

## **SUBCHAPTER 8. ADMINISTRATIVE REVIEW OF UNPAID FEES AND CIVIL PENALTIES**

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### **19:42-8.1 Commencement**

(a) The Commission may, on its motion, administratively review the issuance or renewal of any license, the registration of any person, the issuance of any order pursuant to N.J.A.C. 19:41-8.10 or 8.11, the acceptance of any application or the failure to pay any civil penalty where cause exists to question whether all required fees or civil penalties have been paid.

(b) The Commission shall initiate the administrative review by notifying any person who apparently has failed to pay a required fee or civil penalty that the Commission may impose the sanctions set forth in N.J.A.C. 19:41-9.3 unless the person attends or is represented at an administrative review conference conducted by the Commission.

(c) The notice scheduling an administrative review conference shall be served either by regular or certified mail, return receipt requested, or, in the case of an individual employed at a casino hotel, by personal service through a Commission inspector. The notice shall specify a date for the conference that is not earlier than 15 days after the date the notice is served and shall schedule a date subsequent to the date of the conference on which the Commission shall take further action pursuant to N.J.A.C. 19:41-9.3.

(d) The Division shall be given notice of the administrative review conference; however, the Division's attendance is not required nor necessary unless it objects to the proposed Commission action.

(e) Notwithstanding any other provision of this subchapter, the question of an outstanding fee or civil penalty may be consolidated with a contested case matter and scheduled for a hearing pursuant to N.J.A.C. 19:42-2.

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### **19:42-8.2 Repayment plans**

If, at any time after the administrative review is initiated, the person admits the debt but reasonably demonstrates that it cannot immediately pay in full, then the Commission may structure a repayment schedule consistent with the ability to pay. If the person agrees to the terms of the repayment schedule, further action in the administrative review shall be postponed in order to afford the person the opportunity to satisfy the terms of the repayment agreement. If a default occurs under a repayment agreement, the administrative review shall be reinstated; provided, however, that no further repayment plan shall be allowed unless the debtor demonstrates that extraordinary circumstances exist. The administrative review shall cease and the matter shall be closed once the Commission is satisfied that the person has fully complied with the terms of the repayment agreement.

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### **19:42-8.3 Administrative review conference**

(a) The administrative review conference is an informal proceeding designed to facilitate a fair, expeditious and orderly disposition of the Commission's administrative review of unpaid fees and civil penalties. Any

person that is notified to attend such a conference is required to appear and may be represented by counsel. If the person so notified is a corporation, it may appear without counsel provided it does so through one of its principals.

(b) Attendance at a scheduled administrative review conference is mandatory. The failure to attend such a conference shall constitute cause to dismiss immediately all applications, or suspend all licenses, registrations or permissions held, submitted by or granted to the person served with notice pursuant to N.J.A.C. 19:42-8.1.

(c) During the administrative review conference, the person required to attend the conference may present any information that would demonstrate that all required payments have been made.

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#### **19:42-8.4 Disposition of fee matters and civil penalties**

(a) If, after the administrative review is initiated, the Commission determines that no debt is owed, or the debtor pays the debt in full, the matter shall be closed.

(b) Any issues concerning a debt that are not resolved by an administrative review conference shall either proceed to a hearing before the Commission on the date specified in the notice served pursuant to N.J.A.C. 19:42-8.1(c) or be consolidated with a contested case, unless, prior to the Commission hearing the matter, the debt is paid in full or a repayment plan is accepted by the Commission.

(c) At any hearing held pursuant to this section or pursuant to N.J.A.C. 19:42-2, the Commission may impose the applicable sanctions set forth in N.J.A.C. 19:41-9.3 on any person who has failed to pay all required fees or civil penalties owed by that person.

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### **19:42-8.5 Restoration upon payment**

(a) Upon payment of any outstanding fee or civil penalty, the Commission shall reinstate any license, registration or permission administratively suspended pursuant to N.J.A.C. 19:41-9.3, or rescind any administrative order prohibiting employment or the conduct of business entered pursuant to N.J.A.C. 19:41-9.3.

(b) Any application that has been administratively dismissed shall be reactivated if, within 45 days of the dismissal, all outstanding amounts are paid. If full payment is received after the expiration of this 45 day period, the following application requirements shall apply:

1. If the dismissed application requested the issuance of an employee license or registration or a casino service industry license required by N.J.S.A. 5:12-92a, a new application shall be filed, including the payment of the appropriate fee set forth in N.J.A.C. 19:41-9; or

2. If the dismissed application requested the issuance of a casino service industry license required by N.J.S.A. 5:12-92c, business may be conducted with casino licensees and applicants upon the filing of a Vendor Registration Form or a Junket Enterprise Registration, as appropriate, in accordance with N.J.A.C. 19:43-10.4.

(c) An administrative suspension of any license in accordance with this subchapter shall not affect the term of such license, which shall expire on its stated expiration date.

(d) The Commission shall notify each casino licensee of any action that it has taken pursuant to N.J.A.C. 19:41-9.3 and this section and each casino

licensee, upon receiving such notice, shall comply with any Commission directions concerning any such actions.

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