

SUBCHAPTER 9. ADJOURNMENTS; INACTIVE LIST

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

(a) An applicant or respondent who is currently being prosecuted for or charged with an offense that is enumerated in N.J.S.A. 5:12-86c may move to place the case on the inactive list pursuant to N.J.S.A. 5:12-86d. Any such motion shall be processed in accordance with the provisions of N.J.A.C. 1:1-9.7 except that the judge shall, in all cases, grant the motion if the applicant or respondent establishes the existence of such prosecution or pending charge.

(b) An applicant or respondent whose case has been placed on the inactive list pursuant to this section shall notify the judge within 10 days of the disposition of the charge that was the basis for the deferral. Any applicant or respondent who fails to comply with the notice requirements of this subsection shall be deemed to have withdrawn his or her request for a hearing pursuant to N.J.A.C. 1:1-19.2. Unless the applicant or respondent submits to the Casino Control Commission (Commission) a satisfactory written explanation for his or her failure within 20 days of the date of disposition, the Commission may take final action on the case pursuant to N.J.A.C. 19:42A-2.5.

(c) Any case placed on the inactive list pursuant to this section shall be returned to active status by the judge assigned to the case immediately upon:

1. The receipt of notice from the applicant or respondent pursuant to (b) above; or
2. The expiration of the deferral period established by the judge pursuant to N.J.A.C. 1:1-9.7(a)1.

(d) Notwithstanding (c)2 above and N.J.A.C. 1:1-9.7(a)3, a judge shall continue the inactive status of a case placed on the inactive list pursuant to (a) above if the applicant or respondent demonstrates that:

1. The prosecution or charge remains pending; and
2. The failure to achieve disposition has not been caused by any action or inaction of his or her part.

Amended by R.2015 d.142, effective September 8, 2015.
See: 47 N.J.R. 567(a), 47 N.J.R. 2263(a).
In (b), updated the second N.J.A.C. reference.

1:19-9.2 Adjournments

(a) An application for the adjournment of a proceeding scheduled to be heard directly by the Casino Control Commission (Commission) or by a member of the Commission shall be made to the Commission clerk or representative designated in the scheduling notice; provided, however, that the adjournment of a hearing may only be approved by the judge. An application for adjournment of a matter transmitted

to the Office of Administrative Law shall proceed pursuant to N.J.A.C. 1:1-9.6.

(b) The conduct of voluntary settlement negotiations shall not be considered sufficient grounds for the issuance of an adjournment.

SUBCHAPTER 10. DISCOVERY

1:19-10.1 Time for discovery

(a) Each party to a contested case shall provide, at a minimum, the following discovery to each other party either personally or by ordinary mail:

1. A copy of any document which the party intends to introduce at the hearing;
2. The qualifications of any expert witness which the party intends to call at the hearing and a copy of any reports prepared by the witness or a summary of the testimony that the witness will offer.

SUBCHAPTERS 11 THROUGH 12. (RESERVED)

SUBCHAPTER 13. PREHEARING CONFERENCES AND PROCEDURES

1:19-13.1 Conduct of prehearing conference by a designated representative of the Casino Control Commission

(a) If a matter will be heard by the Casino Control Commission (Commission), prior to the transmission of a contested case to a hearing commissioner, the chair may designate a representative to conduct any prehearing conference proceedings authorized by N.J.A.C. 1:1-13.

(b) If, pursuant to (a) above, a representative of the chair is designated to conduct a prehearing conference, the designated representative shall issue a prehearing memorandum in accordance with the requirements of N.J.A.C. 1:1-13.2 and such memorandum shall have the same force and effect as a prehearing order issued by a judge.

(c) Settlements reached at a prehearing conference scheduled pursuant to (a) above shall be submitted to the Commission for disposition pursuant to N.J.A.C. 19:42A-3.2(b).

Amended by R.2015 d.142, effective September 8, 2015.
See: 47 N.J.R. 567(a), 47 N.J.R. 2263(a).
In (c), updated the N.J.A.C. reference.

SUBCHAPTER 14. CONDUCT OF CONTESTED CASES

1:19-14.1 Rules concerning all contested cases

(a) In addition to any authority granted in the Uniform Administrative Procedure Rules (UAPR), N.J.A.C. 1:1, the judge shall have the authority to:

1. Administer oaths and to require testimony under oath, pursuant to N.J.S.A. 5:12-107.a(3);
2. Serve process either personally or by certified mail and serve notices by certified mail, pursuant to N.J.S.A. 5:12-108;
3. Issue subpoenas and compel the attendance of witnesses at any place within this State, pursuant to N.J.S.A. 5:12-107.f and 5:12-108.f;
4. Take official notice of any generally accepted information or technical or scientific matter in the field of gaming and of other fact which may be judicially noticed by the courts of this State, pursuant to N.J.S.A. 5:12-107(b); and
5. Permit the filing of amended or supplemental pleadings, pursuant to N.J.S.A. 5:12-107(b).

(b) In addition to any rights granted in the UAPR, the parties shall have the right to:

1. Call and examine witnesses, pursuant to N.J.S.A. 5:12-107(a)4;
2. Introduce exhibits relevant to the issues of the case, including the transcript of the testimony at any investigative hearing conducted by or on behalf of the Casino Control Commission (Commission), pursuant to N.J.S.A. 5:12-107(a)4;
3. Cross-examine opposing witnesses in any matters relevant to the issue of the case, pursuant to N.J.S.A. 5:12-107(a)4;
4. Impeach any witness, regardless of which party called him to testify pursuant to N.J.S.A. 5:12-107(a)4;

5. Offer rebuttal evidence, pursuant to N.J.S.A. 5:12-107(a)4; and

6. Stipulate and agree that certain specified evidence may be admitted although such evidence may be otherwise subject to objection, pursuant to N.J.S.A. 5:12-107(a)(7).

(c) In any contested case, the Commission shall have the authority to:

1. Grant testimonial immunity, pursuant to N.J.S.A. 52:12-107.g; and
2. Order a rehearing, pursuant to N.J.S.A. 52:12-107(d); and
3. Certify contempt for punishment by the Superior Court, pursuant to N.J.S.A. 5:12-107(c).

Amended by R.2015 d.142, effective September 8, 2015.

See: 47 N.J.R. 567(a), 47 N.J.R. 2263(a).

Rewrote (a) and (c).

SUBCHAPTER 15. EVIDENCE RULES

1:19-15.1 Special evidence rules

(a) The following special rules of evidence shall apply:

1. Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters, pursuant to N.J.S.A. 5:12-107.a(6);
2. Evidence admitted pursuant to (a)1 above shall be sufficient in itself to support a finding, pursuant to N.J.S.A. 5:12-70.b and 107.a(6); and
3. If an applicant, licensee, registrant or person who shall be qualified pursuant to the Casino Control Act is a party and if such party shall not testify in his own behalf, he may be called and examined as if under cross-examination, pursuant to N.J.S.A. 5:12-107a(5).

Amended by R.2015 d.142, effective September 8, 2015.

See: 47 N.J.R. 567(a), 47 N.J.R. 2263(a).

In (a)1, updated the N.J.S.A. reference; and in (a)2, updated the first N.J.S.A. reference.