

CHAPTER 19
CASINO CONTROL COMMISSION

Authority

N.J.S.A. 52:14F-5(e), (f) and (g).

Source and Effective Date

R.2008 d.33, effective February 4, 2008.
See: 39 N.J.R. 4471(a), 40 N.J.R. 779(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 19, Casino Control Commission, expires on February 4, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 19, Casino Control Commission, was adopted as R.1996 d.296, effective July 1, 1996. See: 28 N.J.R. 1437(a), 28 N.J.R. 3297(a).

Chapter 19, Casino Control Commission, was readopted as R.2001 d.265, effective July 1, 2001. See: 33 N.J.R. 1492(a), 33 N.J.R. 2639(b). Chapter 19, Casino Control Commission, expired on July 1, 2006.

Chapter 19, Casino Control Commission, was adopted as new rules by R.2008 d.33, effective February 4, 2008. See: Source and Effective Date.

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SUBCHAPTER 1. APPLICABILITY

1:19-1.1 Applicability

(a) The rules in this chapter shall apply to contested case hearings arising under the Casino Control Act, N.J.S.A. 5:12-1 et seq.

(b) Any aspect of the hearing process not covered by the special hearing rules in this chapter shall be governed by the provisions of the Casino Control Act and the Uniform Administrative Procedure Rules (UAPR) contained in N.J.A.C. 1:1. To the extent that the special hearing rules in this chapter are inconsistent with the UAPR, the rules in this chapter shall apply.

SUBCHAPTER 2. DEFINITIONS

1:19-2.1 Initial decision defined

“Initial decision” means the recommended findings of fact, conclusions of law and disposition, based upon the evidence and arguments presented during the course of the hearing, issued by the administrative law judge, commission member, or hearing officer appointed pursuant to N.J.S.A. 5:12-107a and made a part of the record which is sent to the Casino Control Commission for a final decision.

SUBCHAPTERS 3 AND 4. (RESERVED)

SUBCHAPTER 5. REPRESENTATION

1:19-5.1 Multiple party representation

(a) In any circumstances described in (b) below, an attorney who intends to represent more than one party in the same or a substantially related matter shall file a petition for approval no later than 10 days after filing a pleading or entering an appearance in the matter, whichever is earlier. The petitioner shall file such petition with the Casino Control

Commission (Commission), or with the Clerk of the Office of Administrative Law (OAL) if the matter has been transmitted to it, and one copy with the Division of Gaming Enforcement.

1. The Division may, within 10 days from the date that the petition is filed, file a written response to the petition with the Commission, or with the OAL, if the matter has been transmitted to it.

(b) No attorney shall represent the following parties respondent unless a petition pursuant to (a) above is granted:

1. A casino licensee or applicant and any person who at the time of the alleged violation was an employee of said licensee or applicant;

2. A casino service industry enterprise licensee or applicant and any person who at the time of the alleged violation was employed by said licensee or applicant;

3. Two persons who at the time of the alleged violation were employed by the same casino licensee or applicant where one such employee had supervisory responsibility over the other employee; or

4. Two persons who at the time of the alleged violation were employed by the same casino service industry enterprise licensee or applicant where one such employee had supervisory responsibility over the other employee.

(c) Any petition filed pursuant to (a) above shall be in writing and shall include:

1. The nature of the petition and the reasons therefore;
2. The name and docket number of the matter involved;
3. The name and address of the parties represented;

4. A concise statement of the nature of the allegations raised in the complaint and the reasons why no conflict of interest is presented;

5. The certification of the attorney/petitioner detailing the basis of his or her belief that the representation will not adversely affect his or her relationship with each party respondent; and

6. The certification of each respondent acknowledging full disclosure of the potential conflict of interest and consenting to his or her representation by the attorney/petitioner.

(d) Upon receipt of a petition pursuant to (a) and (c) above:

1. If the matter will be heard by the Commission, the matter shall be forwarded to the chair or to such other Commission member as the chair may designate. Thereafter, with the advice and recommendation of the General Counsel of the Commission, the petition shall be evaluated on the papers submitted and in conformity with the Rules of Professional Conduct governing conflict of interest, R.P.C. 1.7 through 1.10, and any applicable statutory

provisions, judicial decisions, rules of court, or determinations of the Supreme Court's Advisory Committee on Professional Ethics or other appropriate authority.

2. If the matter has been transmitted to the OAL for hearing, the petition shall be forwarded to the Office of Administrative Law for determination by an administrative law judge.

(e) All interested parties shall be advised of the decision of the judge, either orally or in writing no later than 15 days from the date that the petition is filed. If the decision is communicated orally, it shall be reduced to writing and mailed to the petitioner within five days.

(f) Any time limitations imposed by (a) and (e) above may be extended by the judge for good cause, upon notice to all parties.

(g) Any party may appeal from the determination of the chair or the chair's designee to the full Commission upon written notice filed within five days. If the petition is determined by an administrative law judge, appeal shall be to the Director of the Office of Administrative Law pursuant to N.J.A.C. 1:1-14.10.

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. SERVICE AND FILING OF PAPERS

1:19-7.1 Notices

Unless otherwise provided by the Casino Control Act, orders and notices related to a contested case including, without limitation, notices concerning the scheduling of conferences, hearings, deferrals, reinstatement after deferrals and postponements shall be served upon all parties by ordinary mail, except that hearing notices in proceedings against a licensee or registrant shall be served personally or by certified mail. All hearing notices shall be served at least 10 days prior to the hearing.

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. ADJOURNMENTS; INACTIVE LIST

1:19-9.1 Placement on inactive list pending disposition of charges against applicant or respondent

(a) An applicant or respondent who is currently being prosecuted for or charged with an offense that is enumerated in N.J.S.A. 5:12-86c may move to place the case on the