

3. The casino licensee shall submit the following to the Commission and the Division, on a monthly basis:

i. A report of its compliance with the construction schedule and budget submitted pursuant to (b)5 and (b)8 above; and

ii. A report of the status of each application for governmental or regulatory approval, until such time as all required approvals are obtained;

4. On or before two years from the date of commencement of gaming operations:

i. Construction of the hotel addition shall be completed;

ii. All necessary furniture, fixtures and equipment shall be installed; and

iii. The proposed additional QSU's are offered as available for the regular lodging of guests; and

5. Any other condition which the Commission deems necessary and appropriate has been satisfied.

(f) The standards of (c) and (d) above shall not be construed to limit the authority of the Commission to determine the suitability of facilities as provided in the Act.

Repeal and New Rule, R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Policy requiring superior quality and favoring completely newly constructed convention hotel complexes".

19:43-6.5 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Minimum standards for reconstruction of existing buildings and facilities".

19:43-6.6 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Declaratory rules as to reconstructed facilities".

19:43-6.7 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Duty to maintain and operate a superior quality facility".

19:43-6.8 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Periodic reports of facility data".

19:43-6.9 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Traffic flow around the casino hotel facility".

SUBCHAPTER 7. OPERATION CERTIFICATE

Authority

N.J.S.A. 5:12-35, 63(c), 69, 70(f), (h), (i) and (j),
96, 99, 100, 104, 106, 119, 121 and 194.

Source and Effective Date

R.1994 d.265, effective June 6, 1994.
See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

19:43-7.1 Operation certificate; standards for issuance

(a) Except for the test period pursuant to N.J.A.C. 19:43-7.2, each casino licensee responsible for the operation of a casino and a related casino simulcasting facility, if any, shall obtain an operation certificate prior to opening such casino or casino simulcasting facility to the public, and prior to conducting:

1. Gaming in such casino; or
2. Simulcast wagering or any gaming permitted in such casino simulcasting facility.

(b) To obtain an operation certificate, each casino licensee shall establish to the satisfaction of the Commission that:

1. The casino and, if applicable, the casino simulcasting facility comply in all respects with the applicable requirements of the Act and the rules of the Commission;
2. The casino licensee has implemented necessary management controls and security precautions for the efficient operation of the casino and any applicable casino simulcasting facility;
3. The casino and simulcasting personnel are licensed for the performance of their respective responsibilities; and
4. The casino and casino simulcasting facility are prepared in all respects to receive and entertain the public.

(c) Each operation certificate granted by the Commission to a casino licensee shall include, at a minimum, the following information:

1. A list itemizing the authorized games, by category and number, that are permitted in the casino and, if applicable, the casino simulcasting facility; and
2. A list of those areas, not otherwise enumerated explicitly in N.J.S.A. 5:12-43.1 or elsewhere in the rules of the Commission, which the Commission has specifically designated as a restricted area.

Amended by R.1996 d.122, effective March 4, 1996.
See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

19:43-7.2 Operation certificate; test period

(a) Prior to the issuance of an operation certificate for its casino and casino simulcasting facility, if any, each casino licensee shall successfully complete an evaluation or test

period in accordance with such terms and conditions as are reasonably calculated to allow the Commission to assess the licensee's entitlement to the issuance of such certificate.

(b) The evaluation or test period shall commence on such date and at such time as the Commission shall establish, and shall continue thereafter until further order of the Commission.

(c) Whenever the Commission delegates to one or more of its members the authority to evaluate a casino licensee's successful completion of a test period, the member or members, acting jointly, shall be authorized to do any of the following unless the full Commission has otherwise reserved that authority to itself:

1. Establish the original length of time and the hours during which such test shall be conducted;
2. Terminate, restrict, limit, extend or otherwise modify such test period or the hours thereof;
3. Upon determining that the casino licensee has successfully completed the test period, establish the effective date of the operation certificate and the scope of the casino licensee's authority to conduct gaming and, if applicable, simulcast wagering thereunder; and
4. Order the casino licensee to take whatever actions are necessary to preserve the policies of the Act and to assure an effective evaluation of the casino licensee during such test period including, among other things, permitting, limiting, restricting or prohibiting the casino licensee from:
 - i. Accepting coin at the slot machines or currency at the table games during all or any part of such period; and
 - ii. Allowing the count rooms to process cash.

19:43-7.3 Operation certificate; floor plans of the casino floor, casino simulcasting facility and any restricted areas

(a) Prior to the issuance or amendment of an operation certificate and the commencement of gaming or simulcast wagering, each casino licensee shall obtain Commission approval for the floor plans of its casino floor, casino simulcasting facility, if any, and any restricted areas.

(b) Each floor plan required by (a) above shall be filed with the Commission and served on the Division, shall be drawn to one-eighth inch scale or such other scale approved by the Commission, shall be certified by an architect licensed to practice in New Jersey and shall depict, at a minimum, the location of the following:

1. The casino floor and any casino simulcasting facility, including, at a minimum, the proposed total square footage thereof and a clear delineation of the respective perimeter of each;

2. Each gaming pit, noting its pit location number;
3. Each table game, noting its pit and table game location number;
4. Each CCTV camera, noting its type and camera number;
5. Each slot booth, noting its booth number;
6. Each cashier's cage and its component offices and areas;
7. Each separate master coin bank;
8. Each window at the cashiers' cage, noting its window number;
9. Each count room;
10. Each slot zone, noting its slot zone location letter or number and the total number of authorized slot machine locations within that slot zone;
11. Each authorized slot machine location, which location shall contain no more than one slot machine and bill changer at a time, noting its slot machine location number and any slot zone location letter or number;
12. Each slot stool authorized for use, noting its stool number, if any;
13. Each automated coupon redemption machine, noting its location number;
14. Each satellite cage and its component offices and areas;
15. Each coin vault;
16. Each area approved for the storage of gaming chips or plaques pursuant to N.J.A.C. 19:46-1.6;
17. Each room or area approved for the storage of dice or playing cards;
18. Each other room or area that is accessible directly from the casino floor;
19. For those establishments with a casino simulcasting facility:
 - i. Each simulcast counter and any ancillary simulcast counter, along with their component offices, areas and equipment required by N.J.A.C. 19:45-1.14A(b) or (d);
 - ii. Each credit voucher machine, noting its location number; and
 - iii. Each self-service pari-mutuel machine, noting its location number; and
20. Each other area or room designated by the Commission.

(c) Each casino licensee, after obtaining Commission approval of its floor plan, shall not commence gaming or simulcast wagering in the areas depicted on the floor plan until a copy thereof has been delivered to each of the following:

1. The Commission's inspection booth in the establishment;
2. The office of the Commission's principal inspector in the establishment;
3. The Operations Unit of the Commission's Division of Compliance;
4. The Division;
5. The casino licensee's security podium; and
6. The casino licensee's monitoring rooms required by N.J.A.C. 19:45-1.10.

Amended by R.1996 d.122, effective March 4, 1996.

See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

Amended by R.1997 d.132, effective March 17, 1997.

See: 28 N.J.R. 5160(a), 29 N.J.R. 923(a).

In (b)16, amended N.J.A.C. reference.

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

(a) Prior to the issuance of an operation certificate and the commencement of gaming or simulcast wagering, each casino licensee shall file with the Commission, at the office of the Commission's principal inspector in the establishment, and serve on the Division, at a location it has designated for that purpose, comprehensive lists of:

1. The table games in its casino and casino simulcasting facility, if any (the Table Games Master List); and
2. The slot machines and bill changers in its casino (the Slot Machine Master List).

(b) At a minimum, each Slot Machine Master List shall consecutively list each slot machine and any accompanying bill changer by location number and shall contain the following information:

1. The date on which the list was prepared;
2. A description of each slot machine by:
 - i. Asset, model and serial number;
 - ii. Computer program number;
 - iii. Denomination; and
 - iv. Manufacturer and machine type, noting with particularity whether the machine is a high-boy, has a bill changer attached, or is a progressive machine;
3. The location at which each slot stool is installed;

4. A cross reference for each slot machine by zone and serial number; and

5. Such other information as the Commission may require.

(c) At a minimum, each Table Game Master List shall contain the following information:

1. The date on which the list was prepared;
2. A description of each table by:
 - i. Type of authorized game;
 - ii. Location number; and
 - iii. Serial and table number; and
3. Such other information as the Commission may require.

(d) Whenever a casino licensee proposes that gaming tables, slot machines or bill changers be brought into, removed from or moved within a casino or casino simulcasting facility, as applicable, the casino licensee shall first:

1. Obtain any amendment to its operation certificate required by N.J.A.C. 19:43-7.6 or 7.7; and
2. Provide an authorized agent of the Commission with written notice at least 24 hours prior to the actual movement of each gaming table, slot machine and bill changer.

(e) Immediately after each gaming table, slot machine and bill changer is brought into, removed from or moved within a casino or casino simulcasting facility, as applicable, the casino licensee completing the move shall file and serve, in accordance with (a) above, updated master lists of its table games and slot machines to the extent that the move causes a change in the information contained on the most recent version of the applicable list on file with the Commission.

(f) The number of each type of authorized game included in the casino licensee's operation certificate or any approved amendments thereto shall be amended, upon the filing of an updated Table Games Master List or Slot Machine Master List, to conform to the correct number of each type of authorized game that is specified in the applicable list.

Amended by R.1996 d.122, effective March 4, 1996.

See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

19:43-7.5 Operation certificate; effective date; duration

(a) Upon the successful completion of the test period, the Commission shall establish the effective date of each operation certificate and the scope of the casino licensee's authority to conduct gaming and, if applicable, simulcast wagering thereunder.

(b) Subject to the Commission's authority to revoke, suspend, limit or otherwise alter an operation certificate in accordance with the terms of the Act and the rules of the Commission, each such certificate, once issued, shall remain in full force and effect indefinitely under such terms and conditions as the Commission may impose, and shall not be altered, modified or amended except in accordance with the Act and the rules of the Commission.

(c) The continued effectiveness of each operation certificate shall be a prerequisite for the casino or casino simulcasting facility to which it applies to remain open to the public for the conduct of gaming or simulcast wagering.

(d) Each casino licensee to which an operation certificate is issued shall operate its casino or casino simulcasting facility strictly in accordance with the terms of its original operation certificate and the approved floor plans submitted in support thereof, and shall not change any of the items to which the operation certificate applies except in accordance with the Act and the rules of the Commission and after obtaining any required amendments to its operation certificate.

Amended by R.1996 d.122, effective March 4, 1996.
See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

19:43-7.6 Operation certificate; amendment to conform to approved changes

(a) Each casino licensee shall file with the Commission and serve on the Division, in a manner and in a format prescribed by the Commission, an application to amend its operation certificate whenever the casino licensee proposes to make a physical change to the casino, casino simulcasting facility or a restricted area that requires Commission approval in order for its original operation certificate or any approved amendments thereto to continue in force and effect. Any amendment to the application shall be processed in accordance with this section. The application shall include, without limitation, the following:

1. A description of any proposed changes in the number of authorized games, by category, to be played in the casino or casino simulcasting facility; provided, however, that the filing of an application pursuant to this section shall not preclude that casino licensee from obtaining amendments to its operation certificate pursuant to N.J.A.C. 19:43-7.4(f);

2. A revised floor plan of the casino, casino simulcasting facility or restricted area reflecting the proposed change, which revised floor plan shall be:
 - i. Filed with the Commission at the office of its principal inspector in the establishment; and
 - ii. Submitted in a format consistent with the requirements of N.J.A.C. 19:43-7.3;

3. If applicable, a comparison showing the authorized square footage of the casino room or casino simulcasting facility:
 - i. Immediately prior to initiating the proposed change; and
 - ii. That will result if the proposed change is made;

4. A clear delineation of any proposed change to the perimeter of the casino room or, if applicable, the casino simulcasting facility; and

5. A narrative from the architect who is certifying the floor plan that clearly describes the change to be made by the proposal, noting with particularity any such change to the perimeter of the casino floor or of the casino simulcasting facility.

(b) Within three business days of a casino licensee filing an application governed by (a) above, or any amendments thereto, the Commission shall review the proposed change set forth in the application or any amendments thereto for compliance with the Act and the rules of the Commission. Unless the Commission notifies the casino licensee in writing that the proposed change is disapproved, the casino licensee, after obtaining all approvals required by federal, state or local government officials and providing a copy or other acceptable written evidence of such approvals to the Commission, may begin implementing such change upon the earlier of the following:

1. The expiration of the three-day period; or

2. Receipt of written Commission approval for the change.

(c) The casino licensee that submitted an application governed by (a) above shall notify the Commission in writing upon final completion of any proposed change set forth in the application or any amendment thereto and for which the casino licensee is prepared to seek approval pursuant to (d) below; provided, however, that a notice shall be filed upon final completion of all proposed changes. A floor plan that depicts the actual changes made shall accompany the notice and be filed in the manner prescribed by N.J.A.C. 19:43-7.3(c). Each such floor plan shall be in a format consistent with N.J.A.C. 19:43-7.3 and, in addition to depicting the change that is made to the applicable items enumerated in N.J.A.C. 19:43-7.3(b), shall include updates, based on the actual changes made, for each item required to be included in the application pursuant to (a) above and described in the notice; provided, however, that a floor plan of the entire casino or casino simulcasting facility that depicts all changes proposed in the application and any amendment thereto shall accompany the notice of final completion.

(d) Promptly after the filing of a notice pursuant to (c) above, the Commission shall inspect the physical changes actually made to the casino, casino simulcasting facility and any restricted area to ensure that those changes conform to the floor plan accompanying the notice and the description

previously submitted to the Commission, as modified by any properly filed amendments thereto. Following such inspection, the Commission shall notify the casino licensee in writing as to which physical change is approved and which is rejected, whereupon:

1. The casino licensee, in the event any change is rejected, shall either:

i. Correct any rejected change to conform with the floor plan accompanying the notice and the description previously submitted to the Commission, as modified by any properly filed amendments thereto, which correction shall be completed and inspected pursuant to this section;

ii. Submit for approval, pursuant to (a) above, a new application for the proposed change; or

iii. Take such other action as the Commission may direct to ensure that the currently approved floor plan accurately depicts the physical layout of the casino, the casino simulcasting facility, if any, and any restricted area; and

2. The operation certificate shall be amended to conform to each inspected and approved physical change.

(e) For purposes of this subchapter, a "business day" shall be a calendar day other than:

i. A Saturday or Sunday; or

ii. Any day on which the Commission's main offices are closed because of Federal, State or local holiday, inclement weather, or like circumstance.

Amended by R.1996 d.122, effective March 4, 1996.
See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

19:43-7.7 Operation certificate; temporary amendments for alternate pit configurations

(a) Except as otherwise provided in this section or in N.J.A.C. 19:43-7.4(f), each casino licensee shall configure the pits in its casino or casino simulcasting facility, as to types, number and location of games, strictly in accordance with the floor plans approved by the Commission at the time the operation certificate originally was issued or as amended pursuant to N.J.A.C. 19:43-7.6.

(b) Each casino licensee may temporarily reconfigure one or more pits by filing with the Commission, at the office of its principal inspector in the establishment, an application for a temporary operation certificate to permit an alternate configuration for each pit specified in the application, which shall be filed at least three business days prior to implementing such alternate configuration. Within that three-day period the Commission shall notify the casino licensee whether the alternate configuration is approved or rejected.

(c) In accordance with the specific terms of any temporary operation certificate issued by the Commission, the casino licensee to which the temporary operation certificate is issued shall implement the alternate configuration for an initial period of no more than 30 consecutive days, renewable upon application to the Commission for one additional period of no more than 30 consecutive days, which shall

immediately follow the conclusion of the initial period. Each such alternate pit shall not:

1. Exceed the dimensions approved for the pit that existed immediately prior to the reconfiguration; nor

2. Include any change requiring the approval of any Federal, State or local government building code official without having first obtained that approval and the approval of the Commission in accordance with N.J.A.C. 19:43-7.6.

(d) Each casino licensee shall obtain approval for any changes, other than those permitted by this section, to the configuration of the pits in its casino and casino simulcasting facility, if any, in accordance with N.J.A.C. 19:43-7.6.

(e) Each pit operating under an approved configuration shall have an electrical system, approved by the Commission, which enables a pit clerk or a pit supervisor to transmit a signal that is audibly and visually reproduced in each of the following locations whenever there is an emergency in the pit:

1. The monitoring rooms required by N.J.A.C. 19:45-1.10; and

2. The casino security department.

Amended by R.1996 d.122, effective March 4, 1996.
See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

19:43-7.8 Access to public and restricted areas

(a) No casino licensee shall permit any person to have access to any restricted area in its establishment unless such access is permitted in accordance with the casino licensee's internal controls.

(b) Each casino licensee may deny or limit access to any public areas in order to preserve the policies of the Act, including, but not limited to, the following:

1. Persons excluded or excludable under N.J.S.A. 5:12-71 and N.J.A.C. 19:48, or 5:12-71.1;

2. Employees of casino licensees prohibited from wagering at any game or on casino simulcasting under N.J.S.A. 5:12-100n and N.J.A.C. 19:55-2.8;

3. Underage persons prohibited from gaming and simulcast wagering under N.J.S.A. 5:12-119a and N.J.A.C. 19:42-5.9;

4. Persons seeking to play the game of blackjack to whom the provisions of N.J.A.C. 19:47-2.3(j) apply;

5. Players required by a casino licensee to leave the game of poker under N.J.A.C. 19:47-14.16; and

6. Employees of a casino licensee for whom access to the public areas of a casino or a casino simulcasting facility is controlled in accordance with a casino licensee's internal controls submitted pursuant to N.J.A.C. 19:43-9.1(a)7.

(c) Nothing in this section shall limit the authority of Commission members or employees and Division employees or agents from obtaining access to restricted areas during the performance of their respective duties and responsibilities in accordance with the Act and the rules of the Commission.

Amended by R.1996 d.69, effective February 5, 1996.
See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

SUBCHAPTER 8. CONTINUING OBLIGATIONS OF CASINO LICENSEES AND QUALIFIERS

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

Each casino licensee or applicant or holding company thereof shall file with the Commission and Division copies of the minutes of all meetings of its board of directors or partnership executive committee, as applicable, and of all committee meetings including, without limitation, the audit committee, within seven days of their formal adoption.

SUBCHAPTER 9. EMPLOYMENT REQUIREMENTS

19:43-9.1 Employee internal controls submission

(a) Each applicant for a casino license shall, pursuant to N.J.S.A. 5:12-99, submit an original and three copies to the Commission of a description of its internal procedures and administrative and accounting controls concerning employee licensing requirements. Unless otherwise directed by the Commission, an initial submission shall be made at least 30 days prior to the projected date of issuance of a certificate of operation. Each such submission shall be prepared and maintained in a format provided by the Commission; shall contain narrative and, where appropriate, diagrammatic representations of the internal control system to be utilized by the applicant, and shall address, without limitation, the following employee licensing requirements:

1. Procedures used to prepare and maintain a jobs compendium;
2. Procedures used to process and submit applications for casino key employee licenses, casino employee licenses and casino service employee registrations;
3. Procedures used to prepare and submit petitions for temporary employee licenses;
4. Procedures for assuring that only properly licensed or registered persons are employed in each position for which a license or registration is required;

5. Procedures for assuring that no person whose license, registration, qualification or approval has been denied or revoked or whose license or registration has been suspended is employed in any position which does not require a license or registration, except as expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11;

6. Procedures for assuring that no unlicensed or unregistered person who has committed a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1) is employed as CHAB employee, except as expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11;

7. Procedures for notice, verification and implementation of wage execution in accordance with N.J.A.C. 19:43-9.6;

8. Procedures used to assure the timely renewal of employee licenses; and

9. Procedures and a control plan for readily identifying each employee of a casino licensee who is permitted, during the normal course of performing his or her duties or during emergencies, to have access to one or more public or restricted areas, and for issuing temporary license credentials and plenary access badges.

(b) The Commission shall review each submission required by (a) above to determine whether it conforms to the requirements of the Act and the rules of the Commission. If the Commission finds any insufficiencies, it shall specify same in writing to the applicant who shall make appropriate alterations. When the Commission determines a submission to be adequate in all respects, it shall notify the applicant accordingly. No applicant for a casino license shall commence gaming operations unless and until its employee licensing internal controls submission is approved by the Commission.

(c) Each casino licensee shall maintain on its premises a complete, updated copy of its employee internal controls submission, which shall be made available for review upon request of the Commission or the Division.

(d) Unless otherwise directed by the Commission, an amendment to a previously approved employee licensing internal controls submission may be implemented by the casino licensee without the prior approval of the Commission, provided that the amendments are immediately recorded in the copy of the employee internal controls submission maintained by the licensee on its premises.

(e) The Commission may review any internal controls submission required to be maintained by this section and may require that a casino licensee amend its previously approved employee internal controls submission to include additional procedures in order to conform to the requirements of the Act and the rules of the Commission. Any amendment to the internal controls submission of a casino licensee shall be implemented in accordance with (d) above.

Amended by R.1994 d.265, effective June 6, 1994.
See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).
Amended by R.1995 d.591, effective November 20, 1995.
See: 27 N.J.R. 3146(a), 27 N.J.R. 4729(a).
Amended by R.1996 d.69, effective February 5, 1996.
See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).
Amended by R.1996 d.473, effective October 7, 1996.

See: 28 N.J.R. 2806(a), 28 N.J.R. 4515(a).
Amended by R.1997 d.78, effective February 18, 1997.
See: 28 N.J.R. 3519(a), 29 N.J.R. 591(b).

In (a), deleted references to casino licensees, amended time for submission of description, and deleted licensing requirement relating to recordation of hours worked by employees; in (b), deleted references to casino licensees; rewrote (c); and added (d) and (e).