



REPORT OF THE PERMANENT COMMITTEE  
ON REGULATION AND LEGISLATION  
NEW JERSEY CASINO CONTROL COMMISSION  
PUBLIC HEARING, FEBRUARY 23 & 24, 1981  
ATLANTIC CITY, NEW JERSEY

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"Certainly the industry executives know this commission does not view the industry here in New Jersey as venal. But, it is not in dispute, the industry traditionally has had in other jurisdictions a checkered history of corporate corruption, skimming, and other societal consequences sufficiently compelling to require this jurisdiction to secure a strict regulatory interest in every aspect of casinos and related operations."

Commissioner Don Thomas, Feb. 23, 1981

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"The casino gaming industry in this state is not a house of cards, but a house built on a solid foundation of strict compliance with rigorous standards of personal, business, and financial integrity. Should the foundation crack, the house could tumble, the public confidence would be breached, and the security of the very substantial investments made by the industry would be jeopardized."

Commissioner Carl Zeitz, Feb. 23, 1981

PART I

INTRODUCTION

On February 23 and 24, 1981 the Permanent Committee on Regulation and Legislation of the New Jersey Casino Control Commission conducted a two-day public hearing on outstanding regulatory and statutory issues. The commission heard from 22 witnesses, including 11 from hotel casinos now operating in Atlantic City, intending to begin operations in 1981, or considering such investment in the future. Also appearing before the committee were two witnesses from state government, G. Michael Brown, director of the New Jersey Division of Gaming Enforcement, and Michael Siavage, executive director of the New Jersey State Commission of Investigation.

Broadly stated, the industry witnesses expressed a viewpoint that New Jersey's casino regulatory system impedes the ability to market their facilities, earn maximum profits, and encourage new investment. Their testimony, in most cases, was general without detailed reference to specific regulatory or statutory items, although in some cases, like that of the testimony of Mr. Stephen Hyde, then chief operating officer of Caesar's Boardwalk Regency Hotel and Casino and now President of the Brighton Hotel and Casino, who spoke under the subject heading Rules of the Game, specific regulatory changes were proposed.

In the main, industry witnesses relied on written submissions made prior to the hearing through the Casino Hotel Association, which addressed specific regulatory and statutory amendments desired by the industry. In cases where corporations made separate

submissions, as in the case of the management of Harrah's Marina Hotel and Casino, or in the testimony of Mr. Thomas Farrell, Esq., representing Hilton Hotels Corporation\*, the changes urged were encompassed also in the association's submission.

In its testimony, the Division of Gaming Enforcement urged retention of a strong regulatory scheme, and advised against letting details be chipped away by indiscriminate amendments without view toward the goal and state interest in public security and integrity. Specifically the Division of Gaming Enforcement addressed several key areas, leaving the commission with exact recommendations concerning revision of the statute or regulations as they affect employee licensing, junkets, vendor and contract approval and review, casino experience and staffing, and a perceived enforcement need for uniform game rules.

Mr. Siavage, an independent government official, outside the day to day operation or regulation of casino gaming, recommended strongly against changing the regulatory system, and opposed suggestions for revisions in certain areas, notably those statutory and regulatory provisions regarding junkets, and service industry control.

The committee heard varying estimates of the amount of operating revenue that the regulations or statutory provisions at issue are said by the industry to be costing hotel casino operators. Only one such estimate, that contained in the report by Harrah's Marina Hotel and Casino, attempted to provide a complete enumeration and quantification of the quoted loss. In the case of

\*Hilton Hotels is not a member of the Casino Hotel Association.

Harrah's, the cumulative figure was placed at nearly \$30 million per year, with more than half, or \$15.5 million, attributed to the amount that could be gained by specific revisions of the rules of the games in favor of higher house percentage advantages.

Industry witnesses did not volunteer hard information about particular business decisions that may have contributed, or contribute now to what they view as a failure to generate an acceptable return on investment, or to extract from gross revenues, which are universally higher than gross revenues for comparable Nevada facilities, net profits comparable to those in Nevada. Such factors as the seasonal climate, local labor costs, individual lease terms, the cost of money, construction timetables, operating ability and experience, and facility locations were not mentioned directly by these witnesses, who did not confront the element any or all of these factors may have played in the disappointing financial performance they described.

An expert financial witness whose testimony was obtained by the Casino Control Commission, Dr. Lawrence Ritter, chief of the Finance Department of the New York University School of Business Administration, attempted to gauge the impact of current economic conditions on New Jersey's newest industry. He concluded that the financial performance of the hotel casino industry in Atlantic City during a one or two month period is insufficient evidence on which to project long term performance. Further, Dr. Ritter said such factors as climate, the cost of money, market definition, and historic patterns in consumer leisure activity

spending must be considered in determining the relative health, both immediate and long-term, of the hotel casino industry in New Jersey.

A contrasting economic analysis came from Robert Van Buren, chairman of Midatlantic Bank, who had requested the opportunity to address the committee. He testified that an overbearing, sometimes unpredictable regulatory scheme and apparatus has dampened investment in Atlantic City, and diminished profits. Mr. Van Buren's view was that excessive regulation can be, and is linked closely to financial performance in Atlantic City.

In setting out to conduct an information gathering hearing, the Permanent Committee on Regulation and Legislation took several approaches.

In the first instance it expressed the commission's awareness of a continuing public debate, in the press and within the industry, concerning the allegedly financially onerous impact of the New Jersey casino regulatory system. It deemed it appropriate to create a controlled public forum in which that view, and identifiable and quantifiable evidence for it, could be presented, while also offering a point of view favoring the regulatory scheme a chance to be heard. Similarly the commission, through the committee, was desirous of learning if and where the two points of view converged, and if so to what extent, as it turned out in the case of hotel employee licensing.

Then, too, the commission was and is aware that the legislature



is likely to take another look at the Casino Control Act to determine if and how it should be amended. Thus the committee decided that its hearing could assist such a legislative undertaking by beginning to sort out the statutory issues, gauge their impact on regulatory issues, and find out where, or if, they could or should be separated.

Finally, the hearing carried out the commission's determination to gather points of view concerning specific petitions on file with the agency seeking various revisions of, or relief from its regulations. Some of those petitions were submitted as the hearing approached, while others are being submitted even with the writing of this summary report. The hearing thus gave the commission an opportunity to gather testimony bearing on many specific issues addressed in petitions that are or will be scheduled for commission decision, probably in the second quarter of 1981.

In all of this the committee adopted the view, and maintains it in this report, that there are certain statutory matters which remain properly within the purview of the legislature and the governor. They, and only they, should decide for example whether to grant the casino industry call for 24-hour gaming in Atlantic City, as opposed to the 18 and 20-hour gaming operations now incorporated by statute. That is a preeminent policy question the committee deems best left to the legislature and the executive branch of government, which first decided against round-the-clock casino gambling in New Jersey.



Finally, the committee determined that because many of the issues posed at the hearing are contained in petitions for regulatory relief, or are included in suggested statutory revisions expected to come before the legislature at its public hearing due to follow the committee's, it would be unwise to let much time pass before it reported to the full commission. Similarly the committee concludes the general familiarity of the commission with virtually all of the issues raised at the hearing, the extensive comment contained in the transcript of the proceeding, and the written submissions marked into the record as exhibits during the hearing, -- all of which were provided the full commission -- obviate the need for a lengthy discussion or report on the substance of the meeting, or the matters aired during its course.

Instead the committee is submitting this brief review of the proceeding, and an accompanying analysis of the major regulatory and statutory matters addressed by witnesses both within and without the casino industry.

The analysis section encompasses the identifiable matters at issue, and is divided into two sections. The first contains a review of those questions the committee believes should be considered promptly, and, if applicable, a recommendation on how to treat them. The second section includes an appendix of supporting material.

As a general finding the committee believes that certain issues that clearly do not impinge on the integrity of casino gaming should be addressed now, but that others which might appear at

first blush to fit this category, like the experience and staffing questions, should be viewed instead as integral parts of the entire system of internal controls and should not be tampered with in haste or in a misguided attempt to show sympathetic regulatory response. Constancy with the philosophy and integrity of the regulatory system, and the controls it brings to casino gaming, must be the commission's guiding principle, the committee believes.

PART II.

ANALYSIS AND RECOMMENDATIONS

## FACILITIES

Recommendations for revision of the statute or of the regulations concerning the design and any expressed public interest in the design of hotel casinos came solely from within the industry. While they were addressed generally by several witnesses, all of the requested changes were addressed specifically in the written submission of the Casino Hotel Association.

The association suggested the statutory amendments (recommended deletions are noted in brackets) found at tab "A" of the appendix to this summary report. In the case of regulations pertaining to statutory citations on design, the association quoted them with the implication being any statutory amendment removing the authority for specific administrative regulations should trigger abolition of such regulations.

Commission Options:

- (1) Adopt and endorse all or part of the association recommendations.
- (2) Reject all or part of the association recommendations.
- (3) Defer judgement to legislative and gubernatorial policy making authority and preeminence.

Committee Recommendation:

The commission should choose the third option and defer to the wisdom of the legislature and the governor, who established together in 1977 the broad public and social policies in the statute, and encompassed statutory design considerations and review in the law in pursuit of such policy goals. So long as the statutory provisions on which the commission's facilities regulations have been drafted remain intact, the commission has an obligation to carry out its legislative mandate in this area.

RESIDENCY

The Casino Hotel Association recommended elimination of all statutory language authorizing or requiring durational residency standards for employee licensure, and, similarly, asked the commission to abolish any regulations setting down such requirements. No other witnesses took a position on this issue.

The association recommended statutory deletions (indicated by brackets), and recommended regulatory eliminations found at tab "B" of the appendix.

Commission Options:

- (1) Adopt the association recommendation and urge elimination of all statutory requirements for residency.
- (2) Support retention of residency requirements for licensure, and then either: retain current regulatory residency provisions; or amend the rules to ease the durational residency requirements of three months for hotel employees and six months for casino and casino key employee licenses.
- (3) Defer to the policy making supremacy of the legislature and governor.

Committee Recommendation:

The commission should choose the second option, and support the current residency requirements without change. Both legislative and administrative policy support giving deference to New Jersey residents seeking the benefit of employment in the fledgling casino hotel industry. Until such time as it can be determined that the pool of available, licensed New Jersey residents has outstripped demand, the public interest is in maintaining an advantage for New Jersey residents desiring employment in an industry that is unique to all but one other state. It should be noted the residency provisions are currently the subject of litigation.



### EMPLOYEE LICENSURE

Recommendations for revision of the statute in this area came from several sources, including both the industry and the Division of Gaming Enforcement. The Casino Hotel Association asked for abolition of hotel employee licensure, while, in a separate report, the management of Harrah's Marina Hotel and Casino urged an even more extensive revision of the employee licensure sections, calling in fact for the virtual elimination of all licensure below the top executive levels of hotel and casino management.

The Division of Gaming Enforcement recommended elimination of hotel employee licensure, and proposed extensive, specific statutory amendments.

The association recommended the statutory amendments, contained at tab "C" of the appendix, while the proposal made by the Division of Gaming Enforcement is attached thereto as well.

The committee also received a submission from a newly formed employee organization, identified by the acronym CRAPS, calling for changes in the personal history disclosure forms, another subject of current litigation, which are also attached at tab "C" of the appendix. It should be noted these personal disclosure forms are under review with an expectation there will be recommendations to modify them.

Commission Options:

- (1) Support the proposals for elimination in the statute of hotel employee licensure requirements.
- (2) Support retention of hotel employee licensure without statutory amendment.
- (3) Support elimination of hotel employee licensure, and relaxation of statutory requirements for casino and casino key employee licensure, and the licensure of non-gaming related casino employees.

Committee Recommendation:

The committee agrees with and supports the recommendations to end the licensure of casino hotel employees. It does not support any further change in the individual licensing provisions of the statute at this time. The committee believes the integrity and control of gaming require continued licensure of all casino and casino key employees, whether gaming related or not.

The committee considers the Division of Gaming Enforcement's proposal in this area an excellent blueprint, and advises the commission to suggest the legislature work with the commission and the division to incorporate this plan by statute. It agrees the dividends paid back in control of hotel employee licensing are sparse when measured against the regulatory investment it takes to produce them.

### EXPERIENCE

Two positions were aired on this question at the public hearing. Industry spokesmen, and the association in its written submission, urged elimination of statutory references to casino experience and ability, and asked the commission to abandon pending regulations that have served for a year as a policy guide on experience requirements in casino jobs.

The Division of Gaming Enforcement presented a detailed analysis of the state interest in determining suitable experience before licensure in the casino business, and stated there is a legitimate public purpose in mandating minimum experience requirements when a license is issued by the state.

The statutory changes recommended by the association, and the complete regulation it asked be rejected, are cited at tab "D" of the appendix with suggested statutory deletions in brackets.

Commission Options:

- (1) Endorse proposals to eliminate statutory mandate, and supporting regulations for minimum experience regulation.
- (2) Support retention of statutory authorization for experience regulation, and adopt, intact or with modification, the pending, proposed experience regulations.
- (3) Defer to the legislature and governor to determine whether public policy requires statutory and regulatory experience governance.

Committee Recommendation:

The committee urges the commission to support the second option, with the caveat that it may be possible to make modest but reasonable changes in the pending regulation. For example, the requirement for 24 months of first level supervisory experience conceivably could be adjusted to 18 months prior to licensure as a pit boss or other higher level casino and gaming supervisor. However, because the industry is still in its infancy in New Jersey, because employees are moving at an accelerated pace into highly sensitive supervisory positions at a rate that would be unheard of in most industries, and because the state must have minimum assurance standards to back the confidence it places in supervisory licensure in an industry as sensitive as gaming, the committee firmly supports statutory and regulatory maintenance of experience requirements. It views the current purported shortage of qualified

supervisory personnel as a very short-term phenomenon, which likely will be self-correcting in less time than the total current lifetime of casino gaming in the state of New Jersey. The committee also believes that relaxation or elimination of these requirements and standards could create an atmosphere in which collusion, favoritism, and improper pressures could be employed in determining promotions within the industry.

VENDORS, CONTRACT APPROVALS

The Casino Hotel Association asked that contract reporting requirements be eliminated, that a uniform vendor list be established, and that requirements be reduced to maintenance of a vendor and contract list.

The Division of Gaming Enforcement said reporting requirements should be retained but amended to assure a monthly notice, while the division should retain the authority and right to examine any and all contracts at any time.

It should be noted that Mr. Siavage of the SCI cited serious law enforcement concerns in this area in advising against any real change concerning it.

The statutory amendments urged by the association, and pertinent regulations are found at tab "E" of the appendix.

Here the report will depart from its prior form, and not detail particular options. It should be noted that Commissioner Danziger has been working closely with the Licensing Division of the commission, and with its Bureau of Enterprise Licensing, to devise a streamlined vendor watch and contract approval system.

The committee defers to the advice of Commissioner Danziger in this area, with the comment that some form of contract reporting, and state authority to examine any contract must be retained. However, the committee believes the current study can result in cost-saving, more effective measures both for the regulatory agencies and the industry entities without sacrifice of the public interest.



### JUNKETS

This represents one of the most difficult areas explored at the public hearing. In effect, however, the information and positions presented at the hearing can be distilled for the moment to reflect particular proposed changes.

The Casino Hotel Association asked the statute be amended to raise the current \$200 retail threshold for junkets to \$1,000 on a cost basis, and to eliminate all prior reporting of junket participants, opting instead for a 30-day post-junket report. It asked regulatory amendment to increase from 5 to 25 the number of participants permitted in continuing basis junkets, and requested the regulations on junkets be changed to eliminate signed acknowledgements by junket participants.

The position of the Division of Gaming Enforcement was that pre-junket reports must be maintained. Mr. Siavage of the SCI maintained there should be no easing whatsoever of statutory or regulatory requirements concerning junkets, characterizing them as an area of casino operation most prevalent to abuse and the infiltration of undesirable criminal elements. The specific statutory and regulatory amendments are cited below with the association's proposed changes at tab "F" of the appendix.

Again this complex issue defies form, making it difficult to lay out a series of exact options.

The committee, however, urges retention of pre-junket notice but believes enforcement and integrity interests can be maintained

with a shorter notice period than the present 15-day requirement. While inflation has eroded the dollar threshold since its inclusion at \$200 retail value in the statute in 1977 an upward adjustment should measure the amount of junket activity that would be deregulated before the commission endorses a higher figure.\* The committee advises maintaining a retail rather than a cost basis on complimentary goods and services to junketeers in casino hotels to reflect their value to the player as an inducement to gamble, but considering establishing a cost basis for other, outside complimentaries. As a further check and control on junket activities the committee urges retention of signed acknowledgements by junket participants.

The committee notes the Legal Division of the commission is currently reviewing the entire junket issue and all statutory and regulatory enactments. While the committee has made limited recommendations here on specific proposals concerning current definitions and limitations on junkets, it defers to the Legal Division for any broader findings in this area, notably concerning junketeer licensing and continuing basis junkets. Suffice it to say that the committee believes junket operations are among the most sensitive aspects of casino gaming, and should be so treated in any determination of statutory or regulatory amendments. It would not be unreasonable for the full commission to defer any move to revise its junket regulations, or make statutory recommendations until the Legal Division report is final and has been reviewed thoroughly.

\*The Division of Financial Evaluation and Control is now attempting to compile such information.

ADVERTISING

The statute establishes authority for commission review of hotel casino advertising. The association has urged abolition of statutory provisions in this area, and concomitant elimination of commission regulation and review.

Contained at tab "G" of the appendix are the statutory and regulatory citations in this area.

The committee notes the cogent argument of the industry, which takes notice of the fact that government owned and operated gambling in New Jersey, including the state lottery and the Meadowlands Racetrack, is permitted to advertise without restriction.

Commission Options:

- (1) Support maintenance of all current statutory and regulatory requirements.
- (2) Endorse abolition of these requirements.
- (3) Discern and support modifications of the statute and regulations as they relate to advertising.

Committee Recommendation:

Here the committee agrees entirely that this is an unwarranted interference with management prerogative. The committee endorses elimination of legal controls on hotel casino advertising with the following exception: it would not endorse relaxing any controls on advertising signage in Atlantic County, Atlantic City or on the premises of hotel casino facilities. Otherwise, the committee believes, fair advertising laws, standards of community taste, and business judgement will provide self-regulation of hotel casino advertising.

ENTERTAINMENT

Again, the industry witnesses at the public hearing contended that there is no public interest in the regulation of entertainment. Opposing this view were representatives of Atlantic City Musicians Association, Local 661, 708, who said the assurance of full employment they interpret as a legislative policy mandate supports statutory and regulatory involvement in the amount and type of entertainment provided in the hotel casinos.

Cited at tab "H" of the appendix are the statutory and regulatory provisions the Casino Hotel Association urged be deleted to take government out of this area.

Commission Options:

- (1) Urge statutory deletion of commission mandate for regulation of entertainment, and subsequent abolition of pursuant commission regulations.
- (2) Urge retention of all such statutory and regulatory provisions.
- (3) Modify these requirements.

Committee Recommendation:

The committee believes the marketplace will dictate the amount and kind of entertainment that will be provided in the hotel casinos in Atlantic City. It believes on the basis of the testimony it heard that a satisfactory mix of entertainment will be offered without government imposing, in this case, artificial, costly requirements. The committee recommends that statutory and regulatory language that addresses the amount and type of entertainment in the hotel casinos should be eliminated. The committee would advise against any revision of statutory or regulatory language dictating minimum community standards in the entertainment area.

RULES OF THE GAMES

The Casino Hotel Association, and individual hotel casino representatives within and without the association, urged elimination of rules governing the permitted casino games in Atlantic City, contending this is an area best left to the discretion of management. The Division of Gaming Enforcement testified its position is that standardized, uniform gaming rules are a requisite to enforcement of controls in the casinos. The Division takes no position on what the rules should be, except that they should be uniform in each and every casino in order to facilitate enforcement and compliance.

Attached at tab "I" of the appendix are specific changes to the statute governing casino configuration, which the association recommended, as well as commission regulations governing rules of the game.



Commission Options:

- (1) Urge retention of uniform gaming rules, but review specific rules to determine whether they should be changed, or abolished.
- (2) Urge abolition of game rule requirements and let each casino make its own rules.
- (3) Urge retention of uniform gaming rules, and maintenance of all particular rules governing the games in Atlantic City

Committee Recommendation:

The committee is persuaded that in this jurisdiction uniformity of the rules is a necessary, indeed vital component of the enforcement and compliance monitoring mandated of the commission and the Division of Gaming Enforcement. It is also the committee's position that gaming rule uniformity best addresses the need for fairness to the player, which forms another substantial statutory bulwark underpinning the present uniform rule system. However, the committee believes there may be identifiable economic and policy reasons to revise, and indeed relax certain specific rules now in contention. It deems it most appropriate for the commission to address each of those proposed rules changes in an orderly fashion, as single issues, rather than to attempt in this report to develop a comprehensive gaming rule revision. It also notes

that the ECON study of blackjack in Atlantic City is continuing under contract with the Casino Hotel Association, and that it is shortly expected to provide both the industry and the commission quantifiable data on such proposed rules changes as elimination of early surrender, or limiting player doubling down to certain higher numerical value cards. The key recommendation here is to keep the rules standard and uniform.

STAFFING

One particular issue arose in this area, -- craps table personnel complements -- while the overall industry position was that the number of persons assigned to supervise the games and casino functions should be left to management.

The Division of Gaming Enforcement stated there is a public interest involved in compliance with internal controls, and security of the games and casino assets sufficient to warrant staffing requirements.

Contained at tab "J" of the appendix are any statutory and regulatory provisions challenged by the industry.

The particular issue raised at the hearing, as it was at a public meeting of the commission on February 25th in Atlantic City, concerns the number of boxmen assigned to craps tables.

Commission Options:

- (1) Support amendment of the statute to delete sections and language authorizing and requiring regulation of staffing, and then abolish regulations stemming from the statute.
- (2) Modify the existing staffing requirements.
- (3) Support retention of statutory authorization for staffing regulation, and maintain existing requirements.

Committee Recommendation:

The committee prefers the third option for reasons similar to those expressed in its support for the retention of experience regulation. It notes that the commission has previously had available information on British gaming staffing rules, and points out they are much stiffer than the requirements enforced now in New Jersey.

As to the particular issue of boxmen staffing, the commission determined to resolve that issue at its public meeting April 1, 1981 in Atlantic City.

ALCOHOLIC BEVERAGE LICENSING

The Casino Hotel Association recommended amendment of the statute to reduce the seven classes of casino hotel alcoholic beverage licensure to one license per facility.

The statutory authorizations for a multi-class alcoholic beverage licensing system in the hotels, and the accruing regulations are cited at tab "K" of the appendix.

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Commission Options:

- (1) Endorse proposed amendment reducing alcoholic beverage licensing to one license per hotel casino.
- (2) Support retention of present multi-license system.
- (3) Defer recommendation.

Committee Recommendation:

The committee urges adoption of the first option. It believes the current system of seven classes of alcoholic beverage licenses is administratively cumbersome, and burdensome to the industry without any resulting accounting or control benefit. The committee believes the statute should be amended to provide one facility-wide alcoholic beverage license, and that the commission regulations should be revised accordingly, with a similar adjustment of CHAB license fees to a level reflecting the scope of a single facility license. Such amendment would need to be carefully drafted in order to define exactly where alcoholic beverage facilities would be permitted in hotel casinos, and what alcoholic beverage functions would be allowed in these locations. In other words, this is not a recommendation to let hotel casinos put bars and bar service anywhere they choose, but to bring all such current activity under one license.

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OTHER

Other matters addressed at the hearing concerned mainly the regulation of casino internal controls. This subject is under continuous review by the commission's Division of Financial Evaluation and Control, which last November obtained commission approval of a revised internal control regulation.

The association and Resorts International cited numerous specific segments of the overall internal control regulation. The committee suggests rather than attempt to deal with the targeted internal control issues in this report, the commission would be better off evaluating them in any future review of the entire regulation governing internal controls. As a less desirable alternative, the commission could review these matters separately if and as they come before the agency through the petition process.

The committee is aware of at least one other industry concern, the matter of legal gaming hours in Atlantic City, now permitted 18 hours a day during the week, and 20 hours a day on weekends and holidays. As noted in the introduction of this report, the committee believes that preeminently this is a policy area belonging to the legislature and governor.



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PART III

APPENDIX

Contained in this Appendix are sections of the statute addressed by witnesses at the public hearing, or cited for change in written material presented before or at the public hearing. The report attempts, where the committee could be certain of the desired amendments, to indicate such suggestions by placing proposed deletions in brackets, [ ], and showing suggested new language by underlining it. Commission regulations cited in the testimony of hearing witnesses, or in written submissions are included in the appendix without indication of proposed amendment.

It must be emphasized the possible amendments shown here are not committee recommendations, but merely an attempt to show what others recommended.