

TITLE 19

OTHER AGENCIES

SUBTITLE K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

CHAPTER 40

GENERAL PROVISIONS

Authority

N.J.S.A. 5:12-54, 60, 63c, 69a and 74; N.J.S.A. 52:14B-3.

Source and Effective Date

R.1994 d.461, effective August 15, 1994.
See: 26 N.J.R. 2564(a), 26 N.J.R. 3746(a).

Executive Order No. 66(1978) Expiration Date

Chapter 40, General Provisions, expires on August 15, 1999, except for Subchapter 6, Disability Discrimination Grievance Procedure, which is exempt under 28 C.F.R. Part 35.

Chapter Historical Note

Chapter 40, General Provisions, became effective with Subchapter 1, Practices and Procedures, adopted as R.1977 d.394, effective October 21, 1977. See: 9 N.J.R. 546(a). Subchapter 2, Child Labor Violations, was adopted as R.1979 d.378, effective September 26, 1979. See: 11 N.J.R. 418(a), 11 N.J.R. 599(d). Subchapter 3, Confidential Information, was adopted as R.1983 d.380, effective September 19, 1983. See: 15 N.J.R. 238(a), 15 N.J.R. 1604(c).

Pursuant to Executive Order No. 66(1978), Chapter 40, except Subchapter 2 which was allowed to expire, was readopted as R.1984 d.454, effective September 26, 1984. See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a). Pursuant to Executive Order No. 66(1978), Chapter 40 was readopted as R.1989 d.495, effective August 24, 1989. As a part of R.1989 d.495, Subchapter 3 was recodified as Subchapter 4, and a new Subchapter 2, Organization and Operation of the Commission; Subchapter 3, Information and Filings, and Subchapter 5, Professional Practice, were adopted, effective September 18, 1989. See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b). See, also, section annotations for specific rulemaking activity.

Pursuant to Executive Order No. 66(1978), Chapter 40 was readopted as R.1994 d.461. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. CONSTRUCTION AND APPLICATION OF RULES

19:40-1.1 Authority

These rules and regulations are issued under and pursuant to the authority of the Casino Control Act, constituting chapter 110, Laws of New Jersey 1977, as amended.

19:40-1.2 Definitions

(a) The following words and terms are defined in the New Jersey Casino Control Act (P.L. 1977, c.110, as amend-

ed) and are used in the rules of the Commission as defined in that Act:

"Applicant"
 "Application"
 "Casino"
 "Casino employee"
 "Casino hotel employee"
 "Casino hotel security employee"
 "Casino key employee"
 "Casino license"
 "Casino security employee"
 "Casino service industry"
 "Commission"
 "Complimentary service or item"
 "Conservator"
 "Creditor"
 "Debt"
 "Director"
 "Division"
 "Encumbrance"
 "Equal employment opportunity"
 "Equity security"
 "Family"
 "Game" or "gambling game"
 "Gaming" or "gambling"
 "Gaming device" or "gaming equipment"
 "Gross revenue"
 "Hearing examiner"
 "Holding company"
 "Hotel" or "approved hotel"
 "Intermediary company"
 "Junket"
 "Junket enterprise"
 "Junket representative"
 "License"
 "License or registration fee"
 "Licensed casino operation"
 "Licensee"
 "Operation"
 "Party"
 "Person"
 "Principal employee"
 "Property"
 "Publicly traded corporation"
 "Registrant"
 "Registration"
 "Regulated complimentary service account"
 "Resident"
 "Respondent"
 "Security"
 "Slot machine"
 "Statement of compliance"
 "Subsidiary"
 "Transfer"

(b) The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

"Access badge" is defined in N.J.A.C. 19:41-1.4(b).

"Act" or "Casino Control Act" means the New Jersey Casino Control Act (P.L. 1977, c.110, as amended).

"Affiliate" of, or a person "affiliated" with, a specific person means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"All-purpose slot machine hopper" or "all-purpose hopper" is defined in N.J.A.C. 19:45-1.36.

"Audit department executive" is defined in N.J.A.C. 19:41-1.11(b)2.

"Authorized game" or "authorized gambling game" is defined at N.J.S.A. 5:12-5 and includes any game approved by the Commission pursuant thereto, including craps, mini-craps, blackjack, baccarat, roulette, big six, slot machines, minibaccarat, red dog, sic bo, pai gow, pai gow poker, poker, caribbean stud poker, let it ride poker, three card poker, mini-dice and keno.

"Bill changer" means any mechanical, electrical, or other device, contrivance or machine designed to interface mechanically, electrically or electronically with a slot machine for the purpose of dispensing from an all-purpose hopper an amount of coins or slot tokens that is equal to the amount of currency or the denomination of a coupon inserted into the bill changer.

"Casino affiliate check" means a check issued by a person that is an affiliate of a New Jersey casino licensee and holds a gaming license in any other jurisdiction. A casino affiliate check shall be drawn on the bank account of the affiliate, be made payable only to the person presenting the check, and shall not contain any other endorsements.

"Casino check" means a check which is drawn by a casino licensee upon the licensee's account at any New Jersey banking institution and made payable to a person in redemption of the licensee's gaming chips, pursuant to N.J.S.A. 5:12-100(k) in return, either in whole or in part, of a person's deposit on account with the casino licensee pursuant to N.J.S.A. 5:12-101(b), or for winnings from slot machine, keno or simulcasting wagering payoffs, or table game progressive payouts and which is identifiable in a manner approved by the Commission as a check issued for one of these purposes. At a minimum, such identification method shall include an endorsement or imprinting on the check which indicates that the check is issued in redemption of gaming chips, in return of funds on account with the casino licensee or for winnings from slot machine, keno or simulcast wagering payoffs, or table game progressive payouts.

"Casino hotel alcoholic beverage (CHAB) employee" means any natural person employed by a CHAB licensee whose responsibilities include the handling, service, delivery, purchase, control or storage of alcoholic beverages.

"Casino hotel alcoholic beverage (CHAB) licensee" is defined at N.J.A.C. 19:50-1.1.

"Casino licensee" or "licensed casino" means the holder of any license, issued pursuant to the Casino Control Act, that authorizes the ownership or operation of a casino and, if applicable, of a casino simulcasting facility.

"Casino manager" is defined in N.J.A.C. 19:45-1.11(b)4 and 1.12(a).

"Casino simulcasting" is defined in N.J.A.C. 19:55-1.1.

"Casino simulcasting facility" is defined in N.J.A.C. 19:55-3.1 through 3.4.

"Chairman" or "Chair" and "Commissioner" or "member" means the Chair and any member of the Casino Control Commission, respectively.

"Change machine" means any mechanical, electrical, or other device which operates independently of a slot machine which, upon insertion of currency therein, shall dispense an equivalent amount of loose or rolled coin or slot tokens.

"Changeperson" means a person employed in the operation of a casino to possess an imprest inventory of coin, currency and slot tokens received pursuant to N.J.A.C. 19:45-1.35(d) and used for the even exchange with slot machine patrons of coupons, coin, currency, gaming chips, slot tokens and prize tokens.

"Coin acceptor" means the slot and accompanying device, approved by the Commission, that is the part of a slot machine into which a patron, in the normal course of operating the machine, inserts a coin or slot token for the purpose of activating play and which is designed to identify those coins or slot tokens so inserted that are appropriate for use in that machine and to reject all slugs, prize tokens and other non-conforming objects so inserted.

"Contested case" means a proceeding, including any licensing proceedings, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

"Controller" is defined in N.J.A.C. 19:45-1.11(b)7.

"Count room" is defined in N.J.A.C. 19:45-1.32.

"Count room supervisor" is defined in N.J.A.C. 19:45-1.33 and 1.43.

"Credit card chip transaction" is defined in N.J.A.C. 19:45-1.18A.

"Credit manager" is defined in N.J.A.C. 19:45-1.11(b)5.

"Debit card chip transaction" is defined in N.J.A.C. 19:45-1.18A.

"Director of security" is defined in N.J.A.C. 19:45-1.11(b)6.

"Director of surveillance" is defined in N.J.A.C. 19:45-1.11(b)1.

"Establishment" means a casino hotel complex, meeting the requirements of the Casino Control Act, wherein gaming or simulcast wagering is conducted or gaming devices are used in connection with gaming.

"Foreign slot token" means a slot token issued by an establishment other than the casino licensee at which it is wagered.

"Gaming chip" is defined in N.J.A.C. 19:46-1.1.

"Gaming day" is defined in N.J.A.C. 19:45-1.1A.

"Gaming guide" is defined in N.J.A.C. 19:47-8.5.

"Gaming plaque" is defined in N.J.A.C. 19:46-1.4.

"Hard count room" is defined in N.J.A.C. 19:45-1.32.

"Hopper" is defined in N.J.A.C. 19:45-1.36.

"Hub facility" is defined in N.J.A.C. 19:55-1.1.

"Interested person" means any person whose specific legal rights, duties, obligations, privileges, benefits or other specific legal relations are affected by the adoption, amendment or repeal of a specific regulation or by any decision, order or ruling of the Commission.

"Location number" means the unique number assigned to each site on a casino floor or in a casino simulcasting facility that contains the following: a pit and each table game located therein, a slot machine and any bill changer attached thereto or incorporated therein, an automated coupon redemption machine, a credit voucher machine or a self-service pari-mutuel machine.

"Logic board serial number" means a number assigned to a logic board by a casino licensee or its agent for identification and control purposes, which number shall correspond to the manufacturer's serial number of the slot machine in which the logic board is installed and shall be permanently imprinted, impressed, affixed or engraved on the logic board.

"Machine denomination equivalent" is defined in N.J.A.C. 19:45-1.37.

"Manufacturer's serial number" means a unique number permanently assigned to a slot machine by a slot machine manufacturer for identification and control purposes, which number shall be affixed to the outside of the slot machine cabinet in a location as approved by the Commission.

"MIS department manager" is defined in N.J.A.C. 19:45-1.11(b)3.

"Non-value chip" is defined in N.J.A.C. 19:46-1.1B.

"On a daily basis" means something which occurs or is performed each gaming day.

"Operation certificate" means a certificate issued by the Commission which certifies that operation of a casino and, if applicable, of a casino simulcasting facility conforms to the requirements of the Act and applicable regulations.

"Pari-mutuel ticket" is defined in N.J.A.C. 19:55-1.1.

"Pari-mutuel window" is defined in N.J.A.C. 19:45-1.14A(b)1.

"Payout-only jackpot meter" and "payout-only win meter" are defined in N.J.A.C. 19:45-1.37.

"Payout-only slot machine hopper" or "payout-only hopper" is defined in N.J.A.C. 19:45-1.36.

"Physical connection" for the purposes herein means an enclosed permanent pedestrian passageway. In no event shall the main entrance or only access to an approved hotel be through a casino.

"Pit" means the area enclosed or encircled by the arrangement of gaming tables in which casino personnel administer and supervise the games played at the tables by the patrons located on the outside perimeter of the area.

"Prize token" is defined in N.J.A.C. 19:46-1.33.

"Public area" means the areas in each casino and casino simulcasting facility that are open to the public in accordance with a casino licensee's internal controls.

"Regulation" or "rule" means the regulation adopted by the Commission pursuant to the Act.

"Restricted areas" or "restricted casino areas" means the cashiers' cage, the soft count room, the hard count room, the slot booths and runway areas, the interior of table game pits, the surveillance room and catwalk areas, the slot machine repair room, the simulcast counter, the specific areas designated and approved pursuant to N.J.S.A. 5:12-100b for the possession and maintenance of gaming equipment (such as computers) that supports the conduct of gaming in the casino or casino simulcasting facility, the areas used for storing or destroying dice or cards, any additional area that a casino licensee designates as restricted in its internal controls, and any other area specifically designated by the Commission as restricted elsewhere in the rules of the Commission or in a particular casino licensee's operation certificate.

"Restricted brewery authorization" is defined in N.J.A.C. 19:50-1.4A.

"Satellite cage" is defined in N.J.A.C. 19:45-1.14.

"Security podium" is defined in N.J.A.C. 19:41-1.4(g)5.

"Simulcast counter" is defined in N.J.A.C. 19:45-1.14A(c).

"Simulcast horse race" is defined in N.J.A.C. 19:55-1.1.

"Simulcast payout" means the money paid to a patron in exchange for a credit voucher or a winning, canceled or refunded pari-mutuel ticket.

"Slot department manager" is defined in N.J.A.C. 19:45-1.11(b)4 and 1.12(h)5.

"Slot token" is defined in N.J.A.C. 19:46-1.33.

"Slot zone" means a specified area on a casino floor that contains one or more slot machines.

"Slug" means any object, excluding coin appropriately used to activate play and foreign slot tokens, that is found in a slot machine hopper, slot drop bucket or slot drop box and that is not approved pursuant to N.J.A.C. 19:46-1.33.

"Soft count room" is defined in N.J.A.C. 19:45-1.32.

"Value chip" is defined in N.J.A.C. 19:46-1.1A.

"Zone letter" or "zone number" means the unique alpha or numeric designation assigned to each slot zone.

Amended by R.1984 d.454, effective September 26, 1984.

See: 16 N.J.R. 2259(a), 2832(a).

Definitions substantially amended.

Amended by R.1987 d.302, effective July 20, 1987.

See: 18 N.J.R. 2005(a), 19 N.J.R. 1321(a).

Added text to definition "Slot machines".

Amended by R.1988 d.34, effective January 19, 1988.

See: 19 N.J.R. 1890(a), 20 N.J.R. 205(a).

Added definition "affiliate".

Amended by R.1989 d.187, effective April 3, 1989.

See: 20 N.J.R. 2644(a), 21 N.J.R. 933(b).

Definition of "junkt representative" expanded to include individuals who derive no compensation from their junket activities, other than complimentary.

Amended by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Changes to definitions of "authorized game", "casino employee", "casino hotel employee", "casino key employee", "casino service industry", "gross revenue" and "slot machine".

Notice of Receipt of Petition for Rulemaking.

See: 22 N.J.R. 1635(b).

Amended by R.1992 d.110, effective March 2, 1992.

See: 23 N.J.R. 3243(a), 24 N.J.R. 858(c).

Added new definitions for "gaming day" and "on a daily basis".

Amended by R.1992 d.474, effective December 7, 1992.

See: 24 N.J.R. 3223(a), 24 N.J.R. 4417(a).

Added to definition of "authorized game" statutory reference to N.J.S.A. 5:12-5, added games of minibaccarat, red dog, pai gow and sic bo.

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

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

Definitions amended: authorized game, casino employee, casino key employee, casino service industry; definitions added: casino simulcasting, casino simulcasting facility, hub facility, pari-mutuel ticket, pari-mutuel window, satellite cage, simulcast counter, simulcast horse race, simulcast payout.

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.65, effective February 7, 1994.

See: 25 N.J.R. 5114(a), 26 N.J.R. 826(a).

Amended by R.1994 d.304, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Amended by R.1994 d.423, effective August 15, 1994.

See: 26 N.J.R. 1620(a), 26 N.J.R. 3465(a).

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.285, effective June 5, 1995.

See: 26 N.J.R. 2218(a), 27 N.J.R. 2254(a).

Amended by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Amended by R.1995 d.430, effective August 7, 1995.

See: 27 N.J.R. 1767(b), 27 N.J.R. 2967(a).

Amended "Casino check" definition.

Amended by R.1995 d.620, effective December 4, 1995.

See: 27 N.J.R. 3307(a), 27 N.J.R. 4909(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.122, effective March 4, 1996.

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

Amended by R.1996 d.314, effective July 15, 1996.

See: 28 N.J.R. 1612(a), 28 N.J.R. 3622(a).

Amended by R.1996 d.350, effective August 5, 1996.

See: 28 N.J.R. 2348(a), 28 N.J.R. 3816(a).

Amended by R.1996 d.439, effective September 16, 1996.

See: 28 N.J.R. 2809(a), 28 N.J.R. 4236(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), added "Gaming Chip", "Gaming Plaque", "Non-value chip", "Value chip".

Amended by R.1997 d.447, effective October 20, 1997.

See: 29 N.J.R. 2811(a), 29 N.J.R. 4560(a).

In (b), inserted "Count room supervisor".

Amended by R.1997 d.460, effective November 3, 1997.

See: 29 N.J.R. 3706(a), 29 N.J.R. 4715(b).

In (b), added "Restricted brewery authorization".

Amended by R.1998 d.18, effective January 5, 1998.

See: 29 N.J.R. 3432(b), 30 N.J.R. 112(b).

Amended (b) and inserted new term "authorized game" or "authorized gambling game."

19:40-1.3 Construction and amendments

(a) These rules shall be construed in accordance with generally accepted principles of statutory construction, including those set forth in N.J.S.A. 1:1-1 et seq.

(b) These rules shall be liberally construed to permit the Commission and the Division to effectively carry out their respective statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.

(c) Nothing contained in these rules shall be so construed as to conflict with any provision of the New Jersey Casino Control Act or any other applicable statute.

(d) In special cases and for good cause shown, the Commission may relax or permit deviations from these rules.

(e) These rules may be amended by the Commission from time to time in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

(f) Whenever any provision of these rules requires that an act or event occur on a specified day or date, and such day or date falls upon a Saturday, Sunday or legal holiday, such provision shall be construed to refer to the next business day immediately following such day or date.

(g) Pursuant to N.J.S.A. 5:12-69(e), the Commission may authorize the temporary adoption, amendment or repeal of any rule concerning the conduct of gaming or simulcast wagering, the use or design of gaming or simulcast wagering equipment or the internal procedures and administrative and accounting controls required by N.J.S.A. 5:12-99 for a period not to exceed 270 days, for the purpose of determining whether such rules should be adopted on a permanent basis. Any interested person may file a petition for temporary rulemaking with the Commission in accordance with N.J.A.C. 19:40-3.6.

1. The Commission shall file notice of any temporary rulemaking with the Office of Administrative Law for publication in the New Jersey Register at least seven days prior to initiation of the experiment, and shall prominently post such notice in each casino participating in the experiment.

2. The Commission shall post the text of any temporary rule in each casino participating in the experiment and shall make copies of such text available upon request to the Commission.

Amended by R.1982 d.254, effective August 2, 1982, operative September 15, 1982.

See: 14 N.J.R. 558(b), 14 N.J.R. 841(a).

Added (f).

Amended by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

(f) deleted, new (f) and (g) added concerning dates of rules and temporary rulemaking.

Amended by R.1994 d.461, effective September 6, 1994.

See: 26 N.J.R. 2564(a), 26 N.J.R. 3746(a).

Amended by R.1996 d.351, effective August 5, 1996.

See: 28 N.J.R. 2349(a), 28 N.J.R. 3817(a).

19:40-1.4 Words and terms; tense, number and gender

(a) In construing the provisions of these rules and regulations, except when otherwise plainly declared or clearly apparent from the context:

1. Words in the present tense shall include the future tense.

2. Words in the masculine shall include the feminine and neuter genders.

3. Words in the singular shall include the plural and the plural shall include the singular.

19:40-1.5 Severability and preemption

(a) If any clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion of these rules or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these rules or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

(b) Notwithstanding the provisions of any other law to the contrary, no local government unit of this State may enact or enforce any ordinance or resolution conflicting with any provision of the Act or of these rules or with any policy of this State expressed or implied herein, whether by exclusion or inclusion. The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the Act and these rules.

Recodified from 19:40-1.12 by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

The following annotations pertain to the rule formerly at this cite:

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Deleted old (e) and substituted new therefor.

19:40-1.6 Practice where regulations do not govern

In any matter not governed by these rules and regulations, the Commission or the Division shall exercise its discretion so as to carry out the purposes of the Act.

Recodified from 19:40-1.13 by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-2.2.

The following annotation pertains to the rule formerly at this cite:

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

(b) amended.

Administrative Correction.

See: 26 N.J.R. 4788(a).

19:40-1.7 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Section substantially amended.

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-2.4.

19:40-1.8 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-2.1.

19:40-1.9 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Addresses changed.

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-3.1.

19:40-1.10 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Section substantially amended.

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-3.2.

19:40-1.11 (Reserved)

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-3.3.

19:40-1.12 (Reserved)

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-1.5.

19:40-1.13 (Reserved)

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-1.6.

SUBCHAPTER 2. ORGANIZATION AND OPERATION OF THE COMMISSION

19:40-2.1 Organization

(a) The Commission consists of five members appointed by the Governor with the advice and consent of the Senate.

(b) The officers of the Commission shall include a Chair and a Vice-chair who shall be members of the Commission, and an Executive Secretary who shall not be a member of the Commission.

1. The Chair, as chief executive officer of the Commission, shall schedule and preside at all meetings of the Commission; shall appoint the members of the Commission to such committees as the Commission may, from time to time, establish; shall have the authority to accept for filing all applications; shall have the authority to incur on behalf of the Commission such expenses as the Commission shall have approved in its operating budget; shall have general supervision, direction and control of the affairs of the Commission; and shall perform such other duties as are incidental to the office and as may be assigned, from time to time, by the Commission.

2. The Vice-chair shall be elected annually at the organizational meeting of the Commission by a majority of the full Commission. The Vice-chair shall be a member of the Commission other than the Chair. He or she shall possess such powers and shall perform such duties as may be assigned, from time to time, by the Commission. In the absence or inability of the Chair to serve or in the event of a vacancy in the office of Chair, the Vice-chair shall be empowered to carry out all of the responsibilities of the Chair.

3. The Executive Secretary shall be appointed by the Commission and shall serve at the pleasure of the Commission. Under the supervision of the Chair, the Executive Secretary shall act as the Chief of Staff of the Commission; be responsible for the conduct of the operational and administrative affairs of the Commission and shall have custody of the Commission's seal and its official records. The Executive Secretary shall keep a record of the proceedings at all meetings of the Commission in a minute book and a resolution book or both, to be kept for the purpose, which shall be open at all reasonable times to inspection by any member of the Commission. He or she shall cause a verbatim transcript to be made of the public meetings of Commission, according to law. He or she shall affix the seal of the Commission to all papers authorized to be executed by the Commission requiring such seal to be affixed. He or she shall cause copies to be made of the verbatim transcript of the public meetings,

and of all minutes, resolutions and other records and shall cause such copies to be filed with the appropriate authorities according to law. He or she shall give certificates under the seal of the Commission to the effect that such copies are true copies and all persons dealing with the Commission may rely on such certificates. He or she shall perform such other duties as are incident to his or her office or as may be assigned, from time to time, by the Commission or by the Chair.

(c) The Commission's staff shall be comprised of the divisions and offices set forth below. Each division and office shall be organized into such operational units, and each unit shall have such assigned positions, as the Chair shall direct.

1. The Office of Administrative Services shall provide the personnel, budget, data processing and administrative services necessary for the operation of the Commission; maintain the official records of the Commission and a record of all Commission proceedings; and serve as the central filing location for petitions and submissions submitted to the Commission.

2. The Division of Financial Evaluation shall conduct casino gross revenue audits, analyze the financial position and operating performance of licensees, and assess and collect fees and gross revenue taxes.

19:40-6.7 Grievance form

The following form may be utilized for the submission of a grievance pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: _____

Name of grievant: _____

Address of grievant: _____

Telephone number of grievant: _____

Name, address and telephone number of alternate contact person:

Agency alleged to have denied access:

Department: _____

Division: _____

Bureau or office: _____

Location: _____

Incident or barrier: _____

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:40-6.4.

19:40-6.8 Investigation

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the grievance if practicable or unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.