

## TITLE 19

## OTHER AGENCIES

## SUBTITLE K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

## CHAPTER 40

## GENERAL PROVISIONS

## Authority

N.J.S.A. 5:12-54, 60, 63c, 69a and 74; N.J.S.A. 52:14B-3.

## Source and Effective Date

R.1994 d.461, effective August 15, 1994.  
See: 26 N.J.R. 2564(a), 26 N.J.R. 3746(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 40, General Provisions, expires on August 15, 1999, except for Subchapter 6, Disability Discrimination Grievance Procedure, which is exempt under 28 C.F.R. Part 35.

## Chapter Historical Note

Chapter 40, General Provisions, became effective with Subchapter 1, Practices and Procedures, adopted as R.1977 d.394, effective October 21, 1977. See: 9 N.J.R. 546(a). Subchapter 2, Child Labor Violations, was adopted as R.1979 d.378, effective September 26, 1979. See: 11 N.J.R. 418(a), 11 N.J.R. 599(d). Subchapter 3, Confidential Information, was adopted as R.1983 d.380, effective September 19, 1983. See: 5 N.J.R. 238(a), 15 N.J.R. 1604(c).

Pursuant to Executive Order No. 66(1978), Chapter 40, except Subchapter 2 which was allowed to expire, was readopted as R.1984 d.454, effective September 26, 1984. See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a). Pursuant to Executive Order No. 66(1978), Chapter 40 was readopted as R.1989 d.495, effective August 24, 1989. As a part of R.1989 d.495, Subchapter 3 was recodified as Subchapter 4, and a new Subchapter 2, Organization and Operation of the Commission; Subchapter 3, Information and Filings, and Subchapter 5, Professional Practice, were adopted, effective September 18, 1989. See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b). See, also, section annotations for specific rulemaking activity.

Pursuant to Executive Order No. 66(1978), Chapter 40 was readopted as R.1994 d.461. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. CONSTRUCTION AND APPLICATION OF RULES

## 19:40-1.1 Authority

These rules and regulations are issued under and pursuant to the authority of the Casino Control Act, constituting chapter 110, Laws of New Jersey 1977, as amended.

**19:40-1.2 Definitions**

(a) The following words and terms are defined in the New Jersey Casino Control Act (P.L. 1977, c.110, as amended) and are used in the rules of the Commission as defined in that Act:

"Applicant"  
 "Application"  
 "Casino"  
 "Casino employee"  
 "Casino hotel employee"  
 "Casino hotel security employee"  
 "Casino key employee"  
 "Casino license"  
 "Casino security employee"  
 "Casino service industry"  
 "Commission"  
 "Complimentary service or item"  
 "Conservator"  
 "Creditor"  
 "Debt"  
 "Director"  
 "Division"  
 "Encumbrance"  
 "Equal employment opportunity"  
 "Equity security"  
 "Family"  
 "Game" or "gambling game"  
 "Gaming" or "gambling"  
 "Gaming device" or "gaming equipment"  
 "Gross revenue"  
 "Hearing examiner"  
 "Holding company"  
 "Hotel" or "approved hotel"  
 "Intermediary company"  
 "Junket"  
 "Junket enterprise"  
 "Junket representative"  
 "License"  
 "License or registration fee"  
 "Licensed casino operation"  
 "Licensee"  
 "Operation"  
 "Party"  
 "Person"  
 "Principal employee"  
 "Property"  
 "Publicly traded corporation"  
 "Registrant"  
 "Registration"  
 "Regulated complimentary service account"  
 "Resident"  
 "Respondent"  
 "Security"  
 "Slot machine"  
 "Statement of compliance"  
 "Subsidiary"  
 "Transfer"

(b) The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

"Access badge" is defined in N.J.A.C. 19:41-1.4(b).

"Act" or "Casino Control Act" means the New Jersey Casino Control Act (P.L. 1977, c.110, as amended).

"Affiliate" of, or a person "affiliated" with, a specific person means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"All-purpose slot machine hopper" or "all-purpose hopper" is defined in N.J.A.C. 19:45-1.36.

"Audit department executive" is defined in N.J.A.C. 19:41-1.11(b)2.

"Authorized game" or "authorized gambling game" is defined at N.J.S.A. 5:12-5 and includes any game approved by the Commission pursuant thereto, including craps, mini-craps, blackjack, baccarat, roulette, big six, slot machines, minibaccarat, red dog, sic bo, pai gow, pai gow poker, poker, caribbean stud poker, let it ride poker, three card poker, mini-dice, fast action hold 'em, casino war and keno.

"Bill changer" means any mechanical, electrical, or other device, contrivance or machine designed to interface mechanically, electrically or electronically with a slot machine for the purpose of dispensing from an all-purpose hopper an amount of coins or slot tokens that is equal to the amount of currency or the denomination of a coupon inserted into the bill changer.

"Casino affiliate check" means a check issued by a person that is an affiliate of a New Jersey casino licensee and holds a gaming license in any other jurisdiction. A casino affiliate check shall be drawn on the bank account of the affiliate, be made payable only to the person presenting the check, and shall not contain any other endorsements.

"Casino check" means a check which is drawn by a casino licensee upon the licensee's account at any New Jersey banking institution and made payable to a person in redemption of the licensee's gaming chips, pursuant to N.J.S.A. 5:12-100(k) in return, either in whole or in part, of a person's deposit on account with the casino licensee pursuant to N.J.S.A. 5:12-101(b), or for winnings from slot machine, keno or simulcasting wagering payoffs, or table game progressive payouts and which is identifiable in a manner approved by the Commission as a check issued for one of these purposes. At a minimum, such identification method shall include an endorsement or imprinting on the check which indicates that the check is issued in redemption of gaming chips, in return of funds on account with the casino licensee or for winnings from slot machine, keno simulcast wagering payoffs, or table game progressive payouts.

## 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

**Executive Order No. 66(1978) Expiration Date**

Subchapter 6, Disability Discrimination Grievance Procedure, is exempt from Executive Order No. 66 under 28 C.F.R. Part 35.

**Subchapter Historical Note**

Subchapter 6 was adopted as R.1993 d.613, effective December 6, 1993. See: 25 N.J.R. 1503(a), 25 N.J.R. 5519(a).

**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: \_\_\_\_\_

Address of grievant: \_\_\_\_\_

Telephone number of grievant: \_\_\_\_\_

Name, address and telephone number of alternate contact person:  
\_\_\_\_\_  
\_\_\_\_\_

Agency alleged to have denied access:

Department: \_\_\_\_\_

Division: \_\_\_\_\_

Bureau or office: \_\_\_\_\_

Location: \_\_\_\_\_

Incident or barrier: \_\_\_\_\_

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:40-6.4.

19:40-6.8 Investigation

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the grievance if practicable or unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

SUBCHAPTER 7. PROHIBITED POLITICAL CONTRIBUTIONS

Authority

N.J.S.A. 5:12-63, 69 and 138.

Source and Effective Date

R.1998 d.111, effective March 2, 1998.  
See: 29 N.J.R. 4666(a), 30 N.J.R. 864(a).

19:40-7.1 Statement of governing principles

(a) Pursuant to N.J.S.A. 5:12-138, casino licensees and other entities and persons closely aligned therewith are prohibited from making contributions of money or things of value to candidates for public office and political organizations in New Jersey. This prohibition is designed to protect the public interest in both the fact and the appearance of the independence of the political process, and the insulation of the government institutions that are responsible for the supervision of the casino industry, from the uniquely powerful economic force that is presented by that industry. The protection of these interests is critical to the maintenance of public confidence and trust in the regulation of casino gaming in New Jersey.

(b) The statutory prohibition was narrowly drawn in order to preserve the fundamental rights of all persons to

express themselves as they see fit with regard to questions of political and public interest, including specifically the advocacy of the election or defeat of candidates for public office. No prohibition on the right of any person to join any political organization or movement, or to advocate the election or defeat of any candidate, was intended or effected by the statutory provision or the rules contained in this subchapter.

(c) Between the right of free expression and the necessary prohibition of certain contributions lies a range of conduct that should be identified as acceptable, or prohibited, in accordance with the public interest, the policies of the Act, and the fundamental rights of all citizens. In addition to the standards established in this subchapter, the declaratory ruling procedure set forth at N.J.A.C. 19:40-3.7 is available to assist all affected persons in understanding and complying with these provisions.

### 19:40-7.2 Definitions

The following words and terms, when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

“Candidate” means a person seeking nomination or election to any local, county or State public office in New Jersey, but shall not include a person seeking nomination or election to any Federal public office.

“Contribution” means a payment, transfer or pledge of money or a thing of value to or for the benefit of a candidate or political organization.

“Dependent person” means a person who is:

1. An employee or co-employee of a prohibited person;
2. An employee or co-employee of a person affiliated with a prohibited person; or
3. An enterprise or firm, or an officer, director, partner, owner or principal employee of an enterprise or firm, that is a party to any contract with, or is bidding for or seeking to enter any contract with, or regularly represents or provides services to, a prohibited person.

“Money” means cash or instruments that are convertible to cash in any negotiable currency.

“Political organization” means any committee of any political party in this State, as structured and defined in accordance with the provisions of N.J.S.A. 19:1-1 et seq., or any group, committee, or association organized in support of such political party or any candidate.

“Prohibited person” means an applicant for or holder of a casino license, or any holding, intermediary or subsidiary company thereof; or any officer, director, casino key employee or principal employee of any of these companies; or any person or agent acting on behalf of any of these companies or persons.

“Solicitation” means a request, suggestion or recommendation made to a particular person, by any means of communication, that the person make a contribution; provided, however, that a statement to a person expressing support for or opposition to the election of any candidate, or support for or opposition to any political organization, which is made without reference to a contribution, or a statement intended for and given public dissemination encouraging all persons to make contributions to any candidate or political organization, is not a solicitation.

“Thing of value” means:

1. An item of real, personal or intellectual property that may be converted into money by selling it or pledging it as security for a loan or other advance of funds;
2. A loan of assets, property, personnel or facilities for use by a candidate or political organization, such as, without limitation, office space, automobiles, telephones or telephone services, or the time and effort of employees or consultants who are paid by the person making the contribution;
3. A personal or professional service that is not incidental to the expression of a person’s ideological beliefs or membership in a political organization, and that has a value to the candidate or political organization;
4. A nonreimbursed expense that is not incidental to the expression of a person’s ideological beliefs or membership in a political organization, and is of the type normally incurred by the candidate or political organization; or
5. Any thing, service, expense or other item of value similar to that identified in paragraphs 1 through 4 above which may be identified by the Commission in a declaratory ruling or other appropriate proceeding.

### 19:40-7.3 Prohibited contributions and solicitations

(a) No prohibited person shall, directly or indirectly, make any contribution or solicit any person to make a contribution on behalf of a prohibited person.

(b) A contribution shall be considered to have been made on behalf of a prohibited person if, without limitation, it is made:

1. With money or a thing of value that it owned or controlled by a prohibited person; or
2. By any person in response to a solicitation by a prohibited person and under such circumstances as established that the contribution was involuntary or would not have been made but for the influence of the prohibited person over the person making the contribution.

(c) In determining whether a contribution was made by a person on behalf of a prohibited person pursuant to (b)2 above, the Commission shall consider all relevant facts and circumstances, including, but not limited to, the following:

1. Whether the person making the contribution is a dependent person with regard to the prohibited person;

2. The nature and importance of any economic business, personal, familial or other relationship between the person making the contribution and the prohibited person that currently exists, that existed at the time the contribution was solicited and made, or that is reasonably anticipated to exist in the foreseeable future;

3. The timing and nature of any communications that may have occurred between the person making the contribution and the prohibited person regarding the prohibited person's desire to raise funds for the candidate or political organization that received the contribution;

4. The ability or inability of the prohibited person to control or affect the actions of the person making the contribution, and any evidence that any such ability played a role in the decision to make the contribution;

5. Any prior contributions to or expressions of support for the candidate or political organization that was the recipient of the contribution by the person making the contribution, and the timing of any such prior contributions or expressions in relation to the establishment of the relationship between the prohibited person and the person making the contribution;

6. Whether the person making the contribution is a resident of New Jersey or has significant property or business interests in this State;

7. The timing and nature of any communications that may have occurred between the person making the contribution and the recipient of the contribution regarding the prohibited person's solicitations on behalf of or expressions of support for the candidate or political organization;

8. Whether there is a pattern or regular course of conduct involving contributions to one or more candidates or political organizations by the person making the contribution;

9. Whether there is a pattern or regular course of conduct involving contributions to one or more candidates or political organizations on the part of employees, contractors or other dependent persons of a prohibited person or any affiliated person or entity thereof; and

10. Whether the prohibited person has, directly or indirectly, reimbursed or offered to reimburse the person making the contribution for all or any portion of the contribution.

**19:40-7.4 Solicitations by prohibited persons; records; reports**

(a) Each prohibited person that solicits a contribution from any person shall prepare a written or computerized

record of the solicitation that contains, at a minimum, the following information:

1. The name, address and employer of the prohibited person making the solicitation;

2. The name, address and employer of the person from whom the contribution was solicited;

3. The means of communication by which the contribution was solicited, including a summary of any oral communication or a copy of any written or electronic communication;

4. The name of the candidate or political organization for whose benefit the contribution was solicited; and

5. The date of the solicitation.

(b) Each prohibited person that prepares a record required by (a) above shall transmit a copy of the record to the casino licensee or applicant for a casino license with which that prohibited person is associated within seven calendar days of the solicitation.

(c) Each casino licensee shall maintain the premises of its casino hotel facility, and each applicant for a casino license shall maintain in a location in New Jersey approved by the Commission, a copy of each record prepared pursuant to (a) above by any prohibited person associated with that casino licensee or applicant. Such records shall be made available for inspection by agents of the Commission or Division upon request.

(d) Each casino licensee and applicant for a casino license shall file a report with the Commission and Division on May 1 and October 15 of each year containing, in a format approved by the Commission, a copy of each of the records prepared pursuant to (a) above since the filing of the last report.

(e) If a prohibited person fails to prepare or submit the record required by (a) and (b) above and a contribution is made to the candidate or political organization by the person as a result of the solicitation, the contribution shall be presumed, for purposes of N.J.A.C. 19:40-7.3(b)2, to have been made involuntarily or solely as a result of the influence of the prohibited person over the person making the contribution. This presumption shall apply to the conduct of the prohibited person making the solicitation, but not the person making the contribution, and may be overcome by an evaluation of all of the relevant circumstances.

(f) Each casino licensee or applicant for a casino license shall be responsible for assuring that each prohibited person associated with that casino licensee or applicant is aware of the prohibitions and obligations established by N.J.S.A. 5:12-138 and this subchapter.