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September 28, 2017

Director's Advisory Bulletin 2017-01

RE: Gaming By Casino Employee Registrants and Casino Key Employees

Gambling by casino employees is addressed in Section 100n of the Casino Control Act "(Act)". In pertinent part, the Act, at *N.J.S.A. 5:12-100n*, reads:

- n. (1) It shall be unlawful for any casino key employee licensee to wager in any casino or simulcasting facility in this State.
- (2) It shall be unlawful for any other employee of a casino licensee who, in the judgment of the division, is directly involved with the conduct of gaming operations, including but not limited to dealers, floor persons, box persons, security and surveillance employees, to wager in any casino or simulcasting facility in the casino hotel in which the employee is employed or in any other casino or simulcasting facility in this State which is owned or operated by an affiliated licensee.

Several casino employee registrants and casino key employee licensees have inquired about what is permissible under the statute, particularly with regard to online gaming. I am accordingly releasing this Director's Advisory Bulletin to clarify what actions could trigger regulatory sanctions. This list is meant to be illustrative and is not intended to foreclose my ability to act if I deem it appropriate to do so.

The Act specifically prohibits casino key employees from wagering at a New Jersey casino. The Act, at *N.J.S.A. 5:12-95.17* and *-95.23*, specifies that all online gaming is conducted through a casino licensee, with all such wagers being accepted as if placed in Atlantic City.



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Accordingly, casino key employee licensees are prohibited from gambling either in person or online in New Jersey. However, the Division has interpreted this provision to apply only against persons whose position with a casino or other entity requires them to hold a casino key employee license. Persons whose position requires only a casino employee registration but who choose to hold the higher credential will be subjected to the following requirements for casino employee registrants.

Certain persons who hold a casino employee registration are prohibited from wagering at the casino at which they are employed or at any casino owned or operated by "an affiliated licensee." The Division interprets this as meaning any properties treated as "sister properties" such as Harrah's Atlantic City, Bally's Atlantic City and Caesars Atlantic City. Employees of such properties subject to the prohibition cannot gamble in any of these properties. As a further example, when Taj Mahal was operating, Tropicana employees subject to the prohibition were also prohibited from wagering at Taj Mahal.

This is equally true for online affiliates operating through the Internet gaming permit of a casino licensee. Any casino employee registrant subject to the prohibition cannot wager online at any platform, skin or affiliate that operates through the permit of the casino at which he is employed or through the platform, skin or affiliate operating through the Internet gaming permit of a sister landbased property.

This means, for example, that any casino employee subject to the prohibition who works at Bally's Atlantic City cannot wager through the Internet at any platform, skin or affiliate that operates through the Internet gaming permit held by Caesars Interactive. Accordingly, a Bally's Atlantic City employee registrant could not wager at Harrahscasino.com or at 888casino.com because these websites are operated by entities through the Internet gaming permit of an affiliated casino. As a further example, an employee of Borgata cannot wager through any website operated by Bwin or by Pala Interactive because those operators operate through the Borgata Internet gaming permit. The Division's website specifically lists all online websites affiliated with each Internet gaming permit holder.

Because casino employee registrants subject to the prohibition have numerous permissible alternatives available to them if they wish to wager in person or online, the Division will take prompt regulatory action against an employee who wagers at his own casino or at an affiliated property or online gaming site. Sanctions can include registration suspension for a period of time and a substantial civil penalty.

The Division notes that the Internet Gaming Act, while not directly addressing gambling by employees of a platform, skin or RGS, authorizes the Division to "License, regulate, investigate and take any other action regarding all aspects of authorized games conducted through the Internet." *N.J.S.A. 5:12-76y*. In order to protect the integrity of Internet gaming from the appearance of impropriety, I have determined that employees of a platform that operates an

Internet gaming website in New Jersey should not wager on their own platform, regardless of the casinos with which such operator is affiliated.

For example, an employee of NYX Gaming is not permitted to wager on any platform operated by NYX, including sites affiliated with Caesars, Golden Nugget or Resorts. An employee of NYX could wager on a platform operated by another entity, even if such platform is offered by a casino with which NYX conducts Internet gaming activity. Thus an NYX employee could wager on PokerStars, even though PokerStars is operated through Resorts, or on 888, even though it is operated through Caesars. An Internet gaming employee is only prohibited from wagering on a site operated by its own employer. However, the prohibition extends to all sites operated in New Jersey by their employer. The Division believes this prohibition leaves many viable alternatives for employees of an Internet gaming operator to wager online.

The remaining issue to be addressed is which casino employee registrants are subject to the prohibition. *N.J.S.A. 5:12-100n(2)* does not prohibit gaming by all casino employee registrants, only those who are, in the judgment of the Division, "directly involved in gaming operations." The Act specifies dealers, box persons, floor persons, security and surveillance employees as being directly involved with gaming. The Division interprets this to include anyone in the games, slot, keno, security, surveillance, casino accounting, credit or marketing departments (regardless of the particular name of such department at an individual property) as subject to the prohibition. Such persons shall not wager at a landbased property at which they work or at an affiliated property, as detailed above. Such persons are also prohibited from wagering at any online gaming site operated through the Internet gaming permit of their own or an affiliated property, again as detailed above. Anyone wagering in violation of these restrictions will be subject to a civil penalty.

It is hoped that this bulletin will help all Atlantic City casino employees understand the Act's prohibitions with regard to their gambling at an Atlantic City property or through an Internet gaming website. The clear intention of the Casino Control Act and the Internet Gaming Act is to prevent any appearance of advantage or favoritism toward an "insider" who is employed by the company or for which they work or by a company affiliated with their employer. The integrity of casino gaming and Internet gaming require that key employees not wager at all and that gaming-related employees not wager at or through their own employer or an affiliated property or website.

It should be noted that this Director's Advisory Bulletin addresses only the legal requirements imposed upon casino key employees and casino employee registrants by the Act. This Bulletin does not supersede any additional requirements imposed by an employer upon licensees or registrants. Casino licensees, casino service industry enterprises and Internet gaming operators may still subject licensees and registrants to employee discipline for violating more stringent requirements regarding employee gambling that they may choose to impose.



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