

SUBCHAPTER 3. INFORMATION AND FILINGS

19:40-3.1 Offices; hours

19:40-3.2 Official records; fees for copies

19:40-3.3 Communications; notices

19:40-3.4 Public information office

19:40-3.5 Filing of petitions and applications

19:40-3.6 Petitions for rulemaking

19:40-3.7 Declaratory rulings

19:40-3.1 Offices; hours

(a) The main offices of the Commission are located at:

Arcade Building

Tennessee Avenue and the Boardwalk

Atlantic City, N.J. 08401

(b) The offices of the Commission are open for the filing of papers and for other business (except public inspection of documents) from 9:00 A.M. to 5:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are open for public inspection of documents from 10:00 A.M. to 4:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are closed on legal holidays.

(c) The offices of the Division of Gaming Enforcement are located at:

1. 140 East Front Street
CN-047
Trenton, NJ 08625; and
2. 1601 Atlantic Avenue
CN-047
Atlantic City, NJ 08401

As amended, effective: 02/05/96

As amended, effective: 11/06/97

19:40-3.2 Official records; fees for copies

(a) No original official record of the Commission shall be released from the custody of the Commission except upon express direction of the Chair or the Executive Secretary, or upon the order of a court of competent jurisdiction.

(b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in N.J.A.C. 19:403.1 upon the payment of appropriate fees.

(c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or the Division or from other sources, information of any kind which is not made available by proper authority.

(d) No application, petition, notice, report, document or other paper will be accepted for filing by the Chair and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.

(e) Any person may subscribe to the Commission's meeting notices, minutes, or notices of rulemaking by written request accompanied by a check or money order in accordance with the subscription rates established by the Commission. All subscriptions shall be on a calendar year basis only, and rates for subscriptions commencing during a calendar year will be prorated accordingly. At the discretion of the Commission, no payment may be required when the request is made by the governor of the State of New Jersey or by a member of the Legislature or by any newspaper, television station or radio station regularly serving New Jersey.

(f) Except as provided in (g) below, copies of official records of the Commission which are required by law to be made available for public

inspection shall be made available according to the following fee schedule:

1. First page to 10th page: \$.75 per page;
2. Eleventh page to 20th page: \$.50 per page;
3. All pages over 20: \$.25 per page;

(g) Copies of the following documents may be obtained upon payment of the appropriate fee, as follows:

1. Casino Control Act, N.J.S.A. 5:12-1 et seq.: \$26.75;
2. Casino Control Commission Annual Report: No charge;
3. Monthly, quarterly and annual reports for all casino licensees: \$440.00 per year;
4. Monthly reports for all casino licensees: \$55.00 per year;
5. Quarterly reports:
 - i. For all casino licensees : \$270.00 per year; and
 - ii. For one casino licensee: \$7.50 per report; and
6. Annual reports:
 - i. For all casino licensees: \$120.00 per year; and
 - ii. For one casino licensee: \$10.00 per report.

h) All checks for payment of fees, deposits and charges shall be made payable to the order of the "Casino Control Fund" and delivered or mailed to the main office of the Commission.

As amended, effective: 03/18/96

As amended, effective: 10/06/97

19:40-3.3 Communications; notices

(a) Except as otherwise provided by the rules of the Commission, all papers, process or correspondence relating to the Commission should be addressed to or served upon the New Jersey Casino Control Commission at the Commission's main office. All papers, process or correspondence relating to the Division should be addressed to or served upon the Division of Gaming

Enforcement at the Division's main office.

(b) All such papers, process or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission or the Division as the case may be, but a Commissioner or such individual members of the Commission's staff as the Chair may designate, or the Director or such individual staff members of the Division's staff as the Director may designate, may in his or her discretion receive papers or correspondence or accept service of process.

(c) Except as otherwise specifically provided by law or Commission regulations, notices and other communications from the Commission or Division will be sent to an applicant, licensee or registrant by either ordinary mail or certified mail to the address shown in the most recent application or change of address notice received from such person; or, in the case of a casino licensee, by depositing such notices and other communications in the appropriate mail slot designated for each casino licensee in the Commission mailroom. Such notices and communications will be available for pickup by casino licensees from 9:00 a.m. to 5:00 p.m. in the Commission mailroom located at:

Arcade Building, 1st Floor
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401

(d) Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mails, or upon their deposit in the Commission mailroom in the designated mail slot for each casino licensee , and the time specified in any such notice shall commence to run from that date.

(e) Any applicant, licensee or registrant who desires to have notices or other communications mailed to an address other than that specified in the application shall file with the Commission and the Division a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant, licensee or registrant at such address.

(f) An applicant, licensee or registrant will be addressed under the name and style designated in the application, and separate notices or communications will not be sent to individuals named in such application unless a specific request for that purpose is filed with the Commission and the Division. In the absence of such a specific request, a notice addressed under the name or style designated in the application shall be deemed to be notice to all individuals named in such application.

(g) Applicants, licensees and registrants shall immediately notify the Commission and the Division of any change of address, and shall specifically request that all notices or other communications be sent to the new address.

As amended, effective: 01/18/94

As amended, effective: 05/02/94

19:40-3.4 Public information office

(a) Requests for information regarding the Casino Control Commission may be directed to:

Casino Control Commission
Public Information Office
Arcade Building
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401

(b) Access to information and data furnished to or obtained by the Commission or Division from any source is subject to the provisions of N.J.S.A. 5:12-74(d) and (e) and N.J.A.C. 19:40-4.

As amended, effective: 10/06/97

19:40-3.5 Filing of petitions and applications

(a) Petitions of formal action by the Commission should be mailed to:

Casino Control Commission
Division of Administration
Document Control Unit
Arcade Building, 1st Floor
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401

(b) Applications for the issuance or renewal of any license or registration required by the Act should be mailed to:

Casino Control Commission
Division of Administration
Document Control Unit
Arcade Building, 1st Floor
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401

(c) Applications for the issuance or renewal of employee and casino service industry licenses may be hand delivered to:

Casino Control Commission
Casino Employee License Information Unit
Arcade Building, 2nd Floor
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401

19:40-3.6 Petitions for rulemaking

(a) Any interested person may file a petition with the Commission for the adoption, amendment or repeal of any rule, pursuant to section 69(c) of the Act and N.J.S.A. 52:14B4(f). Such petition shall be in writing, be signed by the petitioner, and include the following information:

1. The name and address of the petitioner;
2. The substance or nature of the requested rulemaking;

3. The reasons for the request;
4. The specific legal rights, duties, obligations, privileges, benefits or other specific legal relations of the interested person which are affected by the requested rulemaking: and
5. Reference to the statutory authority under which the Commission may take the requested action.

(b) Any document submitted to the Commission which is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further action. Such document shall be returned to the petitioner with instructions as to the steps necessary to correct any defects or omissions in accordance with this section.

(c) Within 15 days of receipt of a petition in compliance with this section, the Commission shall file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register in compliance with N.J.A.C. 1:303.6(a).

(d) A petition for rulemaking shall be scheduled for consideration at a regularly scheduled public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.

(e) Within 30 days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition in compliance with N.J.A.C. 1:303.6(b), which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission's actions.

(f) In accordance with N.J.A.C. 1:303.6(c), Commission action on a petition for rulemaking may include:

1. Denial of the petition;
2. Filing a notice of proposed rule or a notice of a pre-proposal for a rule with the Office of Administrative Law; or

3. Referral of the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner and shall be submitted to the Office of Administrative Law for publication in the New Jersey Register.

19:40-3.7 Declaratory rulings

(a) Pursuant to N.J.S.A. 52:14B8, any interested person may request that the Commission render a declaratory ruling with respect to the applicability to any person, property or state of facts of any provision of the Act or of any Commission rule.

(b) A request for a declaratory ruling shall be initiated by a petition. The petition shall include the following items with specificity:

1. The nature of the request and the reasons therefor;
2. The facts and circumstances underlying the request;
3. Legal authority and argument in support of the request;
4. The remedy or result desired.

(c) If the Commission, in its discretion, decides to render a declaratory ruling, a hearing shall be afforded prior to the rendering of such a ruling.

1. Where there exists disputed issues of fact which must be resolved in order to determine the rights, duties, obligations, privileges, benefits or other legal relations of specific parties, such hearings shall be conducted in accordance with N.J.A.C. 19:422.

2. Where there exists no such disputed issues of fact as identified in (c)1 above, the matter shall proceed on the petition, any other papers requested of the parties, and oral argument, if permitted by the Commission.

(d) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the declaratory ruling. In such cases, the Commission may afford these persons an opportunity to intervene as parties or to otherwise present their views in an appropriate manner which is

consistent with the rights of the parties.

As adopted, effective: 09/05/95