

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
LEGALIZED GAMES OF CHANCE  
CONTROL COMMISSION

IN THE MATTER OF

**CHRISTINE STROTHERS,**

TO CONDUCT AMUSEMENT GAMES  
IN THE STATE OF NEW JERSEY

Administrative Action **FILED**

**FINAL ORDER** FEB 8 2023

Division of Consumer Affairs

This matter was opened to the New Jersey Department of Law and Public Safety Legalized Games of Chance Control Commission (“Commission”) by Matthew J. Platkin, Attorney General of New Jersey, by James Greenberg, Deputy Attorney General, upon the Commission’s inspection of amusement games operated by Christine Strothers (“Ms. Strothers” or “Respondent”) at 2301 Boardwalk, North Wildwood, New Jersey, 2818 Boardwalk, Wildwood, New Jersey, 3206 Boardwalk, Wildwood, New Jersey, 3208 Boardwalk, Wildwood, New Jersey, and 3818 Boardwalk, Wildwood, New Jersey.

The Attorney General filed a Provisional Order and Notice of Hearing on November 2, 2022, outlining provisional findings of fact and conclusions of law and notifying Respondent that the Commission would conduct a hearing in the matter on November 14, 2022, and further advising that she could submit a request for modification or dismissal of the order by submitting a response in writing prior to the hearing.

A copy of the Provisional Order and exhibits were personally served on respondent by a State investigator by leaving a copy with her spouse at her home on November 2, 2022. By letter dated November 9, 2022, the Commission provided information on the hearing procedures to

Respondent and the Deputy Attorney General Greenberg. On November 10, 2022, the Chairman of the Commission granted Ms. Strothers' request for an adjournment to permit her time to retain counsel. On December 14, 2022, at its regularly scheduled meeting, the Commission directed that a hearing be conducted in January and that no further adjournments be granted. By letter dated December 19, 2022, the parties were advised that the hearing would be conducted in person on January 24, 2023.

Having received no written or other response from Ms. Strothers or anyone on her behalf, on January 19, 2023, the Commission's counseling deputy attorney general initiated a conference call with Ms. Strothers and DAG Greenberg. During that call, Respondent stated that she was not represented by counsel, and did not intend to appear at the hearing. She was reminded that the Provisional Order permitted a written response for the Commission's consideration.

The Commission met and conducted the hearing on January 24 2023.<sup>1</sup> Prior to commencing the hearing, a Commission staff member made an announcement in the hallway outside the hearing room to determine whether Respondent was present. She was not. Ms. Strothers did not submit a written response.

DAG Greenberg moved to enter a default. After deliberating in executive session, the Commission noted that despite service of the Provisional Order and follow up correspondence, as well as telephonic contact, Ms. Strothers had not responded to the order. The Commission entered default against her, and proceeded to the liability phase of the hearing.

The Attorney General outlined the violations that were preliminarily established in the Provisional Order. He moved to introduce into evidence Exhibits P-1 through P-73, which

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<sup>1</sup> Commissioners Steven Layman and David Grusemeyer were present. Commissioner Barrett was excused.

supported each of the findings of fact set forth in that order. The Commission accepted the exhibits into evidence, and moved to executive session for deliberations.

Upon return to public session, having reviewed the evidence, and in absence of any response by Respondent, the Commission voted affirmatively on the motion that the Attorney General had demonstrated that Ms. Strothers, through her agents, representatives, and employees, had violated the law and regulations governing the operation of amusement games in this State and to adopt the findings of fact in the Provisional Order without modification.

The Commission then conducted the penalty phase of the hearing. DAG Greenberg noted that the licenses issued in 2022 automatically expired on December 31, 2022, so that revocation was no longer an appropriate remedy. He further noted that the Provisional Order as an alternative to revocation sought penalties and a bar to Respondent applying for or holding future licenses.

The Commission moved to executive session for deliberations. On return to public session, the Commission, noting that Ms. Strothers had provided no information or mitigation for the Commission's consideration regarding any penalty or other sanction, determined to assess penalties of \$15,500. The total reflects a penalty of \$500 for each of 31 basketballs found to have been overinflated and thus not in accordance with the certificate of permissibility. The Commission will not assess a civil penalty for the violations related to holding change, displaying large plush toys in the stand that were not available to be won (and were not identified as such), and not having prizes displayed. In addition to the civil penalties, the Commission cited to Ms. Strothers' history of violations of the law and regulations, including paying \$16,500 in penalties for games operated in 2021. The Commission found that these repeated acts by her, through her agents, representatives, and employees, evinced an unwillingness or an inability to operate in accord with standards designed to ensure fairness in the operation of games, amounting to a fraud

on the public. It voted to bar Ms. Strothers from obtaining an amusement games license for a period of not less than ten years.

The Commission, therefore, adopts in their entirety, following findings of fact and conclusions of law, initially set forth in the Provisional Order.

### **FINDINGS OF FACT**

1. The Commission granted a Certification of Permissibility No.: 1-003 for a basketball game on March 13, 2002. The Certification of Permissibility delineated the specifications for the operation and conduct of the game.

2. The Commission granted a Certification of Permissibility No.: 1-137 for a quarterback challenge game on June 9, 2015. The Certification of Permissibility delineated the specifications for the operation and conduct of the game.

3. On or about March 31, 2022, the Commission issued Respondent an Amusement Games License ("AGL") bearing license number 354-1003-22-00316 to operate a basketball game under Certification of Permissibility No.: 1-1003 at 2301 Boardwalk, North Wildwood, New Jersey. Respondent's AGL was valid through December 31, 2022.

4. On or about March 31, 2022, the Commission issued Respondent an AGL bearing license number 354-1137-10-00317 to operate a quarterback challenge game under Certification of Permissibility No.: 1-137 at 2301 Boardwalk, North Wildwood, New Jersey. Respondent's AGL was valid through December 31, 2022.

5. On or about May 4, 2022, the Commission issued Respondent an AGL bearing license number 551-1003-46-00342 to operate a basketball game under Certification of Permissibility No.: 1-1003 at 3206 Boardwalk, Wildwood New Jersey. Respondent's AGL was valid through December 31, 2022.

6. On or about May 4, 2022, the Commission issued Respondent AGLs bearing license number 551-1003-48-00344 to operate a basketball game under Certification of Permissibility No.: 1-1003 at 3208 Boardwalk, Wildwood, New Jersey. Respondent's AGL was valid through December 31, 2022.

7. On or about May 4, 2022, the Commission issued Respondent an AGL bearing license number 551-1135-47-00343 to operate a quarterback challenge football throw game under Certification of Permissibility No.: 1-137 at 3208 Boardwalk, Wildwood, New Jersey. Respondent's AGL was valid through December 31, 2022.

8. On or about April 13, 2022, the Commission issued Respondent an AGL bearing license number 551-1003-39-00329 to operate a basketball game under Certification of Permissibility No.: 1-1003 at 3818 Boardwalk, Wildwood, New Jersey. Respondent's AGL was valid through December 31, 2022.

9. On or about March 25, 2022, the Commission issued Respondent an AGL bearing license number 551-1003-38-00328 to operate a basketball game under Certification of Permissibility No.: 1-1003 at 2818 Boardwalk, Wildwood, New Jersey. Respondent's AGL was valid through December 31, 2022.

#### **June 23, 2022 Inspection**

10. On June 23, 2022, LGCCC Investigator Michael Bianco, assigned to the Commission, inspected an amusement game being operated at 2301 Boardwalk, North Wildwood, New Jersey. Investigator Bianco's findings are memorialized in a LGCCC Investigative Report dated July 18, 2022.

11. On or about June 23, 2022, Investigator Bianco's inspection revealed that Respondent, through her agents, representatives, and employees, operated a basketball game at

2301 Boardwalk, North Wildwood, New Jersey, identified by AGL No.: 551-1003-48-00344. Investigator Michael Bianco observed three (3) game balls in a small framed box at the player position. The game balls were inflated to an air pressure of twelve (12), fourteen (14), and nineteen (19) pound per square inch ("PSI") respectively, well in excess of the ball manufacturer air pressure specifications of four (4) to six (6) PSI, thus not in accordance with the Basketball Game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a).

#### **July 14, 2022 Inspections**

12. On July 14, 2022, LGCCC Investigator Michael Bianco, assigned to the Commission, inspected amusement games operated at 3206 and 3208 Boardwalk, Wildwood, New Jersey. Investigator Michael Bianco's findings are memorialized in a LGCCC Investigative Report dated July 25, 2022.

13. Investigator Bianco's inspection revealed that Respondent operated a basketball game at 3206 Boardwalk, Wildwood, New Jersey. Investigator Bianco observed three (3) game balls initially located in a small framed box at the player position being moved within the operator area to the hoop netting upon Investigator Bianco's approach. The game balls were inflated to ten (10), twelve (12), and twelve (12) PSI respectively, in excess of the ball manufacturer air pressure specifications of seven (7) to nine (9) PSI, thus not in accordance with the basketball game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a).

14. Investigator Bianco's inspection revealed Respondent operated a basketball game at 3208 Boardwalk, Wildwood, New Jersey. Investigator Bianco observed two (2) game balls initially located in a small framed box. The game balls were inflated to sixteen (16) and nineteen (19) PSI respectively, in excess of the ball manufacturer air pressure specifications of seven (7) to

nine (9) PSI, thus not in accordance with the Basketball Game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a).

**July 14, 2022 - Quarterback Challenge Inspection**

15. On July 14, 2022, LGCCC Investigator Paul Johnson, assigned to the Commission, inspected an amusement game being operated at 3208 Boardwalk, Wildwood, New Jersey. Investigator Johnson's findings are memorialized in a LGCCC Investigative Report dated July 22, 2022.

16. On or about July 14, 2022, Respondent operated a quarterback challenge amusement game at 3208 Boardwalk, Wildwood, New Jersey. Investigator Johnson's inspection revealed that Respondent, through her agents, representatives and employees, displayed large plush animals that were not prizes, not available to win, and not clearly labeled as such, in violation of N.J.A.C. 13:3-3.8(c) and (d).

**August 11, 2022 Inspection**

17. On August 11, 2022, LGCCC Investigator Paul Johnson, assigned to the Commission, inspected an amusement game being operated at 3818 Boardwalk, Wildwood, New Jersey. Investigator Johnson's findings are memorialized in an LGCCC Investigative Report dated August 19, 2022.

18. Investigator Johnson's inspection revealed that Respondent operated a basketball game at 3818 Boardwalk, Wildwood, New Jersey. Investigator Johnson observed ten (10) game balls initially located on the counter, being moved under the counter upon Investigator Johnson's approach. Six (6) of the ten (10) game balls available for player use were inflated in excess of the ball manufacturer air pressure specifications of eight (8) PSI, thus not in accordance with the basketball game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a).

### **August 17, 2022 Inspections**

19. On August 17, 2022, LGCCC Investigator Michael Bianco, assigned to the Commission, inspected an amusement game being operated at 3206 Boardwalk, Wildwood, New Jersey. Investigator Bianco's findings are memorialized in a LGCCC Investigative Report dated August 29, 2022.

20. Investigator Bianco's inspection revealed that Respondent, through her agents, representatives, and employees, operated a basketball game at 3206 Boardwalk, Wildwood, New Jersey, identified by AGL No.: 551-1003-46-00342. Investigator Bianco observed three (3) game balls in a small framed box at the player position. The game balls were inflated to an air pressure of nineteen (19), twelve (12), and nineteen (19) PSI respectively, well in excess of the ball manufacturer air pressure specifications of seven (7) to nine (9) PSI, thus not in accordance with the basketball game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a).

21. On August 17, 2022, LGCCC Investigator Michael Bianco, assigned to the Commission, inspected an amusement game being operated at 3208 Boardwalk, Wildwood, New Jersey. Investigator Bianco's findings are memorialized in a LGCCC Investigation Report dated September 7, 2022.

22. On or about August 17, 2022, Investigator Bianco's inspection revealed that Respondent, through her agents, representatives, and employees, operated a basketball game at 3208 Boardwalk, Wildwood, New Jersey, identified by AGL No.: 551-1003-48-00344. Upon approach to the game stand, Investigator Bianco observed three (3) player positions. Each player position had a small framed box on the counter that could hold three (3) game balls. Nine (9) balls were located in the game stand. Three (3) balls were found within the small framed box located at the player position and six (6) were found in a large black container behind the game counter in



the operator area. The six (6) game balls located within the black container were inflated to an air pressure of fourteen (14), fourteen (14), fifteen (15), fifteen (15), seventeen (17), and nineteen (19) PSI respectively, well in excess of the manufacturer specifications of seven (7) to nine (9) PSI, thus not in accordance with the basketball game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a).

**August 22, 2022 Inspection**

23. On August 22, 2022, LGCCC Investigator Joseph Chessere, assigned to the Commission, inspected an amusement game being operated at 2301 Boardwalk, North Wildwood, New Jersey. Investigator Chessere's findings are memorialized in a LGCCC Investigative Report dated September 6, 2022.

24. Investigator Chessere's investigation found that Respondent operated a quarterback challenge amusement game at 2301 Boardwalk, North Wildwood, New Jersey. Investigator Joseph Chessere's inspection revealed that Respondent, through her agents, representatives, and employees, failed to immediately remit \$10.00 in change back to a player who provided the Operator with \$20.00 to play, during the operation of the \$10.00 game, in violation of N.J.A.C. 13:3-3.4(d).

**September 10, 2022 Inspections**

25. On September 10, 2022, LGCCC Investigator Paul Johnson, assigned to the Commission, inspected an amusement game being operated at 2818 Boardwalk, Wildwood, New Jersey. Investigator Johnson's findings are memorialized in a LGCCC Investigative Report dated September 16, 2022.

26. Investigator Paul Johnson's inspection revealed that Respondent, through her agents, representatives, and employees, failed to display and label game prizes to be awarded, thus

not in accordance with the basketball game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a), and failing to display all prizes available to win, in violation of N.J.A.C. 13:3-3.8(c).

27. On September 10, 2022, LGCCC Investigator Paul Johnson, assigned to the Commission, inspected an amusement game being operated at 3818 Boardwalk, Wildwood, New Jersey. Investigator Johnson's findings are memorialized in a LGCCC Investigative Report dated September 16, 2022.

28. Investigator Johnson's inspection revealed that Respondent operated a basketball game at 3818 Boardwalk, Wildwood, New Jersey. Investigator Johnson observed eleven (11) game balls on the counter. Eight (8) of the eleven (11) game balls available for player use were inflated in excess of the ball manufacturer air pressure specifications of seven (7) to nine (9) PSI, thus not in accordance with the basketball game's Certification of Permissibility and in violation of N.J.A.C. 13:3-3.2(a).

#### CONCLUSIONS OF LAW

The above findings of fact provide grounds for sanctioning Respondent pursuant to N.J.S.A. 5:8-9 and/or N.J.S.A. 5:8-82, for failing to comply with the provisions of the Amusement Games Law and the accompanying Amusement Games Regulations.

**ACCORDINGLY, IT IS** on this 8 day of February, 2023

**ORDERED** that:

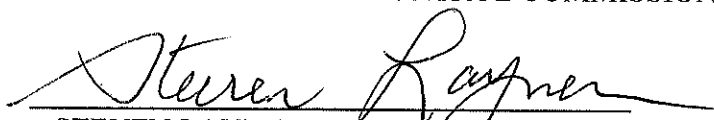
I. Christine Strothers is assessed a civil penalty for the violations pursuant to N.J.S.A. 5:8-82 in the amount of Fifteen-Thousand Five-Hundred dollars (\$15,500.00), for failing to comply with the provisions of the Amusement Games Law and the accompanying Amusement Games Regulations. The total reflects a penalty of \$500 for each of 31 basketballs found to have

been overinflated and thus not in accordance with the certificate of permissibility. The penalty is to be paid within thirty (30) days of the date of this Order. Payment shall be made by certified check of money order payable to the State of New Jersey and shall be sent to Farah Rodriguez, Head Clerk, Legalized Games of Chance Control Commission, P.O. Box 46000, 124 Halsey Street, Newark, New Jersey 07101. If Respondent fails to pay the penalties assessed under this order, the Commission shall docket the order with the Clerk of the Superior Court pursuant to New Jersey Court Rule 4:70(b).

II. Respondent barred from applying for and receiving amusement games licenses for a period of not less than ten years form the date of entry of this Final Order.

DEPARTMENT OF LAW AND PUBLIC SAFETY  
LEGALIZED GAMES OF CHANCE CONTROL COMMISSION

By:

  
STEVEN LAYMAN, CHAIRMAN