

CHAPTER 43

CASINO LICENSEES

Authority

N.J.S.A. 5:12-69, 70(b), (h), (l), and 84.

Source and Effective Date

R.1992 d.500, effective December 21, 1992.
See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Executive Order No. 66(1978) Expiration Date

Chapter 43, Casino Licensees, expires December 21, 1997.

Chapter Historical Note

Chapter 43, originally Casino Service Industries, was adopted as R.1978 d.50, effective February 16, 1978. See: 10 N.J.R. 4(b), 10 N.J.R. 128(c). Those rules were recodified as N.J.A.C. 19:51 (Chapter 51) by R.1992 d.500 and a new Chapter 43, Casino Licensees, was adopted, effective December 21, 1992. See: Source and Effective Date. See, also, Chapter 51 Historical Note for rulemaking history of original rules.

As part of the new Chapter 43, N.J.A.C. 19:41-2 was recodified as Subchapter 6, Casino Hotel Facility Requirements; N.J.A.C. 19:41-13 was recodified as Subchapter 13, Conservatorship; N.J.A.C. 19:51-1 was recodified as Subchapter 14, Advertising, and N.J.A.C. 19:52-1 was recodified as Subchapter 15, Entertainment.

Subchapter 6, originally Casino Hotel Facilities, was adopted as a part of R.1977 d.475 (Chapter 41, Applications), effective December 15, 1977. See: 9 N.J.R. 545(b), 10 N.J.R. 4(d). Subchapter 13, originally Casino License Conservatorship, was adopted as R.1979 d.207, effective May 24, 1979. See: 11 N.J.R. 213(b), 11 N.J.R. 360(b). Pursuant to Executive Order No. 66(1978), Subchapters 6 and 13 were readopted as a part of R.1983 d.81, effective May 17, 1983. See: 15 N.J.R. 532(b), 15 N.J.R. 931(b). Pursuant to Executive Order No. 66(1978), Subchapters 6 and 13 were readopted as a part of R.1988 d.255, effective May 12, 1988. See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Subchapter 14, Advertising, as originally adopted as R.1978 d.14 and codified as N.J.A.C. 19:51-1 (Chapter 51, Advertising; Subchapter 1, General Provisions), effective January 23, 1978. See: 9 N.J.R. 603(a), 10 N.J.R. 82(a). Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1986 d.366, effective August 14, 1986. See: 18 N.J.R. 1258(a), 18 N.J.R. 1841(a). Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1991 d.467, effective August 14, 1991. See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

Subchapter 15, Entertainment, was originally adopted as R.1978 d.15 and codified as N.J.A.C. 19:52-1 (Chapter 52, Entertainment; Subchapter 1, General Requirements), effective January 23, 1978. See: 9 N.J.R. 603(b), 10 N.J.R. 82(b). Pursuant to Executive Order No. 66(1978), Chapter 52 expired on September 25, 1991. Subsequently, portions of the expired chapter were adopted as new rules by R.1992 d.15, effective January 6, 1992. See: 23 N.J.R. 3092(a), 24 N.J.R. 112(a). See, also, Chapter 52 Historical Note for complete rulemaking history.

See, also, section annotations for specific rulemaking activity.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

19:43-1.1 Applicability of rules to noncorporate entities

SUBCHAPTER 2. PERSONS REQUIRED TO BE LICENSED OR QUALIFIED

- 19:43-2.1 Persons required to be licensed
- 19:43-2.2 Persons required to be qualified
- 19:43-2.3 Notification of anticipated or actual changes in directors, officers or equivalent qualifiers of casino licensees and holding companies
- 19:43-2.4 Notification of new financial sources
- 19:43-2.5 Notification concerning certain new qualifiers of publicly traded holding companies
- 19:43-2.6 Qualification of new directors, officers or other qualifiers of a casino licensee
- 19:43-2.7 Qualification of new directors, officers or other qualifiers of a holding company
- 19:43-2.7A Application for renewal of qualification
- 19:43-2.8 Issuance or transfer of interests; approval
- 19:43-2.9 Subsidiaries

SUBCHAPTER 3. STANDARDS FOR LICENSURE OR QUALIFICATION

19:43-3.1 Undue economic concentration

SUBCHAPTER 4. FINANCIAL STABILITY OF CASINO LICENSEES AND APPLICANTS

- 19:43-4.1 Definitions
- 19:43-4.2 Financial stability
- 19:43-4.3 Continuing assessment of financial condition
- 19:43-4.4 Financial stability reporting requirements
- 19:43-4.5 Failure to demonstrate financial stability

SUBCHAPTER 5. APPLICATION REQUIREMENTS

- 19:43-5.1 General information requirements
- 19:43-5.2 Duration of license; conditions
- 19:43-5.3 Contents of application for initial casino license
- 19:43-5.4 Petitions for waiver
- 19:43-5.5 Statements of compliance; commitment to reserve a casino license
- 19:43-5.6 Prehearing conference; hearing

SUBCHAPTER 6. CASINO HOTEL FACILITY REQUIREMENTS

- 19:43-6.1 Definitions
- 19:43-6.2 The casino hotel
- 19:43-6.3 Declaratory rulings as to proposed casino hotel facilities
- 19:43-6.4 Casino facilities
- 19:43-6.5 (Reserved)
- 19:43-6.6 through 19:43-6.9 (Reserved)

SUBCHAPTER 7. OPERATION CERTIFICATE

- 19:43-7.1 Operation certificate; standards for issuance
- 19:43-7.2 Operation certificate; test period
- 19:43-7.3 Operation certificate; floor plans of the casino floor, casino simulcasting facility and any restricted areas
- 19:43-7.4 Operation certificate; master lists of approved slot machines and table games; movement of gaming equipment; amendments of operation certificates upon filing of updated master lists
- 19:43-7.5 Operation certificate; effective date; duration
- 19:43-7.6 Operation certificate; amendment to conform to approved changes
- 19:43-7.7 Operation certificate; temporary amendments for alternate pit configurations
- 19:43-7.8 Access to public and restricted areas

SUBCHAPTER 8. CONTINUING OBLIGATIONS OF CASINO LICENSEES AND QUALIFIERS

19:43-8.1 Minutes of meetings of boards and committees

SUBCHAPTER 9. EMPLOYMENT REQUIREMENTS

- 19:43-9.1 Employee internal controls submission
 19:43-9.2 Obligation to terminate, suspend or refuse employment; form of notice
 19:43-9.3 Employee reporting and recordkeeping requirements
 19:43-9.4 (Reserved)
 19:43-9.5 Petitions for casino service employee registration
 19:43-9.6 Notice, verification and implementation of wage execution

SUBCHAPTER 10. REQUIREMENTS FOR DOING BUSINESS WITH VENDORS

- 19:43-10.1 Requirements for doing business; Active Vendors Record; Prohibited Vendors Record
 19:43-10.2 Maintaining agreements; filing of agreements
 19:43-10.3 Review of agreements and records of agreements; termination upon disapproval
 19:43-10.4 Filing requirements: Notice of Intent to Conduct Enterprise Business, Vendor Registration Form, Junket Enterprise Registration Form
 19:43-10.5 Exemption from registration
 19:43-10.6 Master Purchasing and Disbursement Report
 19:43-10.7 Internal controls submission

SUBCHAPTER 11. RENEWAL OF CASINO LICENSE

- 19:43-11.1 Renewal; time for filing
 19:43-11.2 Contents of renewal application
 19:43-11.3 Petitions for waiver
 19:43-11.4 Prehearing conference; hearing

SUBCHAPTER 12. INTERIM CASINO AUTHORIZATION (RESERVED)**SUBCHAPTER 13. CONSERVATORSHIP**

- 19:43-13.1 Definitions
 19:43-13.2 Institution of casino license conservatorship and appointment of conservators
 19:43-13.3 Qualification of conservator
 19:43-13.4 Bonding of conservators
 19:43-13.5 Powers of multiple conservators
 19:43-13.6 Powers and jurisdiction of the Commission
 19:43-13.7 Effect of the conservatorship on licensed casino operation
 19:43-13.8 Powers, authorities and duties of conservators
 19:43-13.9 Compensation of conservators and others
 19:43-13.10 Required reports of the conservator
 19:43-13.11 Review of action of conservator
 19:43-13.12 Payment of net earnings during the period of conservatorship
 19:43-13.13 Payments following a bulk sale
 19:43-13.14 Discontinuation of conservatorship

SUBCHAPTER 14. ADVERTISING

- 19:43-14.1 Applicability of advertising regulations
 19:43-14.2 Criteria governing advertising
 19:43-14.3 Commission approval
 19:43-14.4 (Reserved)

SUBCHAPTER 15. ENTERTAINMENT

- 19:43-15.1 Prohibited entertainment activities
 19:43-15.2 Entertainment within the casino room and casino simulcasting facility

SUBCHAPTER 16. UNDERAGE GAMING

- 19:43-16.1 Underage gaming—violations
 19:43-16.2 Underage gaming violations—affirmative defenses

SUBCHAPTER 1. GENERAL PROVISIONS**19:43-1.1 Applicability of rules to noncorporate entities**

For purposes of this chapter, noncorporate entities shall, to the extent possible, comply with all relevant requirements applicable to corporate entities.

SUBCHAPTER 2. PERSONS REQUIRED TO BE LICENSED OR QUALIFIED**19:43-2.1 Persons required to be licensed**

No person shall own or operate a casino unless a casino license shall have first been issued to every person eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82.

Case Notes

Provider of travel industry services exempt from casino licensing if engaged in routine transactions covered by standard rate schedule filed by casino and approved by Commission, and licensed or approved by the Interstate Commerce Commission (based on Casino Control Commission Staff Memorandum). *Holland Industries, Inc. v. Adamar of New Jersey, Inc.*, 550 F.Supp. 646 (S.D.N.Y.1982).

Electronic fund transfer companies subject to licensure; credit card money advance via electronic transfer prohibited. *Div. of Gaming Enforcement v. Comdata Network, Inc.*, 6 N.J.A.R. 188 (1980).

19:43-2.2 Persons required to be qualified

(a) Except as otherwise provided in N.J.A.C. 19:43-2.7, no casino license shall be issued or renewed by the Commission unless the individual qualifications of every person required by the Act and the Commission to qualify as part of the application for the issuance or renewal of the casino license shall have first been established in accordance with all relevant standards set forth in the Act and the rules of the Commission.

(b) The following persons shall be required to qualify as part of the application for the issuance or renewal of a casino license:

1. All persons eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82;

2. All financial sources required to qualify pursuant to the provisions of N.J.S.A. 5:12-84b; and

3. All persons required to qualify pursuant to the provisions of N.J.S.A. 5:12-85c, d, e and f.

(c) The Commission may at any time require a casino licensee or applicant to establish the qualification of any person that the Commission may deem appropriate for qualification pursuant to N.J.S.A. 5:12-84, 85, and 105. Any person deemed appropriate for qualification shall promptly file the required application form.