

## **SUBCHAPTER 2. ORGANIZATION AND OPERATION OF THE COMMISSION**

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### **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. The Commission may, in its discretion, appoint its General Counsel or such other qualified member of the staff to serve as and perform the duties of the Executive Secretary. Under the supervision of the Chair, the Executive Secretary shall be responsible for the conduct of the 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 Division of Administration shall provide the personnel, budget, data processing and administrative services necessary for the operation of the Commission; and serve as the central filing location for petitions and submissions to the Commission.

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

3. The Division of Licensing shall process and review casino, casino key employee, casino employee, and junket representative license applications and renewals, hotel registrations and Employee License Internal Control Submissions; monitor the business relationships between ancillary industries and casino licensees and casino applicants; process gaming, non-gaming and junket-related casino service industry license applications and renewals, Vendor Registration Forms and Internal Control Submissions for Purchasing and Disbursing; and review all facility related matters which affect a casino licensee and casino hotel alcoholic beverage related matters.

4. The Division of Compliance shall review and evaluate petitions and submissions related to accounting and internal controls, gaming equipment and rules of the games; monitor compliance with regulations regarding accounting and internal controls, gaming equipment and rules of the games; and, in conjunction with the Legal Division, receive and process patron complaints.

5. The Legal Division shall, under the direction of the General Counsel, render legal advice to the Chair, the Commission and the Commission's staff concerning all matters arising under the Act and the Commission's regulations; represent the Commission in litigation; process contested case matters; oversee Commission rulemaking; receive and process patron complaints in conjunction with the Compliance Division; oversee the conduct of Commission meetings and hearings; and, if the General Counsel is serving as Executive Secretary, maintain the official records of the Commission and a record of all Commission proceedings.

6. The Office of the Commissioners shall consist of the following:

- i. The Chair, Vice-chair, Commissioners and their Secretarial and Executive Assistants;

ii. The Office of the Chief of Staff, which shall be responsible for the dissemination of information to the media and the public; act as liaison to the community, other governmental entities and departments and the State Legislature; monitor and promote compliance by casino licensees, casino service industries and construction industries with State equal employment opportunity requirements; direct strategic planning, agency-wide policy development and the implementation of plans and policies; and shall be responsible for the conduct of the operational affairs of the Commission;

iii. The Office of the Executive Secretary and his or her support staff; and

iv. The Equal Employment Opportunity and Affirmative Action Officer, who shall have overall responsibility for the Commission's affirmative action and equal employment opportunity program.

(d) The Chair, the Division Directors, the General Counsel, the Chief of Staff, the Executive Secretary, the Public Information Officer and the Equal Employment Opportunity and Affirmative Action Officer shall constitute the management advisory team of the Commission, and shall execute general Commission policies as established by the Commission.

As amended, effective: 11/26/90

As amended, effective: 03/06/92

As amended, effective: 09/18/92

As amended, effective: 06/18/93

As amended, effective: 07/22/93

As amended, effective: 01/11/94

As amended, effective: 05/03/99

As amended, effective: 04/28/00

As amended, effective: 10/06/05

### **19:40-2.2 Meetings**

(a) Regular meetings of the Commission shall be held at least once per month on such dates and at such times and places as the Chair or the

Commission shall establish.

(b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Chair or the Commission may deem convenient. Special meetings of the Commission may be called at the discretion of the Chair; but the Chair shall call a special meeting at the request of any three members of the Commission.

(c) The annual reorganizational meeting of the Commission shall be the first meeting of the Commission in January of each year.

(d) All meetings of the Commission shall be in compliance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:46 et seq.).

(e) The Commission may prepare an agenda describing the order of business for public meetings, which agenda shall include, but not be limited to:

1. Presiding officer's statement of compliance with the New Jersey Open Public Meetings Act, N.J.S.A. 10:46 et seq.;

2. Roll call;

3. Ratification of the minutes of prior meetings;

4. Consideration of applications for licenses;

5. Consideration of complaints against licensees;

6. Consideration of petitions for Commission action or approval;

and

7. Questions and comments from the public.

### **19:40-2.3 Quorum; votes**

(a) A majority of the full Commission shall constitute a quorum at any meeting of the Commission.

(b) The vote on any matter before the Commission shall be taken in a manner to be determined by the Commission. The names of the members voting for or against or abstaining shall be entered in the minutes of the meeting.

#### **19:40-2.4 Resolutions and minutes**

(a) The records of the Commission shall include a minute book and a resolution book. The vote on any matter before the Commission shall be set forth in the minutes in accordance with the requirements of (b) below. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in accordance with the requirements of (c) below and shall be recorded in the resolution book.

(b) Every vote of the Commission recorded in the minutes shall include the following information:

1. The substance of the matter considered;
2. The vote of the Commission, including the names of any commissioners dissenting or abstaining;
3. If appropriate, reference to the existence of a formal resolution concerning the matter; and
4. Certification by the Executive Secretary.

(c) Every formal resolution of the Commission shall include the following information:

1. A concise statement of the issues presented and the relevant procedural history;
2. The precise statutory authority for the action taken;
3. A precise statement of the action taken by the Commission, including any terms or conditions attached thereto; and
4. Certification by the Executive Secretary.

#### **19:40-2.5 Delegation of Commission authority**

(a) The Commission may, in its discretion and where permitted by law,

delegate its authority to perform any of its functions under the Act or this title to a member or members of its staff. Except as provided in (d) below, such action shall for all purposes be deemed the final action of the Commission, without approval, ratification or other further action by the Commission.

(b) Any delegation of Commission authority shall be effected through the adoption of a formal resolution at a public meeting of the Commission. Such resolution shall specify the following, without limitation:

1. The specific authority delegated;
2. The member or members of the Commission's staff to whom such authority is delegated; and
3. Any limitations or conditions imposed on the authority delegated.

(c) All delegations of authority made pursuant to this section shall remain in effect indefinitely, unless otherwise specified in the implementing resolution. Any delegation of authority previously approved by the Commission may be revoked or modified by the Commission through the adoption of a subsequent formal resolution. All previous delegations of authority shall be reviewed by the full Commission, concurrent with each readoption of this chapter, to determine whether each delegation should be retained.

(d) Any determination by the Commission staff pursuant to delegated authority shall be presented for review by the full Commission, upon timely request by the Division or any party adversely affected by such determination. Such request shall be in writing, and must be received by the Commission within three days after the date of such determination. No determination by the Commission staff pursuant to delegated authority shall be deemed final until all parties have been afforded an opportunity for review in accordance with this subsection.

(e) Notwithstanding any other provision of this section, any matter which has otherwise been delegated to the Commission staff may alternatively be presented to and determined by the full Commission on its own motion or at

the discretion of the Chair, or upon the request of the Commission staff.

(f) The use of the term "Commission," "Chair," "Chairman," "Commissioner," or "member" in this title shall not be interpreted to preclude any delegation of authority to the Commission staff in accordance with this section.

(g) Whenever any provision of these regulations requires that a party provide notice to or file any application, petition or other submission with the Commission or Chair, the Commission shall provide written notice to such party, designating any member or members of its staff authorized to accept such notice or filings on behalf of the Commission or Chair.

Effective: 10/19/92

#### **19:40-2.6 Post-employment restrictions**

(a) For purposes of this section, a "policy-making management position" means:

1. For the Commission, the Executive Secretary; the Chief of Staff; a Director of any Division; the General Counsel; the Public Information Officer; the Equal Employment Opportunity and Affirmative Action Officer; and any other person designated to serve on the Commission's management advisory team; and

2. For the Division, the Director; the Deputy Director; the Executive in Charge of Investigations; the Attorney Administrator, Licensing Prosecution Bureau; the Attorney Administrator, Regulatory Prosecution Bureau; the Agent Administrator, Licensing Investigations; and the Agent Administrator, Regulatory Enforcement.

(b) No employee of the Commission or employee or agent of the Division shall solicit or accept employment with, or acquire any direct or indirect interest in, any person who is an applicant, licensee or registrant with the Commission for a period of two years from the date of termination of his or her

employment with the Commission or Division. Notwithstanding the foregoing:

1. A secretarial or clerical employee may solicit and accept such employment at any time after termination of employment with the Commission or the Division;

2. Any employee, other than a person subject to (c) below, who is terminated as the result of a reduction in workforce at the Commission or the Division may accept employment otherwise prohibited by this subsection upon application to and the approval of the Commission pursuant to (d) and (e) below;

3. Nothing in this section shall prohibit a former employee of the Commission or a former employee or agent of the Division from soliciting or accepting employment with, or acquiring an interest in, any person who is licensed as a casino service industry enterprise pursuant to subsection 92c of the Act or is an applicant for such licensure.

(c) At the end of two years from termination of employment, and for a period of two years thereafter, any person who held a policy-making management position with the Commission or Division at any time during the five years prior to termination of employment shall not:

1. Solicit employment with an applicant, licensee or registrant unless he or she has provided prior written notice of an intent to solicit such employment to the Commission's General Counsel; or

2. Accept or commence employment with, or acquire an interest in, an applicant, licensee or registrant except upon application to and the approval of the Commission pursuant to (d) below for that particular employment or interest.

(d) A petition for waiver pursuant to (b)2 or (c) above shall be in writing and shall identify the following:

1. The applicant, licensee or registrant that has made an offer of employment, or in which the petitioner will acquire an interest;

2. The position to be held and the specific nature of the duties to

be performed for the applicant, licensee or registrant, or the nature of the interest to be acquired; and

3. Any positions held and the specific nature of the duties performed while employed by the Commission or Division.

(e) The Commission may grant a waiver upon a finding that the acceptance of the employment or the acquisition of the interest identified in the petition will not create the appearance of a conflict of interest or evidence a conflict of interest in fact.

(f) The Commission's General Counsel shall review each petition for waiver and supporting documentation and shall make a recommendation to the Commission, with copies to the Division and the petitioner, within 10 days of the receipt of a completed petition.

(g) Any waiver granted pursuant to (e) above shall apply only to the applicant, licensee or registrant and the position or interest identified in the petition for waiver. No person subject to post-employment restriction pursuant to (b)2 or (c) above shall accept or commence employment in any other position or with any other applicant, licensee or registrant, or acquire any other interest that is otherwise prohibited unless a waiver has been granted by the Commission for such employment or interest.

Adopted, effective: 06/21/93

As amended, effective: 07/17/95

As amended, effective: 05/03/99

As amended, effective: 10/06/05