

CHAPTER 48**EXCLUSION OF PERSONS****Authority**

N.J.S.A. 5:12-63(c), 69a, 71 and 71.2.

Source and Effective Date

R.2009 d.122, effective March 19, 2009.
See: 41 N.J.R. 121(a), 41 N.J.R. 1891(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 48, Exclusion of Persons, expires on March 19, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 48, Exclusion of Persons, was adopted as R.1978 d.362, effective October 16, 1978. See: 10 N.J.R. 407(d), 10 N.J.R. 522(b).

Pursuant to Executive Order No. 66(1978), Chapter 48, Exclusion of Persons, was readopted as R.1983 d.475, effective October 13, 1983. See: 15 N.J.R. 1466(a), 15 N.J.R. 1874(c).

Pursuant to Executive Order No. 66(1978), Chapter 48, Exclusion of Persons, was readopted as R.1988 d.525. See: 20 N.J.R. 2252(a), 20 N.J.R. 2802(b).

Pursuant to Executive Order No. 66(1978), Chapter 48, Exclusion of Persons, was readopted as R.1993 d.462, effective August 20, 1993. See: 25 N.J.R. 2661(a), 25 N.J.R. 4510(b).

Pursuant to Executive Order No. 66(1978), Chapter 48, Exclusion of Persons, was readopted as R.1998 d.455, effective August 14, 1993. See: 30 N.J.R. 2168(a), 30 N.J.R. 3261(a).

Subchapter 2, Self-Exclusion, was adopted as R.2001 d.308, effective September 4, 2001 (operative September 10, 2001). See: 33 N.J.R. 1569(a), 33 N.J.R. 3035(a).

Chapter 48, Exclusion of Persons, was readopted as R.2004 d.11, effective December 10, 2003. See: 35 N.J.R. 4185(a), 36 N.J.R. 200(a).

Chapter 48, Exclusion of Persons, was readopted as R.2009 d.122, effective March 19, 2009. See: Source and Effective Date.

Subchapter 3, Forfeiture of Winnings by Prohibited Person, was adopted as new rules by R.2009 d.310, effective October 19, 2009. See: 41 N.J.R. 2640(a), 41 N.J.R. 3960(b).

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SUBCHAPTER 1. PERSONS REQUIRED TO BE EXCLUDED**19:48-1.1 Definitions**

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

“Candidate” means any person whose name is included in a petition to place such person on the exclusion list pursuant to section 71 of the Act and these regulations.

“Career or professional offender” means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this state.

“Cheat” means any person whose act or acts in any jurisdiction would constitute any offense under Sections 113, 114, and 115 of the Act, if prosecuted under New Jersey law.

“Excluded person” means any person who has been placed upon the list by preliminary or final order of the Commission and who pursuant to section 71 of the Act and these regulations is required to be excluded or ejected from a casino hotel facility.

“List or exclusion list” means a list of names of persons who, pursuant to Section 71 of the Act and the Commission’s regulations, are required to be excluded or ejected from casino hotel facilities.

“Occupational manner or context” means the systematic planning, administration, management, or execution of an activity for financial gain.

As amended, R.1982 d.359, effective October 18, 1982.
See: 14 N.J.R. 904(a), 14 N.J.R. 1167(a).

Amended definition of “candidate” and “excluded person”.
Amended by R.1994 d.32, effective January 18, 1994.
See: 25 N.J.R. 4739(a), 26 N.J.R. 487(a).

Case Notes

Finding of being inimical to interest of State or licensed gaming. Div. of Gaming Enforcement v. Merlino, 8 N.J.A.R. 126 (1985).

19:48-1.2 Maintenance and distribution of list

(a) The Commission shall maintain a list of persons to be excluded or ejected from a licensed casino establishment.

(b) The list shall be open to public inspection and shall be distributed to every casino licensee within this State, who shall acknowledge receipt thereof in writing.

(c) Each casino licensee shall have the responsibility to distribute copies of the list to its employees. Any additions, deletions, or other updates to the list shall be distributed by each casino licensee to its employees within two business days of the casino licensee's receipt of such updates from the Commission.

Amended by R.2004 d.11, effective January 5, 2004.

See: 35 N.J.R. 4185(a), 36 N.J.R. 200(a).

In (c), added second sentence.

Case Notes

Authority of commission. *Uston v. Resorts Intern. Hotel, Inc.*, 179 N.J.Super. 223, 431 A.2d 173 (App.Div.1981), affirmed 445 A.2d 370.

19:48-1.3 Criteria for exclusion

(a) The exclusion list may include any person who meets any of the following criteria:

1. A career or professional offender whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein;

2. An associate of a career or professional offender whose association is such that his or her presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein;

3. Any person who has been convicted of a criminal offense under the laws of any State, or of the United States, which is punishable by more than six months in prison, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein; or

4. Any person whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or licensed gaming therein, including, but not limited to:

- i. Cheats;
- ii. Persons whose privileges for licensure have been revoked;
- iii. Persons who pose a threat to the safety of the patrons or employees of a casino licensee;
- iv. Persons with a documented history of conduct involving the undue disruption of the gaming operations of casino licensees; and
- v. Persons subject to an order of the Superior Court of New Jersey excluding such persons from all casino hotel facilities.

(b) For purposes of (a) above:

1. A person's presence may be considered "inimical to the interest of the State of New Jersey or of licensed

gaming therein" if known attributes of such person's character and background:

i. Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of licensed casino gaming;

ii. Could reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by the Act; or

iii. Would create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

2. A finding of inimicality may be based upon the following:

i. The nature and notoriety of the attributes of character or background of the person;

ii. The history and nature of the involvement of the person with licensed casino gaming in New Jersey or any other jurisdiction, or with any particular casino licensee or licensees or any related company thereof;

iii. The nature and frequency of any contacts or associations of the person with any casino licensee or licensees, or with any employees or agents thereof; or

iv. Any other factor reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of gaming operations, the casino industry and its employees.

(c) Race, color, creed, national origin or ancestry, or sex shall not be a reason for placing the name of any person upon such list.

Amended by R.1994 d.32, effective January 18, 1994.

See: 25 N.J.R. 4739(a), 26 N.J.R. 487(a).

Law Review and Journal Commentaries

Casinos-Blackjack-Card Counters-Contracts-Discrimination-Jurisdiction. P.R. Chenoweth, 137 N.J.L.J. No. 6, 59 (1994).

Case Notes

Independent authority to exclude persons. *Campione v. Adamar of New Jersey, Inc.*, 274 N.J.Super. 63, 643 A.2d 42 (L.1993).

Failure to prove that individual was a career offender, or an associate of such. *Division of Gaming Enforcement v. Staluppi*, 94 N.J.A.R.2d (CCC) 32.

Exclusion; lack of evidence. *Division of Gaming Enforcement v. Staluppi*, 94 N.J.A.R.2d (CCC) 30.

Finding of being a career criminal offender, being an associate of a career or professional offender and being inimical to interest of State or licensed gaming. *Div. of Gaming Enforcement v. Merlino*, 8 N.J.A.R. 126 (1985).

Grounds for exclusion. *Div. of Gaming Enforcement v. Merlino*, 8 N.J.A.R. 126 (1985).

19:48-1.4 Duties of the Division of Gaming Enforcement

(a) The Division shall, on its own initiative, or upon referral by the Commission, investigate any individual who would appear to be an appropriate candidate for placement on the exclusion list.

(b) If, upon completion of an investigation, the Division determines that an individual should be placed on the exclusion list, the Division shall file a petition for exclusion with the Commission, identifying the candidate and setting forth a factual basis why the Division believes the candidate satisfies the criteria for exclusion established by section 71 of the Act and this chapter.

(c) The Division files a complaint alleging a violation of section 71d of the Act and N.J.A.C. 19:48-1.7(a)2 against any licensee, the Division shall file simultaneously a petition to exclude the person alleged in the complaint to meet the criteria for exclusion in N.J.A.C. 19:48-1.3.

(d) If, upon completion of an investigation undertaken upon referral by the Commission, the Division determines that an individual should not be placed on the exclusion list, the Division shall so state in writing to the Commission.

As amended, R.1982 d.359, effective October 18, 1982.
See: 14 N.J.R. 904(a), 14 N.J.R. 1167(a).

Grammatical changes. Also changed Division's duties from recommending and submitting a report on excluding a person to making a determination of exclusion and filing a petition with supporting affidavits.

Amended by R.1988 d.525, effective November 7, 1988.
See: 20 N.J.R. 2252(a), 20 N.J.R. 2802(b).

Substituted "this chapter" for "these regulations".
Amended by R.1994 d.32, effective January 18, 1994.
See: 25 N.J.R. 4739(a), 26 N.J.R. 487(a).

Amended by R.1997 d.36, effective January 21, 1997.
See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).

In (c), amended N.J.A.C. reference.

Case Notes

Admission of undesirable patron; immediate notification to agency.
Division of Gaming Enforcement v. Boardwalk Regency Corporation,
94 N.J.A.R.2d (CCC) 37.

19:48-1.5 Procedure for entry of names

(a) The Commission may place a person on the exclusion list as follows:

1. Upon petition of the Division in accordance with the procedures set forth at N.J.A.C. 19:42-4; or
2. Upon receipt of an order of the Superior Court of New Jersey excluding such person from all casino hotel facilities. The Commission shall consider such action forthwith upon receipt of the court order, with at least 15 days notice to the Division and to such person by certified mail at his or her last known address.

As amended, R.1982 d.359, effective October 18, 1982.
See: 14 N.J.R. 904(a), 14 N.J.R. 1167(a).

Recodified from N.J.A.C. 19:43-1.5. Deleted old text and added new text.

New Rule, R.1988 d.525, effective November 7, 1988.

See: 20 N.J.R. 2252(a), 20 N.J.R. 2802(b).

Old text was repealed and new text inserted.

Repeal and New Rule, R.1994 d.32, effective January 18, 1994.

See: 25 N.J.R. 4739(a), 26 N.J.R. 487(a).

Case Notes

Exclusion proceedings. Div. of Gaming Enforcement v. Merlino, 8 N.J.A.R. 126 (1985).

19:48-1.5A Application for preliminary placement of candidate on list

(a) In addition to filing a petition for exclusion, the Division may, in its discretion, file an application with the Commission seeking preliminary placement of the candidate on the exclusion list pending completion of the plenary hearing on the petition for exclusion. An application for preliminary placement on the list shall be supported by reliable documentary or other evidence. Upon receipt of an application for preliminary placement on the list, the Commission shall schedule a preliminary exclusion hearing and notify the candidate in accordance with the provisions of N.J.A.C. 19:42-4.

(b) If, upon completion of the preliminary exclusion hearing, the Commission determines that the reliable documentary or other supporting evidence establishes a reasonable possibility that the candidate satisfies the criteria for exclusion established by section 71 of the Act and this chapter, the Commission shall issue a preliminary order placing the candidate on the exclusion list pending the issuance of a final order in accordance with the provisions of N.J.A.C. 19:48-1.5. A preliminary order designating a candidate as an excluded person shall be effective as to a particular casino licensee upon its service upon that casino licensee.

(c) The preliminary placement of a candidate on the exclusion list pursuant to section 71 of the Act, N.J.A.C. 19:42-4 and this chapter shall have the effect of requiring the exclusion or ejection of the excluded person from any casino hotel facility.

New Rule, by R.1988 d.525, effective November 7, 1988.

See: 20 N.J.R. 2252(a), 20 N.J.R. 2802(b).

Amended by R.1997 d.36, effective January 21, 1997.

See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).

In (a) and (c), amended N.J.A.C. reference.

19:48-1.6 Information contained on list

(a) The following information and data shall be provided for each excluded person:

1. The full name and all aliases the person is believed to have used;
2. A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and any other physical characteristics which may assist in the identification of the person;
3. Date of birth;

4. The effective date of the order mandating the exclusion or ejection of the person named therein;
5. A photograph, if obtainable, and the date thereof;
6. Such other miscellaneous information as is deemed necessary by the Commission for the enforcement of this regulation.

19:48-1.7 Duty of casino licensee

(a) A casino licensee shall exclude or eject the following persons from its casino hotel facility:

1. Any excluded person; or
2. Any person known to the casino licensee to satisfy the criteria for exclusion set forth in section 71 of the Act and N.J.A.C. 19:48-1.3(a).

(b) If an excluded person enters, attempts to enter, or is in a casino hotel facility and is recognized by the casino licensee, the casino licensee shall immediately notify the Commission and Division of such fact.

(c) The Commission may, upon request of any casino licensee or any person who has been excluded or ejected from a casino hotel pursuant to (a)2 above, refer a matter to the Division for investigation to determine whether such person meets the criteria for exclusion provided in N.J.A.C. 19:48-1.3.

(d) It shall be the continuing duty of a casino licensee to inform the Commission and Division in writing of the names of persons it believes are appropriate for placement on the exclusion list.

Amended by R.1994 d.32, effective January 18, 1994.
See: 25 N.J.R. 4739(a), 26 N.J.R. 487(a).

Law Review and Journal Commentaries

Casinos-Blackjack-Card Counters-Contracts-Discrimination-Jurisdiction. P.R. Chenoweth, 137 N.J.L.J. No. 6, 59 (1994).

19:48-1.8 Petition to remove name from exclusion list

(a) An excluded person may petition the Commission to request a hearing concerning his or her removal from the list at any time after five years from the placement by the Commission of such person on the list.

(b) The petition shall be verified, with supporting affidavits, and shall state with particularity the grounds believed by the petitioner to constitute good cause for his removal from the list. Upon receipt of such petition, the Division shall be given an opportunity to state its position in writing.

(c) The Commission may decide the petition on the basis of the documents submitted by the parties. The Commission may summarily deny the petition or may grant the petition and direct that a hearing be held in accordance with N.J.A.C. 19:42-4. The Commission shall grant the petition only upon a finding that there is new evidence which is material and necessary, or that circumstances have changed since the placement of the excluded person on the list, and that there would be a reasonable likelihood that the Commission would alter its previous decision.

(d) Any excluded person who is barred from requesting a hearing concerning his or her removal from the list by (a) above may petition the Commission for early consideration at any time; provided, however, that no excluded person may, within the five-year period of exclusion, file more than one such petition. Such petition shall be verified, with supporting affidavits, and shall state with particularity any grounds upon which exclusion was based, and the facts and circumstances which warrant the relief sought. Upon receipt of such petition, the Division shall be given an opportunity to state its position in writing. The Commission may decide the petition on the basis of the documents submitted by the parties. The Commission may summarily deny the petition or may grant the petition and direct that a hearing be held in accordance with N.J.A.C. 19:42-4. The Commission shall grant the petition:

1. Upon a finding that there exist extraordinary facts and circumstances warranting early consideration of the excluded person's request for removal from the list; or
2. If exclusion was pursuant to N.J.A.C. 19:48-1.5(a)2, upon a finding that the excluded person has completed the period of probation or otherwise satisfied the terms of any court-ordered exclusion.

As amended, R.1982 d.359, effective October 18, 1982.

See: 14 N.J.R. 904(a), 14 N.J.R. 1167(a).

Deleted old text and added new text.

Amended by R.1988 d.525, effective November 7, 1988.

See: 20 N.J.R. 2252(a), 20 N.J.R. 2802(b).

Substituted "plenary" for "final"; changed cross reference from "4.7" to "4.5" and added "or she".

Amended by R.1994 d.32, effective January 18, 1994.

See: 25 N.J.R. 4739(a), 26 N.J.R. 487(a).

Amended by R.1997 d.36, effective January 21, 1997.

See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).

In (c) and (d), amended N.J.A.C. reference.

SUBCHAPTER 2. SELF-EXCLUSION**19:48-2.1 Definitions**

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

"Self-excluded person" means any person whose name is included, at his or her own request, on the self-exclusion list maintained by the Commission.

"Self-exclusion list" means a list of names of persons who, pursuant to this subchapter, have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at all licensed casinos and simulcasting facilities.

19:48-2.2 Request for self-exclusion

(a) Any person may have his or her name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by this section.

(b) Any person requesting placement on the self-exclusion list shall submit, in person, a completed request for self-exclusion as required in (c) below. The request shall be delivered to either the Employee License Information Unit of the Commission located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. The Commission may designate other locations for submission of completed requests for self-exclusion in accordance with these rules, which locations may be designated on a temporary basis. Any person submitting a self-exclusion request shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description. Any person requesting self-exclusion pursuant to this subchapter shall be required to have his or her photograph taken by the Commission or Division upon submission of the request.

(c) A request for self-exclusion shall be in a form prescribed by the Commission, which form shall include:

1. The following identifying information concerning the person submitting the request for self-exclusion:

- i. Name, including any aliases or nicknames;
- ii. Date of birth;
- iii. Address of current residence;
- iv. Telephone number of current residence;
- v. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a; and
- vi. A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;

2. The length of minimum self-exclusion requested by the person:

- i. One year;
- ii. Five years; or
- iii. Lifetime;

3. A waiver and release which shall release and forever discharge the State of New Jersey, the Commission and its employees, the Division and its employees and agents, and all casino licensees and their employees and agents from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for

self-exclusion or request for removal from the self-exclusion list, including:

- i. Its processing or enforcement;
- ii. The failure of a casino licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;
- iii. Permitting a self-excluded person to engage in gaming activity in a licensed casino or simulcasting facility while on the list of self-excluded persons; and
- iv. Disclosure of the information contained in the self-exclusion request or list, except for a willfully unlawful disclosure of such information;

4. The signature of the person submitting the request for self-exclusion indicating acknowledgment of the following statement:

"I am voluntarily requesting exclusion from all gaming activities at all New Jersey licensed casinos and simulcasting facilities because I am a problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Casino Control Commission to direct all New Jersey casino licensees to restrict my gaming activities in accordance with this request and, unless I have requested to be excluded for life, until such time as the Commission removes my name from the self-exclusion list in response to my written request to terminate my voluntary self-exclusion. I am aware and agree that during any period of self-exclusion, I shall not collect any winnings or recover any losses resulting from any gaming activity at all licensed casinos and simulcasting facilities, and that any money or thing of value obtained by me from, or owed to me by, a casino licensee as a result of wagers made by me while on the self-exclusion list shall be subject to forfeiture.";

5. The type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or general physical description of the person; and

6. The signature of a Commission or Division employee authorized to accept such request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.

Amended by R.2004 d.11, effective January 5, 2004.

See: 35 N.J.R. 4185(a), 36 N.J.R. 200(a).

In (b), inserted second sentence.

Case Notes

New Jersey Casino Control Commission properly denied a gambler's request to be removed from the lifetime self-exclusion list as the fact that the gambler was also excluded from affiliated out-of-state casinos was a collateral consequence that did not negate the gambler's voluntary request to be placed on the list. In re Petition of S.D., 399 N.J. Super. 107, 943 A.2d 188, 2008 N.J. Super. LEXIS 65 (App.Div. 2008).

19:48-2.3 Self-exclusion list

(a) The Commission shall maintain the official self-exclusion list and shall notify each casino licensee of any addition to or deletion from the list by depositing a notice in the mail slot of each casino licensee in accordance with the provisions of N.J.A.C. 19:40-3.3(d), or by transmitting a notice by electronic means directly to each casino licensee.

(b) Each casino licensee shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino licensee are notified of any addition to or deletion from the list within five business days after the day the notice is deposited in its mail slot or transmitted electronically pursuant to (a) above. The notice provided by the Commission shall include the name and date of birth of any person whose name shall be removed from the self-exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:

1. Name, including any aliases or nicknames;
2. Date of birth;
3. Address of current residence;
4. Telephone number of current residence;
5. Social security number, if voluntarily provided by the person requesting self-exclusion;
6. A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person; and
7. A copy of the photograph taken by the Commission or Division pursuant to N.J.A.C. 19:48-2.2(b).

(c) Information furnished to or obtained by the Commission or Division pursuant to this subchapter shall be deemed confidential and not be disclosed except in accordance with this subchapter and N.J.A.C. 19:40-4.

(d) No casino licensee or employee or agent thereof shall disclose the name of, or any information about, any person who has requested self-exclusion to anyone other than employees and agents of the casino licensee whose duties and functions require access to such information. Notwithstanding the foregoing, a casino licensee may disclose the name of and information about a self-excluded person to appropriate employees of other casino licensees in Atlantic City for the purpose of alerting other casino licensees that a self-excluded

person has tried to gamble or obtain gaming related privileges or benefits in the casino licensee's casino or simulcasting facility.

Amended by R.2004 d.440, effective December 6, 2004.
See: 36 N.J.R. 1690(a), 36 N.J.R. 5383(a).

In (a), inserted “, or by transmitting a notice by electronic means directly to each casino licensee” at the end; in (b), inserted “or transmitted electronically” following “in its mail slot” in the first sentence.

19:48-2.4 Duties of casino licensee

(a) Each casino licensee shall establish procedures that are designed, to the greatest extent practicable, to:

1. Permit appropriate employees of the casino licensee to identify a self-excluded person when present in a casino or simulcasting facility and, upon such identification, notify:
 - i. Those employees of the casino licensee designated to monitor the presence of self-excluded persons; and
 - ii. Designated representatives of the Commission and Division;
2. Refuse wagers from and deny any gaming privileges to any self-excluded person;
3. Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
4. Ensure that self-excluded persons do not receive, either from the casino licensee or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed casino or simulcasting facility; and
5. Enforce the provisions of N.J.A.C. 19:48-2.3(d).

(b) Without limitation of the requirements imposed by (a) above, each casino licensee shall, upon notification that a person has been added to or deleted from the self-exclusion list, comply with all relevant provisions of N.J.A.C. 19:45-1.27A as if such person has also been added to or deleted from the list of persons who have requested suspension of their credit privileges pursuant to that section.

(c) Each casino licensee shall submit to the Commission and Division a copy of its procedures established pursuant to N.J.A.C. 19:48-2.3(b) and (a) and (b) above by October 4, 2001. Any amendments to said procedures shall be submitted to the Commission and Division at least three business days prior to their implementation. If the Commission and Division do not object to said procedures or amendments thereto, such procedures or amendments shall be deemed to be approved.

19:48-2.5 Removal from self-exclusion list

(a) Except for those persons choosing a life-time self-exclusion, any self-excluded person may, upon the expiration of the period of self-exclusion requested pursuant to N.J.A.C. 19:48-2.2(c)2, request removal of his or her name from the self-exclusion list by submitting, in person, a completed request for removal as required in (b) below. The request shall be delivered to either the Employee License Information Unit of the Commission located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. Any person submitting a request for removal from the list shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description.

(b) A request for removal from the self-exclusion list shall be in a form prescribed by the Commission, which form shall include:

1. The identifying information specified in N.J.A.C. 19:48-2.2(c)1i through iv;

2. The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement: "I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Commission to permit all New Jersey casino licensees to reinstate my gaming privileges at licensed casinos and simulcasting facilities.";

3. The type of identification credentials examined containing the signature of the person requesting removal from the self-exclusion list, and whether said credentials included a photograph or general physical description of the person; and

4. The signature of a Commission or Division employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.

(c) The Commission shall, by the end of the fifth business day following receipt of the request, delete the name of the person requesting removal from the self-exclusion list and notify each casino licensee of such removal by depositing a notice in the mail slot of each casino licensee in accordance with the provisions of N.J.A.C. 19:40-3.3(d).

Case Notes

New Jersey Casino Control Commission properly denied a gambler's request to be removed from the lifetime self-exclusion list as the fact that the gambler was also excluded from affiliated out-of-state casinos was a collateral consequence that did not negate the gambler's voluntary request to be placed on the list. In re Petition of S.D., 399 N.J. Super. 107, 943 A.2d 188, 2008 N.J. Super. LEXIS 65 (App.Div. 2008).

SUBCHAPTER 3. FORFEITURE OF WINNINGS BY PROHIBITED PERSON**19:48-3.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Prohibited person" shall mean any excluded person within the meaning of N.J.A.C. 19:48-1.1; any self-excluded person within the meaning of N.J.A.C. 19:48-2.1; any person who is under the age at which a person may purchase and consume alcoholic beverages within the meaning of N.J.A.C. 19:43-16.1(a); and any person who is prohibited from engaging in gaming activity pursuant to N.J.S.A. 5:12-100(n).

"Thing(s) of value" shall mean any thing of value which may be used to engage in gaming activity including without limitation any gaming plaques, gaming chips, slot machine tokens, slot machine gaming vouchers, slot machine credits, and slot machine jackpots, but shall not include non-cashable slot credits.

"Winnings" shall mean the aggregate total of proceeds from each individual winning round of play at an authorized game and shall not be reduced by any individual losing rounds of play.

19:48-3.2 Prohibited person; forfeiture of winnings

(a) If a casino licensee detects, or is notified of, the presence of a patron suspected of being a prohibited person, who had engaged or is engaging in gaming activity, such casino licensee shall:

1. Verify, using reasonable measures, that the patron is a prohibited person and the basis for the person's prohibition. If the person is unable to establish that he or she is not underage the person shall be presumed to be a prohibited person for the purposes of this section;

2. Upon verification of a prohibited status, remove the prohibited person from the gaming floor;

3. Seize from such person any winnings or things of value obtained from engaging in a gaming transaction as follows:

i. Confiscate all gaming chips, gaming plaques, slot machine tokens and gaming vouchers;

ii. Process any slot machine jackpot obtained by the prohibited person pursuant to N.J.A.C. 19:45-1.40 through 1.40F, depending upon the type of jackpot obtained;

iii. Cash out any cashable credits remaining on a slot machine credit meter or automated table game credit meter and confiscate the gaming voucher that is issued as payment thereof; and

iv. Obtain control and physical possession of any other form of winnings or things of value not specifically enumerated and obtained by or owed to the prohibited person as a result of engaging in any type of gaming transaction;

4. Deliver any winnings or things of value obtained from a prohibited person pursuant to (a)3 above to the cashiers' cage, where they shall be converted into cash and maintained separately and designated as funds that are subject to forfeiture; and

5. Prepare a multipart form known as a Disputed Payout Receipt, which shall include, without limitation, the following information:

i. The total value and a detailed description of winnings or things of value that were seized;

ii. The date of the incident;

iii. The name of the prohibited person, if known, and basis for determining the person is a prohibited person;

iv. The street and mailing address of the prohibited person, if known; and

v. The location (table type and number, slot machine asset number, keno window, etc.) where the prohibited person was engaged in a gaming transaction.

(b) The form required by (a)5 above shall be signed and attested to by:

1. The prohibited person, unless the person refuses to sign or is unknown;

2. The casino employee delivering the winnings or things of value to the cashiers' cage; and

3. The cashiers' cage employee to whom the winnings or things of value are delivered.

(c) The original Disputed Payout Receipt prepared and signed as required by (b) and (c), above, shall be maintained in the cashiers' cage. Copies of the document shall be provided to the prohibited person, the casino accounting department and filed with the Division of Gaming Enforcement and the Casino Control Commission.

(d) The casino licensee shall present the prohibited person with a document known as a Notice of Potential Forfeiture, which shall be signed by the prohibited person, or if the prohibited person refuses to sign or is unknown, the casino licensee shall indicate the reason for the lack of a signature on the signature line for the prohibited person. The Notice of Potential Forfeiture shall:

1. Advise the prohibited person that a proceeding may be brought by the Division seeking forfeiture of the winnings or things of value seized pursuant to (a) above;

2. Advise the prohibited person that he or she has the right to be heard in any such proceeding as set forth in (h)

below and that failure to respond to a forfeiture complaint will result in the waiver of their right to be heard; and

3. Contain a mailing address of the prohibited person at which he or she may be noticed regarding any future proceedings.

(e) All funds maintained separately and designated as subject to forfeiture, pursuant to (a)4 above shall be held by the casino licensee, until further order of the Commission or upon notice from the Division that they may be released.

(f) Pursuant to N.J.S.A. 5:12-71.3, any winnings or things of value obtained by a prohibited person in a gaming transaction shall be subject to forfeiture by order of the Commission, on complaint of the Division, following notice to the prohibited person and an opportunity to be heard.

(g) The internal controls of a casino licensee shall contain procedures for processing any winnings or things of value confiscated or withheld from a prohibited person as if the winnings or things of value were paid and reported in accordance with normal procedures applicable to such payouts. Such procedures shall include, however, such modification to forms or additional documentation as is necessary to record and report the payout as a disputed payout confiscated or withheld from a prohibited person. This documentation shall be compared by the casino accounting department at the end of the gaming day to the copy of the Disputed Payout Receipt. Any winnings or things of value confiscated or withheld from a prohibited person that are paid and reported in accordance with the normal procedures applicable to such payouts, as modified in this section, shall be deducted in the calculation of gross revenue as if the winnings or things of value were actually paid to the prohibited person.

(h) All proceedings brought by the Division of Gaming Enforcement pursuant to N.J.S.A. 5:12-71.3(c) seeking forfeiture of any winnings or thing of value shall be heard by the Casino Control Commission.

(i) In the event that winnings or things of value are obtained by a prohibited person from a casino licensee as a result of a gaming transaction, the Division of Gaming Enforcement may file a complaint requesting forfeiture of the winnings or things of value with the Casino Control Commission who will notice the prohibited person via personal service or regular mail of the forfeiture complaint and the prohibited person's right to a hearing.

(j) If the prohibited person wishes to contest the forfeiture complaint filed pursuant to (g) above, the prohibited person shall request a hearing in writing with the Casino Control Commission within 15 days of the date of the notice of the forfeiture complaint. If no response is filed by the prohibited person within 15 days of the date of the notice of the forfeiture complaint the winnings or things of value shall be ordered forfeited and shall be disposed of pursuant to N.J.S.A. 5:12-71.3.