

# RULE ADOPTIONS

## ADMINISTRATIVE LAW

(a)

### OFFICE OF ADMINISTRATIVE LAW

#### Special Hearing Rules

#### Casino Control Commission

#### Readoption with Amendments: N.J.A.C. 1:19

#### Adopted Repeal: N.J.A.C. 1:19-12.1

Proposed: March 16, 2015, at 47 N.J.R. 567(a).

Adopted: July 17, 2015, by Laura Sanders, Acting Director, Office of Administrative Law.

Filed: July 31, 2015, as R.2015 d.142, **without change**.

Authority: N.J.S.A. 52:14F-5(e), (f), and (g).

Effective Dates: July 31, 2015, Readoption;

September 8, 2015, Amendments and Repeal.

Expiration Date: July 31, 2022.

#### Summary of Public Comment and Agency Response:

**No comments were received.**

#### Federal Standards Statement

A Federal standards analysis is not required because the contested case hearing procedures, of which the readopted rules and the adopted amendments and repeal are a part, are promulgated in implementation of the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 et seq., and are not subject to any Federal standards or requirements.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 1:19.

**Full text** of the adopted amendments follows:

#### SUBCHAPTER 7. SERVICE AND FILING OF PAPERS

##### 1:19-7.1 Notices

Unless otherwise provided by the Casino Control Act, orders and notices related to a contested case including, without limitation, notices concerning the scheduling of conferences, hearings, deferrals, reinstatement after deferrals, and postponements shall be served upon all parties by ordinary mail, except that hearing notices in proceedings against a licensee or registrant shall be served by certified mail. All hearing notices shall be served at least 10 days prior to the hearing.

##### 1:19-9.1 Placement on inactive list pending disposition of charges against applicant or respondent

(a) (No change)

(b) An applicant or respondent whose case has been placed on the inactive list pursuant to this section shall notify the judge within 10 days of the disposition of the charge that was the basis for the deferral. Any applicant or respondent who fails to comply with the notice requirements of this subsection shall be deemed to have withdrawn his or her request for a hearing pursuant to N.J.A.C. 1:1-19.2. Unless the applicant or respondent submits to the Casino Control Commission (Commission) a satisfactory written explanation for his or her failure within 20 days of the date of disposition, the Commission may take final action on the case pursuant to N.J.A.C. 19:42A-2.5.

(c)-(d) (No change)

#### SUBCHAPTERS 11. AND 12. (RESERVED)

##### 1:19-13.1 Conduct of prehearing conference by a designated representative of the Casino Control Commission

(a)-(b) (No change.)

(c) Settlements reached at a prehearing conference scheduled pursuant to (a) above shall be submitted to the Commission for disposition pursuant to N.J.A.C. 19:42A-3.2(b).

##### 1:19-14.1 Rules concerning all contested cases

(a) In addition to any authority granted in the Uniform Administrative Procedure Rules (UAPR), N.J.A.C. 1:1, the judge shall have the authority to:

1. Administer oaths and to require testimony under oath, pursuant to N.J.S.A. 5:12-107.a(3);

2. Serve process either personally or by certified mail and serve notices by certified mail, pursuant to N.J.S.A. 5:12-108;

3. Issue subpoenas and compel the attendance of witnesses at any place within this State, pursuant to N.J.S.A. 5:12-107.f and 5:12-108.f; Recodify existing 5. and 6. as 4. and 5. (No change in text.)

(b) (No change.)

(c) In any contested case, the Commission shall have the authority to:

1. Grant testimonial immunity, pursuant to N.J.S.A. 52:12-107.g; and

2. (No change in text.)

##### 1:19-15.1 Special evidence rules

(a) The following special rules of evidence shall apply:

1. Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters, pursuant to N.J.S.A. 5:12-107.a(6);

2. Evidence admitted pursuant to (a)1 above shall be sufficient in itself to support a finding, pursuant to N.J.S.A. 5:12-70.b and 107.a(6); and

3. (No change.)

## COMMUNITY AFFAIRS

(b)

### DIVISION OF CODES AND STANDARDS

#### Notice of Readoption

#### Continuing Care Retirement Communities

#### Readoption: N.J.A.C. 5:19

Authority: N.J.S.A. 52:27D-358.

Authorized By: Charles A. Richman, Acting Commissioner,  
Department of Community Affairs.

Effective Date: August 5, 2015.

New Expiration Date: August 5, 2022.

**Take notice** that, pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 5:19 will expire on November 20, 2015. These rules establish standards for the certification and operation of continuing care retirement communities, including requirements for disclosure statements, advertising, contracts, the financial responsibilities of providers, the acceptance of nonbinding reservation agreements, and the rights of residents.

The Department of Community Affairs has reviewed the rules and has determined that they should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.