

SUBCHAPTER 3. CONDUCT OF CONTESTED CASE HEARING

19:42A-3.1 Burden of proof

(a) An applicant or respondent shall have the affirmative obligation to establish by clear and convincing evidence satisfaction of the applicable affirmative standards set forth in the Act and rules of the Commission for licensure or individual qualification.

(b) The Division shall have the affirmative obligation to establish by a preponderance of the evidence the disqualification, pursuant to N.J.S.A. 5:12-86, of an applicant, licensee, or individual qualifier requested in accordance with N.J.A.C. 19:42A-2.2(a)1 or 2.

(c) The Division shall have the affirmative obligation to establish by a preponderance of the evidence the grounds for suspension of an applicant, licensee, or individual qualifier requested in accordance with N.J.A.C. 19:42A-2.2(a)3.

19:42A-3.2 Settlement prior to transmission

(a) If the parties agree to a settlement prior to transmission of the case to the Commission or its designated hearing examiner or the OAL, a written stipulation signed by all parties, and their representatives, shall be submitted to the Commission. The settlement shall be scheduled for disposition by the Commission at a public meeting at which the Commission shall:

1. Approve the settlement;
2. Approve the settlement as modified by the Commission with the consent of the parties;
3. Reject the settlement and remand the contested case to be scheduled for further proceedings; or
4. Take such action as the Commission deems appropriate.

(b) Settlements reached at a prehearing conference scheduled pursuant to N.J.A.C. 1:19-13.1 shall be submitted to the Commission for disposition pursuant to (a) above.

19:42A-3.3 Wage executions

(a) The Commission may condition the granting or retention of a casino key employee license or the granting of a petition pursuant to N.J.A.C. 13:69A-8.9 or 8.10 upon compliance with a court order or a consent agreement with the Division pursuant to which a portion of the applicant's, licensee's, or petitioner's wages will be withheld as an installment payment against a financial obligation owed or secured, directly or indirectly, to the State of New Jersey or any subdivision thereof or other governmental entity.

(b) Any individual who is subject to a Commission order pursuant to (a) above shall:

1. Submit a copy of the Commission order and the relevant court order or consent agreement to his or her current casino employer and to any future casino employer until the obligation is paid in full; and

2. Notify the Commission and the Division when the terms of the court order or consent agreement have been satisfied, including evidence that the obligation has been paid in full. Such notice shall be directed to the Commission's Document Control Unit at the address specified in N.J.A.C. 19:42A-2.4 and to the Division at the address specified in the rules of the Division.