the appropriate fee, as follows:

1. Casino Control Act, N.J.S.A. 5:12-1 et seq.: \$26.75;
2. Casino Control Commission Annual Report: No charge;
3. Monthly, quarterly and annual reports for all casino licensees: \$440.00 per year;

4. Monthly reports for all casino licensees: \$55.00 per year;

5. Quarterly reports:

- i. For all casino licensees: \$270.00 per year; and
- ii. For one casino licensee: \$7.50 per report; and

6. Annual reports:

- i. For all casino licensees: \$120.00 per year; and
- ii. For one casino licensee: \$10.00 per report.

(h) All checks for payment of fees, deposits and charges shall be made payable to the order of the "Casino Control Fund" and delivered or mailed to the main office of the Commission.

Amended by R.1996 d.158, effective March 18, 1996.

See: 28 N.J.R. 74(a), 28 N.J.R. 1558(b).

Amended by R.1997 d.422, effective October 6, 1997.

See: 29 N.J.R. 3201(a), 29 N.J.R. 4304(a).

In (f), inserted "Except as provided in (g) below,,"; inserted new (g),; and recodified former (g) as (h).

19:40-3.3 Communications; notices

(a) Except as otherwise provided by the rules of the Commission, all papers, process or correspondence relating to the Commission should be addressed to or served upon the New Jersey Casino Control Commission at the Commission's main office. All papers, process or correspondence relating to the Division should be addressed to or served upon the Division of Gaming Enforcement at the Division's main office.

(b) All such papers, process or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission or the Division as the case may be, but a Commissioner or such individual members of the Commission's staff as the Chair may designate, or the Director or such individual staff members of the Division's staff as the Director may designate, may in his or her discretion receive papers or correspondence or accept service of process.

(c) Except as otherwise specifically provided by law or Commission regulations, notices and other communications from the Commission or Division will be sent to an applicant, licensee or registrant by either ordinary mail or certified mail to the address shown in the most recent application or change of address notice received from such person; or, in the case of a casino licensee, by depositing such notices and other communications in the appropriate mail slot designated for each casino licensee in the Commission mailroom. Such notices and communications will be available for pickup by casino licensees from 9:00 A.M. to 5:00 P.M. in the Commission mailroom located at:

Arcade Building, 1st Floor
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401

(d) Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mails, or upon their deposit in the Commission mailroom in the designated mail slot for each casino licensee, and the time specified in any such notice shall commence to run from that date.

SUBCHAPTER 5. PROFESSIONAL PRACTICE

19:40-5.1 General provisions

No person shall practice law, accountancy, architecture, professional engineering, land surveying or any other profession or occupation regulated by the laws of this State before the Commission or Division in any manner other than in accordance with law, the ethical standards applicable to the particular profession and the regulations of the Commission. "Practice" shall be deemed to comprehend any matter connected with the presentation of the interest of a client including the making of any appearance and the preparing or filing of any necessary written document, correspondence or other paper relative to such interests.

19:40-5.2 The practice of law

(a) No person, other than a natural person practicing law on his or her own behalf, shall practice law or represent another person before the Commission or Division unless he or she is an attorney authorized to practice law in this State, or a non-attorney authorized by the Commission to appear pursuant to New Jersey Court Rule R. 1:21-1(e) and N.J.A.C. 1:1-5.

(b) Notwithstanding (a) above, an attorney admitted in this State who is in good standing but who does not maintain in this State a bona fide office for the practice of law, or an attorney of any other jurisdiction who is in good standing there, may in the discretion of the Chair be admitted to practice in connection with a particular matter by complying with the requirements of N.J.A.C. 1:1-5.2 and provided that an attorney authorized to practice law in this State who is in good standing shall also appear of record in and thereby be responsible for the conduct of the admitted attorney in the particular matter and that both such attorneys shall sign all papers submitted or filed in accordance with the regulations of the Commission.

Amended by R.1993 d.316, effective July 6, 1993.
See: 25 N.J.R. 1672(a), 25 N.J.R. 2907(b).

19:40-5.3 Notice of appearance by attorney

Each attorney practicing before the Commission or Division shall promptly file with the Commission a notice of appearance in each matter and on behalf of each client represented and may be required to file evidence of his authority to act in such capacity.

19:40-5.4 Other professions and occupations

No person shall practice accountancy, architecture, professional engineering or land surveying before the Commission or Division unless he is a certified public accountant, licensed architect, licensed professional engineer or licensed land surveyor of this State. No person shall practice any other profession or occupation regulated by the laws of this State which authorizes the licensure, certification or any

other governmental approval of persons practicing same unless such person is so licensed, certified or approved.

SUBCHAPTER 6. DISABILITY DISCRIMINATION
GRIEVANCE PROCEDURE**19:40-6.1 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"ADA" means the Americans with Disabilities Act, 42 U.S.C.A. § 12101 et seq.

"Agency" means the New Jersey Casino Control Commission.

"Designated decision maker" means the Chairman of the Casino Control Commission or his or her designee.

19:40-6.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 19:40-6.5 through 6.8.

19:40-6.3 Required ADA Notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by the U.S. Department of Justice regulations implementing Title 11 of the Americans with Disabilities Act. Title 11 states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative

Code, N.J.A.C. 19:40-6. As those rules indicate, grievances should be addressed to the agency's designated ADA Coordinator, who has been designated to coordinate ADA compliance efforts, at the following address:

ADA Coordinator
New Jersey Casino Control Commission
Arcade Building
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401

1. A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related grievances, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A grievance should be filed promptly within 30 days after the grievant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

4. In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the grievances filed.

6. The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

19:40-6.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator
New Jersey Casino Control Commission
Arcade Building
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All grievances alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 19:40-6.5 through 6.8.

19:40-6.5 Grievance procedure

A grievance alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 19:40-6.4 within 30 days of the grievant becoming aware of the alleged violation. A grievance alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N.J.A.C. 4A:7-1.1 through 3.4, if those rules are applicable.

19:40-6.6 Grievance contents

(a) A grievance submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 19:40-6.7.

(b) A grievance submitted pursuant to this subchapter shall include the following information:

1. The name of the grievant and/or any alternate contact person designated by the grievant to receive communication or provide information for the grievant;

2. The address and telephone number of the grievant or alternate contact person; and

3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

19:40-6.7 Grievance form

The following form may be utilized for the submission of a grievance pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: _____

Name of grievant: _____