

The Positive Impact of Reentry Employment in Obtaining a Casino Key Employee License and for the Atlantic City Casino Industry and Community as a Whole

Teresa M. Pimpinelli, Esquire
Senior Counsel
New Jersey Casino Control Commission
teresa.pimpinelli@ccc.state.nj.us

“For many, the routine of getting up and ready for work, going to work, coming home and having the ability to repeat that with regularity is just a routine to which they barely give a conscious thought. For others, that “routine” is a once-in-a-lifetime opportunity to better themselves and celebrate their dedication and the successes they have achieved.”

-- Judge Mark Sandson

SYNOPSIS

From 1976 until 2020, the New Jersey Casino Control Commission was statutorily precluded from granting a casino key employee license to anyone disqualified under the Casino Control Act. Pursuant to new legislation effective January 21, 2020, the Commission may now grant a license to anyone who successfully completes "Recovery Court," providing life-altering opportunities and career goals.

Keywords:

Key Employee, Casino Control Commission, DGE, Recovery Court, Disqualified, Casino Control Act, New Jersey

The New Jersey casino industry is one of the most strictly regulated gaming jurisdictions in the world and consists of two (2) primary agencies – the New Jersey Casino Control Commission (“Commission”) and the Division of Gaming Enforcement (“DGE”). Both agencies are highly regarded around the world, successfully implementing the strictest licensing standards in a gaming jurisdiction since New Jersey voters approved casino gaming in Atlantic City in 1976. From then until 2011, the agencies had separate and distinct functions, including when it came to determining who could work in the Atlantic City casino industry: the DGE conducted investigations and reported its findings to the Commission, and the Commission used that information to determine whether an applicant was eligible for one of three (3) available credentials: a casino service employee registration, a casino employee license or a casino key employee license. All licensing standards were statutorily mandated by the New Jersey Legislature through the New Jersey Casino Control Act (“Act”)¹, with the standards for obtaining a casino key employee license² being the most difficult to meet. Due to a regulatory restructuring that took effect February 1,

¹ See N.J.S.A. 5:12-1, et seq.

² See N.J.S.A. 5:12-89.

2011,³ the available credentials changed to only casino employee registrations and casino key employee licenses. As a result, the DGE is now responsible for investigating and licensing casino employee registrants, which includes positions such as gaming dealers, security guards and cage cashiers, and requires them only to register with the DGE. Anyone wanting to work in a New Jersey casino in a supervisory capacity or with the ability to make discretionary decisions regarding casino operations would continue to need to meet the statutory licensing requirements and obtain a casino key employee license to hold such a position, which along with the licensing of casinos, has remained the Commission's licensing bailiwick.

The statutory standards for proving one's qualifications for a casino key employee license are the most strict of all of the available credentials, and have always required a demonstration by clear and convincing evidence of one's "good character, honesty and integrity" and "financial stability, responsibility and integrity" as set forth in the Act.⁴ In ensuring the "clear and convincing" standard, the Act always provided that former offenders convicted of one or more specifically listed criminal offenses be automatically disqualified from, and ineligible for, a casino key employee license.⁵ Since the time of its original implementation, the Act specifically precluded the Commission from exercising any discretion in circumstances where an applicant for a casino key employee license had been convicted of one or more offenses set forth at N.J.S.A. 5:12-86(c).

At the time the Act was drafted in 1976-77, the strict qualification standards were seen as necessary to ensure the integrity of the gaming industry in New Jersey. The only other casino jurisdiction in the United States was Las Vegas, Nevada – and everyone involved in gaming was well-aware of the significant organized crime influence in Las Vegas. New Jersey wanted to prevent that influence, and any influence that would attract criminal behavior, from infiltrating Atlantic City. This resulted in New Jersey having the strictest licensing standards for any gaming jurisdiction. But the rigidity of the Act also meant that those who wanted to obtain a casino key employee license must not have been convicted of any of the specifically listed offenses in the Act, lest an irrebuttable negative inference would be drawn against their "good character, honesty and integrity." In reality, that meant that positions of authority and responsibility, which have ordinarily required a casino key employee license (and which often come with higher earning potential and better benefits), were practically untouchable to anyone who had been convicted of one or more of the enumerated offenses, even non-violent ones, even if all evidence demonstrated the applicant's criminal past was an anomaly or that such behavior was, in fact, in the applicant's past. The clear and convincing standard of N.J.S.A. 5:12-89 was too high of a bar to overcome, and, unlike with lesser credentials, there were no permissible circumstances under which the Commission could make any exceptions or rely on any evidence of rehabilitation to nonetheless grant a casino key employee license.

While the limitations set forth at N.J.S.A. 5:12-86(c) remain, the Commission's statutorily mandated inability to grant a casino key employee license to someone convicted of certain non-violent, drug-related offenses changed on January 21, 2020, when Governor Phil Murphy signed into law an amendment to the Act that now allows the Commission to exercise discretion when considering an applicant's qualifications for licensure as a casino key employee for those with certain non-violent, drug-related offenses.⁶ Under the January 2020 amendment, if an applicant has been sentenced to and successfully discharged from a term

³ https://www.njleg.state.nj.us/2010/Bills/PL11/19_.PDF

⁴ See N.J.S.A. 5:12-89.

⁵ See N.J.S.A. 5:12-86(c).

⁶ https://www.njleg.state.nj.us/2018/Bills/PL19/511_.PDF -- The amendment also affects credentials which the DGE issues.

of special probation for specific non-violent, drug-related offenses, as provided under N.J.S.A. 2C:35-14,⁷ the applicant is no longer automatically disqualified from obtaining a casino key employee license just because of their prior non-violent, drug-related conviction. As a result, those who successfully complete this “Recovery Court” program are now able to apply for a casino key employee license and no longer need to expect automatic denial and disqualification from eligibility for a casino key employee license.⁸

When James T. Plousis took over as Chairman of the Commission in December of 2017, he brought with him a diverse background in community and rehabilitative services. Before coming to the Commission, Chairman Plousis had served as the Chairman of the New Jersey State Parole Board from 2010-2017. He also spent nine years as the U.S. Marshal for the District of New Jersey during which he established the New Jersey Fugitive Safe Surrender Program and the New Jersey Gang Education and Awareness Program. Before that, Chairman Plousis was the Sheriff of Cape May County, from 1985-2002, during which he started New Jersey’s first youth academy for juvenile offenders. Clearly his experience in law enforcement and the criminal justice system is vast. As a result, Chairman Plousis has a progressive understanding of how to ensure non-violent former offenders who have changed their lives for the better can maintain that change. His vision and desire to ensure that the Commission remain a key partner and catalyst in promoting the general welfare, health and prosperity of Atlantic City, the Greater Atlantic City region, and the State of New Jersey as a whole is a primary mission of the Commission. In keeping with that pledge, Chairman Plousis has enabled the Commission to become close to the local community and engage in a broader reach of applicants for all available credentials, not just the Commission’s bailiwick of casino key employee licenses.

Chairman Plousis gladly offered support when he was approached by members of the community asking for the Commission’s assistance in the efforts to obtain work for “Recovery Court” program graduates in the Atlantic City casino industry. He welcomed “the positive impact the [“Recovery Court”] program could have – not just for the former offenders, but for the community as a whole.” And with the amendment to the Act, the Commission would finally be statutorily permitted to grant a casino key employee license to a graduate of the “Recovery Court” program. Chairman Plousis has said publicly about the amendment that, “[t]he casino gaming industry has a notable history of mentoring employees -- from entry-level to key positions. By opening the door to advancement in the industry, the legislation has the potential to be a real game changer for people in giving them a second chance.” As Chairman Plousis told me, “[f]or 43 years, the Commission has been the gold standard for regulation, not just in New Jersey, but around the world. And now, in one of the most tightly regulated jurisdictions, we are able to give deserving people a second chance. Good people make mistakes. In the end, many of these people can end up being excellent employees.”

The Honorable Mark Sandson, J.S.C., Ret., a retired judge of the Atlantic County New Jersey Criminal Division, has, like Chairman Plousis, witnessed first-hand the predicament in which former non-violent offenders with drug-related convictions can find themselves. When I spoke with Judge Sandson about his experience as a judge in the criminal division and his passion for the “Recovery Court” program, he candidly said that when he first got on the bench, he kept seeing the same types of cases, and hearing the same stories,

⁷ N.J.S.A. 2C:35-14 provides for the placement in a licensed drug treatment program (also referred to as a “Recovery Court” program) within the Department of Corrections for those convicted of specific third and/or fourth degree offenses involving a controlled dangerous substance, an imitation controlled dangerous substance, or a controlled substance analog.

⁸ See N.J.S.A. 5:12-89(d).

from former non-violent offenders with drug-related offenses who were appearing before him multiple times. The one thing he heard over and over was that without employment prospects, these former offenders had no way to provide for themselves or their families. “For many, the routine of getting up and ready for work, going to work, coming home and having the ability to repeat that with regularity is just a routine to which they barely give a conscious thought. For others, that “routine” is a once-in-a-lifetime opportunity to better themselves and celebrate their dedication and the successes they have achieved,” Judge Sandson told me. It was at this time that he began to vigorously advocate for true rehabilitation, which Judge Sandson asserts includes providing former offenders with viable, legitimate job opportunities so that they can provide for themselves and their families. As Judge Sandson stated, “[i]magine if, instead of taxpayers paying for non-violent offenders with certain drug offenses to sit in jail, those non-violent offenders were instead legitimately employed, paying payroll taxes and contributing to society as a responsible citizen.” Research demonstrates that he has a valid point.

Between 1970 and 2010, the number of people incarcerated in the United States rose by 700%.⁹ In New Jersey, the number of people incarcerated increased 278% between 1975 and 2015.¹⁰ As of 2015, the cost to New Jersey taxpayers per incarcerated person was just over \$61,000/year.¹¹ Additionally, statistics show that approximately 8-10% of those in the criminal justice system are veterans.¹² Such levels of incarceration were not contemplated, or in existence, when the Act was passed and the standards for qualification were established.

Judge Sandson’s extensive experience with those trying to make a better life for themselves and their families was the catalyst behind his push to encourage local employers to hire former defendants who have successfully completed a “drug court” or “Recovery Court” program. That is exactly what the “Recovery Court” program envisions and has helped many achieve - it allows former non-violent offenders with certain drug-related offenses to obtain gainful employment and establish a career, to establish a routine and become productive, contributing members of society again. As one graduate of the program stated, “This is not just about me getting a second chance, this is about me *finally* getting *a chance*.” With more than 6,700 successful graduates since 2002 when the original “drug court” was created, it is clear that an alternative to unproductive confinement is viable.¹³

For a program like the “Recovery Court” to work however, there must be employers willing to offer these former offenders a job. In the Atlantic City casino industry, a vocal and known supporter of the “Recovery Court” program is Hard Rock co-owner, Joseph Jingoli, Jr. Mr. Jingoli also owns Joseph Jingoli & Son, Inc., a construction company, and Jingoli-DCO, an energy company. In discussing the program and its impact on the Atlantic City casino industry, Mr. Jingoli was very direct about the need to provide opportunities to former offenders: “We have a responsibility to the community – both in Atlantic City and Atlantic County. To go from hopeless to hope is a big deal.” Mr. Jingoli told me that he and Judge Sandson have known each other for a long time and that, sometime after Judge Sandson took over “drug court,” Jingoli & Son, Inc. was in desperate need of workers. He knew of Judge Sandson’s concerns regarding the difficulty former offenders often have in finding gainful employment with a “criminal record” and felt compelled to step in. “I saw hundreds of people coming through the system but they had no employment

⁹ https://www.aclu-nj.org/files/5915/1318/4660/2017_12_13_mass_incarceration_vision.pdf

¹⁰ <https://www.aclu-nj.org/?cID=1251v>

¹¹ https://www.aclu-nj.org/files/5915/1318/4660/2017_12_13_mass_incarceration_vision.pdf

¹² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7040926/>

¹³ <https://njcourts.gov/courts/assets/probation/njstats.pdf?c=Uns> (this link is routinely updated)

prospects. I was born into a system where there was opportunity. I believe that for people like me who have, and have had, opportunity, it is our responsibility to provide that, if we are able to, to other people,” said Mr. Jingoli when asked why he was so passionate about this issue.

Since 2018, dozens of participating employers in the Atlantic City gaming and hospitality industries, including Hard Rock, have hired more than 300 “Recovery Court” graduates. That correlates to at least 300 families whose lives are permanently changed for the better because of their new, job-related work routine. With the pandemic restrictions in New Jersey coming to an end, the casinos will be looking to hire employees once again and the Commission is excited to be able to implement these positive developments in the industry, providing opportunities for casino key employee licenses to applicants who have demonstrated, by clear and convincing evidence, that they are deserving of the opportunity being offered to them, while ensuring that the regulatory integrity of the Atlantic City casino industry remains intact and respected around the world.