

CHAPTER 51

PERSONS DOING BUSINESS WITH
CASINO LICENSEES

Authority

N.J.S.A. 5:12-63c, 69a, 70a, 70b, 70i, 92 and 94.

Source and Effective Date

R.1996 d.420, effective August 12, 1996.
See: 28 N.J.R. 3247(a), 28 N.J.R. 4114(a).

Executive Order No. 66(1978) Expiration Date

Chapter 51, Persons Doing Business with Casino Licensees, expires on August 12, 2001.

Chapter Historical Note

Chapter 51, originally Advertising, was adopted as R.1978 d.14, effective January 23, 1978. See: 9 N.J.R. 603(a), 10 N.J.R. 82(a). Those rules were recodified as N.J.A.C. 19:43-14 (Chapter 43, Subchapter 14) by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a). See, also, Chapter 43 Historical Note for rulemaking history of Advertising rules.

Chapter 51, Persons Doing Business with Casino Licensees, was originally adopted as R.1978 d.50 and codified as N.J.A.C. 19:43 (Chapter 43, Casino Service Industries), effective February 16, 1978. See: 10 N.J.R. 4(b), 10 N.J.R. 128(c). Pursuant to Executive Order No. 66(1978), Chapter 43 was readopted as R.1984 d.187, effective April 27, 1984. See: 16 N.J.R. 515(a), 16 N.J.R. 1285(a). Pursuant to Executive Order No. 66(1978), Chapter 43 was readopted as R.1989 d.281, effective April 27, 1989. See: 21 N.J.R. 705(a), 21 N.J.R. 1525(a). Chapter 43 was retitled and recodified as N.J.A.C. 19:51 by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1994 d.258, effective April 27, 1994. See: 26 N.J.R. 1212(a), 26 N.J.R. 2478(a). Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1996 d.420, effective August 12, 1996. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

19:51-1.1 Definitions

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

“Gaming equipment” means any mechanical, electrical or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, big six wheels, slot machines, slot tokens, prize tokens, cards, dice, chips, plaques, match play coupons, card dealing shoes, drop boxes, and other devices, machines, equipment, items or articles determined by the Commission to be so utilized in gaming as to require licensing of the manufacturers, distributors or servicers, or as to require Commission approval in order to contribute to the integrity of the gaming industry or to facilitate the operation of the Commission or the Division.

“Gaming equipment distributor” means any person who distributes, sells, supplies or markets gaming equipment.

“Gaming equipment industry” means gaming equipment manufacturers, gaming equipment distributors and gaming equipment servicers.

“Gaming equipment manufacturer” means any person who manufactures, produces or assembles gaming equipment.

“Gaming equipment servicer or repairer” means any person who provides maintenance, service or repair of gaming equipment or devices, machines, equipment, items, or articles governed by N.J.A.C. 19:51-1.2(b) in any manner which has the capacity to affect the outcome of the play of an authorized game or simulcast wagering or calculation, storage, collection, or control of gross revenue.

“Gaming school” means any person, including a governmental agency, that is a “private vocational school” as that term is defined in N.J.A.C. 6:46-1.1 and offers or proposes to offer any course in a specific subject area of gaming or dealing techniques.

“Governmental agency” means any office, department, division, bureau, board, commission, agency, authority, institution, or like government entity of the State of New Jersey or a political subdivision thereof or of any other state or political entity of the United States.

"Inside director" means a director of a casino service industry applicant or licensee or holding or intermediary company thereof who is also an officer or employee of the applicant or licensee or the holding or intermediary company of which he or she is director.

"Outside director" means any director other than an inside director.

"Sales representative" means any person owning an interest in, employed by or representing a casino service industry enterprise licensed in accordance with sections 92a and b of the Act, who solicits the goods and services or business thereof.

"Security business" or "casino security service" means any non-governmental enterprise providing physical security services to a casino, a casino licensee, to an approved hotel or to any premises located within a casino hotel complex.

(b) The following words and terms, when used in this chapter, shall have the meanings set forth in the relevant provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq., except that any reference contained therein to an applicant for or holder of a casino license shall instead be read to refer to an applicant for or holder of a casino service industry license:

"Holding company"

"Intermediary company"

Amended by R.1981 d.440, effective November 16, 1981.

See: 13 N.J.R. 627(a), 13 N.J.R. 848(a).

Added "electrical or electronic" to definition of "gaming equipment". Deleted definition of "on a regular or continuing basis".

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Added definition for junket enterprise.

Amended by R.1994 d.31, effective January 18, 1994.

See: 25 N.J.R. 4866(a), 26 N.J.R. 486(a).

Amended by R.1994 d.137, effective March 21, 1994.

See: 25 N.J.R. 5902(a), 26 N.J.R. 1373(b).

Amended by R.1994 d.504, effective October 3, 1994.

See: 26 N.J.R. 2872(a), 26 N.J.R. 3253(a), 26 N.J.R. 4089(a).

Amended by R.1995 d.352, effective July 3, 1995.

See: 27 N.J.R. 1371(a), 27 N.J.R. 2598(a).

Extended the definition of "Gaming equipment servicer" to include "or repairer" and rewrote that definition.

Amended by R.1997 d.1, effective January 6, 1997.

See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

Inserted "Gaming school" and "Governmental agency".

Amended by R.1998 d.475, effective September 21, 1998.

See: 30 N.J.R. 2370(b), 30 N.J.R. 3515(a).

In (a), added new "Inside director" and "Outside director" definitions; and added a new (b).

19:51-1.2 Gaming-related casino service industry license requirements

(a) No enterprise shall provide goods or services directly related to casino, simulcast wagering or gaming activity to, or otherwise transact business directly related to casino, simulcast wagering or gaming activity with, a casino applicant or licensee, its employees or agents unless licensed in accordance with subsections 92a and b of the Act.

(b) In determining whether an enterprise shall be licensed pursuant to this section, the Commission shall consider, without limitation, whether the enterprise satisfies one or more of the following criteria:

1. Whether the enterprise manufacturers, supplies or distributes devices, machines, equipment, items or articles which:

i. Are specifically designed for use in the operation of a casino or casino simulcasting facility;

ii. Are needed to conduct an authorized game or simulcast wagering;

iii. Have the capacity to affect the outcome of the play of an authorized game or simulcast wagering; or

iv. Have the capacity to affect the calculation, storage, collection, or control of gross revenue.

2. Whether the enterprise is a gaming equipment servicer or repairer;

3. Whether the enterprise provides services directly related to the operation, regulation or management of a casino or casino simulcasting facility; or

4. Whether the enterprise provides such other goods or services determined by the Commission to be so utilized in or incident to gaming, casino or simulcast wagering activity as to require licensing in order to contribute to the public confidence and trust in the credibility and integrity of the gaming industry in New Jersey.

(c) Enterprises required to be licensed in accordance with subsections 92a and b of the Act and (a) above shall include, without limitation, the following:

1. Manufacturers, suppliers, distributors, servicers and repairers of roulette wheels, big six wheels, slot machines, cards, dice, gaming chips, gaming plaques, slot tokens, prize tokens, dealing shoes, drop boxes, computerized gaming monitoring systems, totalisators, pari-mutuel machines, self-service pari-mutuel machines and credit voucher machines;

2. Schools teaching gaming and dealing techniques; and

3. Casino credit reporting services, casino simulcasting hub facilities and suppliers of casino security services.

Amended by R.1979 d.174, effective May 3, 1979.

See: 11 N.J.R. 155(a), 11 N.J.R. 309(d).

Amended by R.1981 d.440, effective November 16, 1981.

See: 13 N.J.R. 627(a), 13 N.J.R. 848(a).

Added proviso to (a). Added (c), (d) and (e).

Amended by R.1984 d.55, effective March 5, 1984.

See: 16 N.J.R. 40(a), 16 N.J.R. 432(a).

Amended by R.1989 d.281, effective June 5, 1989.

See: 21 N.J.R. 705(a), 21 N.J.R. 1525(a).

Entities providing goods and services to applicants added to scope of rule. Licensure of any business providing services required, regardless of direct contractual relationship with applicant or licensee.

Amended by R.1991 d.299, effective June 17, 1991.

See: 22 N.J.R. 3203(a), 23 N.J.R. 1963(a).

2. All correspondence concerning the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility;
3. Copies of all promotional material and advertising;
4. A personnel file on each employee of the licensee, including sales representatives;
5. Financial records of all transactions concerning the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility.

(b) The records listed in (a) above shall be held for at least five years.

Amended by R.1989 d.281, effective June 5, 1989.
See: 21 N.J.R. 705(a), 21 N.J.R. 1525(a).

Reduction of recordkeeping to transactions directly related to the casino hotel or related facility. Requirement deleted for maintenance of personnel file beyond five years and submission of files to Commission upon closing.

19:51-1.10 Causes for suspension, failure to renew or revocation of a license

(a) Any of the following shall be cause for suspension, refusal to renew or revocation of a casino service industry license, although suspension, refusal to renew or revocation may be made for sufficient cause other than those listed:

1. Violation of any provision of the Casino Control Act or these rules and regulations;
2. Conduct which would disqualify the applicant, or any other person required to be qualified, if such person were applying for original licensure;
3. Failure to comply with all applicable Federal, State and local statutes, ordinances and regulations;
4. A material departure from any representation made in the application for licensure.

19:51-1.11 Equal employment opportunity

The rules relating to equal employment opportunity and affirmative action program requirements for casino service industry enterprises are set forth in N.J.A.C. 19:53-1.3, 1.5, 1.6 and 1.7.

19:51-1.12 Fees

The general rules relating to the fees for the issuance and renewal of casino service industry and junket enterprise licenses are set forth in N.J.A.C. 19:41-9.8.

Amended by R.1992 d.412, effective October 19, 1992.
See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Junket enterprise added.

Amended by R.1997 d.1, effective January 6, 1997.
See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

Amended N.J.A.C. references and deleted reference to additional rules.

19:51-1.13 Exemption

(a) The general rules relating to exemption of persons or fields of commerce from licensure as casino service industries are set forth in N.J.S.A. 5:12-92(c).

(b) The Commission may, upon the written request of any person, or upon its own initiative, exempt any person or field of commerce, other than a junket enterprise, from the casino service industry licensure requirements of sections 92c and d of the Act, pursuant to the standards contained in N.J.S.A. 5:12-92(c).

Amended by R.1992 d.412, effective October 19, 1992.
See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Exemption not allowed for junket enterprise.

19:51-1.14 Persons required to be qualified

(a) No casino service industry license shall be issued or renewed unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the Act and the rules of the Commission. The Commission shall apply the following provisions to both corporate and non-corporate applicants or licensees, or if that is not possible, the Commission will in its discretion apply comparable standards to noncorporate applicants and licensees.

1. In the case of casino service industry licenses issued in accordance with subsections 92a and b of the Act:

- i. The applicant or licensee;
- ii. If the applicant or licensee is, or if it is to become a subsidiary, each holding company and each intermediary company;
- iii. Each natural person who directly or indirectly holds any beneficial or ownership interest of five percent or more of the applicant or licensee;
- iv. Each person who directly or indirectly holds any beneficial or ownership interest of five percent or more of a holding company or intermediary company of the applicant or licensee;
- v. Each director of the applicant or licensee or of a holding or intermediary company thereof;
- vi. Each officer of the applicant or licensee or of a holding or intermediary company thereof;
- vii. The management employee supervising the regional or local office which employs the sales representative who will solicit business or deal directly with a casino licensee;
- viii. Each employee who will act as a sales representative or otherwise regularly engage in the solicitation of business from casino licensees.

2. In the case of casino service industry or junket enterprise licenses issued in accordance with subsections 92c and d or section 102 of the Act:

- i. The applicant or licensee;
- ii. Each natural person or holding company who directly or indirectly holds any beneficial or ownership interest of five percent or more of the applicant or licensee under circumstances in which there is no other person with a beneficial or ownership interest between the holder of the interest and the applicant or licensee;
- iii. Each director of the applicant or licensee;
- iv. Each officer of the applicant or licensee;
- v. The management employee supervising the regional or local office which employs the sales representative or junket representative soliciting business or dealing directly with a casino licensee;
- vi. Each employee who will act as a sales representative or otherwise regularly engage in the solicitation of business from casino licensees and each junket representative who will deal directly with casino licensees or their employees.

(b) The following persons otherwise required to qualify pursuant to (a) above may request the Commission to waive their qualification as follows:

1. If the person is required to qualify as an officer, by demonstrating that he or she is not significantly involved in and has no authority over the conduct of business with a casino licensee. Such request shall include, at a minimum, the following:

i. A description of his or her title, duties and responsibilities with the applicant, licensee or with any affiliate thereof;

ii. The terms of his or her compensation; and

iii. A certification by the officer or, if the applicant or licensee is governed by N.J.S.A. 5:12-92c and d, by counsel for the applicant or licensee, stating that the officer is not significantly involved in and has no authority over the conduct of business with any casino licensee or applicant.

2. If the person is required to qualify as a director of an applicant or licensee governed by N.J.S.A. 5:12-92c and d or as a director of a holding company of an applicant or licensee governed by N.J.S.A. 5:12-92a, by demonstrating that he or she is not significantly involved in and has no authority over the management or ownership of the applicant or licensee. Notwithstanding the foregoing, an inside director of an applicant or licensee governed by N.J.S.A. 5:12-92c and d or an inside director of the holding or intermediary company of an applicant or licensee governed by N.J.S.A. 5:12-92a shall not be eligible for a waiver of qualification pursuant to this subsection. Such request shall include, at a minimum, the following:

i. A description of his or her title, duties and responsibilities with the applicant, licensee or with any affiliate thereof;

ii. The terms of his or her compensation;

iii. Any board committee memberships, including a description of the functions and responsibilities of any such committee;

iv. His or her ownership interest; and

v. A certification by the director or, if the applicant or licensee is governed by N.J.S.A. 5:12-92c and d, by counsel for the applicant or licensee, stating that the director is not significantly involved in and has no authority over the management or ownership of the applicant or licensee.

3. If the person is required to qualify as an owner of the applicant or licensee or a holding or intermediary company thereof and request a waiver as an institutional investor, by demonstrating that the person satisfies the standards for institutional investor status set forth at N.J.S.A. 5:12-27.1 as well as the standards for waiver set forth in N.J.S.A. 5:12-85f as applied to the casino service industry applicant or licensee. Such request shall include, at a minimum, the following:

i. The number of shares held and percent of ownership;

ii. A copy of the most recent notice filed with the Securities and Exchange Commission;

iii. A list of any direct or indirect owners;

iv. An explanation as to why such investor should be considered an institutional investor pursuant to N.J.S.A. 5:12-27.1;

v. An acknowledgment that such investor is subject to the jurisdiction of the Commission; and

vi. A certification by the investor stating that the investor has no present involvement in, and no intention of influencing the business activities of, the applicant or licensee or any holding or intermediary company thereof and will give the Commission 30 days notice if the investor determines to become involved in or influence such activities in the future.

4. If the person is required to qualify as an owner of the applicant or licensee or of a holding or intermediary company of the applicant or licensee, by demonstrating that such person does not have the ability to control such applicant, licensee or holding or intermediary company. For a publicly-traded corporation, any person who owns or beneficially holds five percent or more of the equity securities of such corporation shall be presumed to have the ability to control such corporation, unless such presumption is rebutted by clear and convincing evidence.

(c) Notwithstanding (a) and (b) above, the Commission may require a casino service industry applicant or licensee to establish the qualification of any person not otherwise required to qualify or who would otherwise be permitted to request a waiver of qualification if the Commission determines that the qualification of such person would further the policies of the Act. In making such determination, the Commission shall consider, without limitation, the following:

1. Title, duties and responsibilities;
2. Terms of compensation;
3. Ownership interest;
4. Business relationship with the applicant or licensee;
5. Criminal conduct or associations; and
6. The recommendations of the Division.

(d) In addition to the persons required to qualify pursuant to (a) above, each applicant for a junket enterprise license may be required, upon directive from the Commission, to establish the qualifications of any junket representative employed by that junket enterprise, regardless of whether such junket representative deals directly with a casino licensee.

1. The Division may request the Commission to require a junket representative employed by a junket enterprise licensee or applicant to establish his or her qualifications at any time.

2. Any junket enterprise required to establish the qualifications of a junket representative pursuant to this subsection may be required, subject to the provisions of N.J.A.C. 19:41-8.6, to pursue a determination as to the qualifications of the junket representative regardless of whether the employment relationship with the junket representative has been terminated.

3. Any person required to establish his or her qualifications as a junket representative pursuant to this subsection may be required to pursue a determination as to his or her qualifications as a junket representative regardless of whether the employment relationship with the junket enterprise has been terminated.

R.1979 d.376, effective September 26, 1979.

See: 11 N.J.R. 265(a), 11 N.J.R. 599(b).

Amended by R.1989 d.281, effective June 5, 1989.

See: 21 N.J.R. 705(a), 21 N.J.R. 1525(a).

Technical changes.

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Junket enterprise added; open to review at any time.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Stylistic changes.

Amended by R.1997 d.1, effective January 6, 1997.

See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

Amended section name.

Amended by R.1998 d.475, effective September 21, 1998.

See: 30 N.J.R. 2370(b), 30 N.J.R. 3515(a).

Rewrote (a); and added new (b) and (c).

19:51-1.15 Advertising

(a) Any advertisement by an applicant for or holder of a casino service industry license issued pursuant to N.J.S.A. 5:12-92a and b or by any agent thereof shall be subject to the provisions of N.J.A.C. 19:43-14 to the same extent as if such advertisement were by a casino licensee or applicant.

(b) Notwithstanding the provisions of (a) above, an applicant for or holder of a casino service industry license issued pursuant to N.J.S.A. 5:12-92a and b and any agent thereof shall not be subject to the provisions of N.J.A.C. 19:43-14.3(b).

New Rule, R.1992 d.500, effective December 21, 1992.

See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

SUBCHAPTER 2. GAMING SCHOOLS

Authority

N.J.S.A. 5:12-63c, 69a, 70a, 90b, and 92.

Source and Effective Date

R.1997 d.1, effective January 6, 1997.

See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

19:51-2.1 License requirements

Except as otherwise provided in N.J.A.C. 19:51-1.2B, no gaming school shall enroll any student or offer any course concerning gaming or dealing techniques or conduct any business whatsoever with a casino licensee or applicant, its employees or agents unless such gaming school is licensed in accordance with N.J.S.A. 5:12-92a and b and has complied with all applicable requirements of the State Department of Education necessary to conduct business as a vocational school in this State.

19:51-2.2 Gaming equipment

(a) All gaming equipment utilized by a gaming school, including gaming chips and plaques, shall be used for training, instructional and practice purposes only. The use of any such gaming equipment for actual gaming by any person is prohibited and may constitute cause for the suspension or revocation of the gaming school license.

(b) Unless the Commission otherwise determines, all gaming chips and plaques utilized by a gaming school shall be distinctly dissimilar to any gaming chips and plaques utilized by a casino licensee.

(c) No gaming school shall possess any slot machine or remove or transport any slot machine except in accordance with the Act and N.J.A.C. 19:46-1.22, 1.23 and 1.24.

(d) Each slot machine on the premises of a gaming school shall have permanently affixed on it a serial number

which, together with the location of the machine, shall be filed with the Commission.

(e) Each gaming school shall provide adequate security for the slot machines on the gaming school premises.

(f) No gaming school shall sell or transfer any slot machine except upon prior written notice to the Commission and the Division and the removal of all serial numbers required by this section.