

### SUBCHAPTER 3. INFORMATION AND FILINGS

#### 19:40A-3.1 Offices; hours

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

Arcade Building

Tennessee Avenue and the Boardwalk

Atlantic City, NJ 08401

(b) The offices of the Commission are open for business (except for public inspection of documents) from 8:00 A.M. to 4:00 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.

#### 19:40A-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 the express direction of the Chairman or the Executive Secretary, or upon the order of a court of competent jurisdiction.

(b) Copies of the official records of the Commission that 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. 19:40A-3.1, upon the payment of appropriate fees.

(c) No person shall, directly or indirectly, procure or attempt to procure from

the records of the Commission, information of any kind that is not made available by proper authority.

(d) 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 or, if applicable, a copy of a receipt from the Division indicating that any required fees, charges, or deposits have been paid.

(e) A copy of the Commission's meeting notices, minutes, and notices of rulemaking may be found on the Commission's web site at [www.nj.gov/casinos](http://www.nj.gov/casinos).

(f) Copies of official records of the Commission that are required by law to be made available for public inspection shall be made available according to the following fee schedule:

1. Letter size or smaller page: \$.05 per page;

2. Legal size or larger page: \$.07 per page;

3. Electronic records and non-printed materials: No charge, except for actual cost of supplies (for example, computer discs).

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

19:40A-3.3 Communications; notices

(a) Except as otherwise provided by the rules of the Commission or Division, 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.

(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, but a Commissioner or such individual members of the Commission's staff as the Chairman 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 rule, notices and other communications from the Commission 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 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. 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 and licensees shall immediately notify the Commission of any change of name, address, or telephone number and shall specifically request that all notices or other communications be sent to the new address.

19:40A-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, NJ 08401

(b) Access to information and data furnished to or obtained by the Commission from any source is subject to the provisions of N.J.S.A. 5:12-74.1 and N.J.A.C. 19:40A-4.

19:40A-3.5 Filing of petitions and applications

Petitions for formal action by the Commission, applications related to the issuance of a casino license or casino key employee license shall be filed with the Division's Intake Unit at the address specified in N.J.A.C. 13:69-3.1.

19:40A-3.6 Petitions for rulemaking

(a) Any interested person may file a petition requesting that the Commission adopt, amend, or repeal any rule pursuant to section 69.c of the Act and N.J.S.A. 52:14B-4(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 that 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. 1:30-4.1.

(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 60 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. 1:30-4.2, 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. 1:30-4.2, Commission action on a petition for rulemaking may include:

1. Denial of the petition;

2. Filing a notice of proposed rulemaking 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 within 90 days of such referral. 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.

#### 19:40A-3.7 Declaratory rulings

(a) Pursuant to N.J.S.A. 52:14B-8, 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 within the Commission's jurisdiction 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; and

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 that 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. 19:42A-2.

2.Where there exists no 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.