

- x. Supervise the hard count or soft count room;
- xi. Supervise the patron check collection unit;
- xii. Function as a simulcast counter shift supervisor in accordance with N.J.A.C. 19:45-1.12(i)2; or
- xiii. Function as a keno manager or keno supervisor;

2. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating casino or simulcast facility operations. Such positions shall include, without limitation, persons who:

- i. Function as an officer or comparable non-corporate employee of the casino licensee;
- ii. Function as a casino manager in accordance with N.J.A.C. 19:45-1.11(b)4 and 1.12(b)9;
- iii. Function as a slot department manager in accordance with N.J.A.C. 19:45-1.11(b)5 and 1.12(h)5;
- iv. Function as a director of surveillance in accordance with N.J.A.C. 19:45-1.11(b)1;
- v. Function as a director of security in accordance with N.J.A.C. 19:45-1.11(b)7;
- vi. Function as a controller in accordance with N.J.A.C. 19:45-1.11(b)8;
- vii. Function as a credit manager in accordance with N.J.A.C. 19:45-1.11(b)6;
- viii. Function as an audit department executive in accordance with N.J.A.C. 19:45-1.11(b)2;
- ix. Function as an MIS department manager in accordance with N.J.A.C. 19:45-1.11(b)3;
- x. Function as a simulcast counter manager in accordance with N.J.A.C. 19:45-1.12(i)3;
- xi. Manage a marketing department;
- xii. Function as an assistant manager of a mandatory casino department;
- xiii. Function as an equal opportunity officer in accordance with N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53-1.4; or
- xiv. Manage casino administrative operations; or

3. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating the management of an approved hotel. Such positions shall include, without limitation, persons who:

- i. Manage the operation of the hotel;
- ii. Manage the entertainment activities of the casino licensee;
- iii. Manage the food and beverage operations of the casino licensee; and

iv. Manage the human resource activities of the casino licensee.

(b) In addition to the persons required to hold a casino key employee license pursuant to (a) above, any natural person who will be employed in a position designated by the Commission, for reasons consistent with the policies of the Act, as a casino key employee in the jobs compendium of a casino licensee shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89. Such positions shall include, without limitation, any employee of a casino licensee who:

- 1. Is required to be qualified pursuant to N.J.S.A. 5:12-85c;
- 2. Will provide legal representation for the casino licensee in matters before the Commission or provide legal counsel regarding compliance with the Act or the rules of the Commission;
- 3. Will purchase or contract for goods and services involving an annual expenditure of \$10,000 or more;
- 4. May authorize the issuance of patron credit;
- 5. May authorize the issuance of cash compliments in the amount of \$10,000 or more in accordance with N.J.A.C. 19:45-1.9B;
- 6. Will serve as a compliance officer in accordance with N.J.A.C. 19:45-1.11; and
- 7. Will supervise an employee who is required to be licensed as a casino key employee.

New Rule, R.1995 d.467, effective August 21, 1995.

See: 27 N.J.R. 2116(a), 27 N.J.R. 3222(a).

Administrative Correction.

See: 28 N.J.R. 1403(a).

Historical Note

A former N.J.A.C. 19:41-1.1, "Casino licenses" was repealed by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

19:41-1.2 Persons required to obtain a casino employee license

(a) Any natural person who will be employed in the operation of a licensed casino or a simulcasting facility, or whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith, or regularly requires work in a restricted casino area shall be required to hold, prior to such employment, a current and valid casino employee license issued in accordance with N.J.S.A. 5:12-90 unless a casino key employee license is otherwise required by N.J.S.A. 5:12-9 and N.J.A.C. 19:41-1.1. Such positions shall include, without limitations, persons who:

- 1. Function as a dealer in accordance with N.J.A.C. 19:45-1.12(b)2;

2. Function as a boxperson in accordance with N.J.A.C. 19:45-1.12(b)4;

3. Function as a floorperson in accordance with N.J.A.C. 19:45-1.12(b)5;

4. Perform, under the supervision of an audit department executive, the duties and responsibilities of the internal audit department in accordance with N.J.A.C. 19:45-1.11(b)2, including, without limitation, the supervision of personnel in the internal audit department; the monitoring of compliance with regulations and internal controls; and the evaluation of the adequacy of accounting and administrative controls;

5. Perform, under the supervision of a controller, the duties and responsibilities of the casino accounting department in accordance with N.J.A.C. 19:45-1.11(b)8 including, without limitation, the supervision of personnel in the casino accounting department; overseeing the review, verification and recordation of casino revenue journal entries; and the processing or control of active accounting documents related to casino gaming activity;

6. Have access to active accounting documents related to casino gaming activity;

7. Conduct surveillance investigations and operations in accordance with N.J.A.C. 19:45-1.11(b)1;

8. Repair and maintain slot machines and bill changers in accordance with N.J.A.C. 19:45-1.12(h)1;

9. Assist in the operation of slot machines and bill changers, including, without limitation, persons who participate in manual jackpot payouts and fill payout reserve containers, or supervise such persons in accordance with N.J.A.C. 19:45-1.12(h)3;

10. Participate in the operation of simulcast wagering or keno wagering;

11. Identify patrons or groups of patrons to receive complimentary based on actual patron play, authorize such complimentary or determine the amount of such complimentary;

12. Function as a junket representative as defined in N.J.S.A. 5:12-29.2 and N.J.A.C. 19:49-2.1;

13. Analyze casino operations data and make recommendations to casino key employee personnel relating to, without limitation, casino marketing, complimentary, junkets, gaming, casino simulcasting, keno wagering, special events, promotions and player ratings;

14. Enter data in gaming-related computer systems or develop, maintain, install or operate gaming-related computer software systems;

15. Collect and record, pursuant to N.J.A.C. 19:45-1.29, patron checks and personal checks which are dishonored and returned by a bank;

16. Develop marketing programs to promote casino gaming including, without limitation, coupon redemption and other complimentary distribution programs;

17. Distribute, redeem, account for or inventory coupons which are considered in the calculation of gross revenue;

18. Process or maintain information on credit applications or the redemption of counterchecks;

19. Process coins, currency, gaming chips, gaming plaques, slot tokens or cash equivalents;

20. Repair or maintain the closed circuit television system equipment that is required by N.J.A.C. 19:45-1.10 as an employee of the surveillance department;

21. Are being trained to become a surveillance employee pursuant to N.J.A.C. 19:41-1.2A(b);

22. Provide physical security in a casino, casino simulcasting facility or restricted casino area;

23. Control and maintain the slot machine inventory, including replacement parts, equipment and tools used to maintain slot machines;

24. Perform as the secretary to the supervisor of the surveillance department, internal audit department, casino accounting department or credit department;

25. Repair gaming equipment other than slot machines;

26. Perform responsibilities associated with the installation, maintenance or operation of computer hardware for casino computer systems; and

27. Supervise a person required to be licensed as a casino employee.

(b) Any person who holds a current and valid casino key employee license may perform the duties and responsibilities of any position that requires a casino employee license.

New Rule, R.1995 d.467, effective August 21, 1995.

See: 27 N.J.R. 2116(a), 27 N.J.R. 3222(a).

Historical Note

A former N.J.A.C. 19:41-1.2, "Casino service industry licenses" was repealed by R.1992 d.412, effective October 19, 1992. See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

19:41-1.3 Employee licensee and registrant age requirements; eligibility to work in the United States

No natural person shall be employed as a casino key employee pursuant to N.J.S.A. 5:12-9 and N.J.A.C. 19:41-1.1 or as a casino employee pursuant to N.J.S.A. 5:12-7 and N.J.A.C. 19:41-1.2 unless he or she is 18 years of age or older, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States. No natural person shall be employed as a casino service employee registrant pursuant to N.J.S.A. 5:12-91 unless he or she has attained the age required for employment by the laws of the state in which he or she will be employed, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States.

Amended by R.1979 d.379, effective October 19, 1979.

See: 11 N.J.R. 418(b), 11 N.J.R. 599(e).

Amended by R.1990 d.209, effective April 16, 1990 (operative June 18, 1990).

See: 22 N.J.R. 22(b), 22 N.J.R. 1271(c).

In (a): revised to include language "or the management of an approved hotel ..." and "holds a current and valid ...". Clarified text to specify positions that require a casino key employee license.

In (a)3: changed "supervisors" to "credit executives."

In (a)4: changed "cashiers" to "casino cashier supervisors."

In (b): revised language to specify positions that require a casino employee license. Added "restricted" to define casino. Renumbered (b)5-9 as (b).

Deleted (b)5, "Bartenders" and (b)7, "waitresses."

In new (b)5, added "and waitresses ... areas."

Renumbered (b)6-9 as (b)5-7.

In (c): revised text to specify requirements for those positions requiring a casino hotel employee registration. In (h): added new text to specify procedures regarding renewal of license credentials.

Notice of Receipt of Petition for Rulemaking.

See: 22 N.J.R. 1635(b).

Amended by R.1990 d.448, effective September 4, 1990.

See: 22 N.J.R. 1911(a), 22 N.J.R. 2752(b).

In (f): deleted phrase, "... shall be numerically controlled ..." regarding the license holder.

Administrative Correction in (a) to correct spelling of employee.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Casino simulcasting added.

Amended by R.1993 d.84, effective February 16, 1993.

See: 24 N.J.R. 4335(b), 25 N.J.R. 712(a).

Repealed (d) through (h), regarding display of license credentials and lost or destroyed credentials.

Amended by R.1994 d.171, effective April 4, 1994.

See: 26 N.J.R. 339(a), 26 N.J.R. 1538(b)?

Amended by R.1995 d.285, effective June 5, 1995.

See: 26 N.J.R. 2218(a), 27 N.J.R. 2254(a).

Amended by R.1995 d.467, effective August 21, 1995.

See: 27 N.J.R. 2116(a), 27 N.J.R. 3222(a).

Substantially amended the section.

Case Notes

Casino's decision to terminate supervisors who had experience in dealing only one game did not constitute age discrimination. *Maidenbaum v. Bally's Park Place, Inc.*, D.N.J.1994, 870 F.Supp. 1254.

19:41-1.4 Employee license credentials and access badges; display; temporary credentials; obligation to obtain renewed credentials.

(a) Each casino key employee, casino employee and casino service employee shall have the license or registration credential issued to him or her by the Commission on his or her person at all times while engaged in the performance of his or her duties.

(b) Each employee of a casino licensee shall wear in a conspicuous manner a badge or similar form of identification (an "access badge") as required pursuant to his or her employer's internal controls submitted in accordance with N.J.A.C. 19:43-9.1(a)9 for purposes of identifying the restricted areas in the employer's establishment to which that employee may obtain access in the course of the performance of his or her normal duties.

(c) No casino licensee shall permit a casino key employee or casino employee to work in a public or restricted area

unless the employee is wearing the access badge required by (b) above.

(d) Notwithstanding (a) through (c) above, the Chairman may, upon written request by a casino licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section. The Chairman may delegate the authority to make such determinations to the Director of the Division of Licensing.

(e) Each casino licensee shall provide each casino employee and casino key employee with the access badge required pursuant to (b) above.

(f) A temporary license credential may be issued by the casino security department of a casino licensee to a casino key employee or casino employee who does not have the license credential or access badge on his or her person, or whose license credential or access badge has been stolen, lost or destroyed, to enable the employee to enter a public or restricted area to perform his or her duties, if the casino security department:

1. Verifies that the employee is listed in the casino licensee's current employee status report;
2. Verifies that the employee holds a valid license;
3. Verifies that the employee is authorized to obtain access to the public and restricted areas in which he or she will be working while in possession of the temporary license credential;
4. Confirms the above employment, access and licensure information with the supervisor of the employee;
5. Verifies that fewer than six temporary license credentials have been issued to the particular employee in the past 12 months; and
6. Immediately notifies the Commission inspection booth in writing that a temporary license credential has been issued, which notice shall include:
 - i. The name, license number and position title of the employee to whom the temporary credential was issued;
 - ii. A list of the public and restricted areas to which the employee may obtain access;
 - iii. The date and time that the temporary credential was issued; and
 - iv. The name and license number of the casino security department employee issuing the temporary credential.

(g) A temporary license credential issued pursuant to (f) above shall:

1. Contain the following information:

i. The name and license number of the employee to whom it was issued, and the public and restricted areas, identified in a manner approved by the Commission, to which the employee is permitted access;

ii. A conspicuous statement printed on the face thereof which provides that the credential is void 24 hours after the time of its issuance;

iii. The date and time it was issued; and

iv. The name and license number of the casino security department employee who issued it;

2. Be void 24 hours after the time of its issuance;

3. Be sequentially numbered; and

4. Be stored in the offices of the casino security department adjacent to the casino floor (the "security podium") and distributed by that department in accordance with the casino licensee's internal controls submitted to and approved by the Commission in accordance with N.J.A.C. 19:43-9.1(a)8.

(h) No more than six temporary license credentials shall be issued to an employee in a 12-month period.

(i) Any holder of a Commission license credential or an access badge shall promptly report the loss or destruction of:

1. A Commission license credential to the Commission through its Division of Licensing; and

2. An access badge to the casino security department of the casino licensee by which such holder is employed.

(j) As soon as possible following the loss or destruction of a license credential or an access badge, the person to whom the license credential or access badge was originally issued shall apply to:

1. The Commission for a replacement license credential; and

2. The department of the casino licensee responsible for the issuance of replacement access badges in accordance with the casino licensee's internal controls for a replacement access badge.

Repealed by R.1978 d.176, effective May 25, 1978.

See: 10 N.J.R. 211(b), 10 N.J.R. 306(b).

Section was "Labor organization registrations".

New Rule, R.1993 d.84, effective February 16, 1993.

See: 24 N.J.R. 4335(b), 25 N.J.R. 712(a).

Amended by R.1993 d.163, effective April 19, 1993 (operative July 1, 1993).

See: 25 N.J.R. 276(a), 25 N.J.R. 1778(a).

Deleted subsection (i) from rule text.

Amended by R.1994 d.265, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Amended by R.1995 d.591, effective November 20, 1995.

See: 27 N.J.R. 3146(a), 27 N.J.R. 4729(a).

Amended by R.1996 d.69, effective February 5, 1996.

See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

Case Notes

Good character, honesty and integrity for licensure as casino employee was established notwithstanding previous egregious defiance of regulatory system. Application of Tran, 95 N.J.A.R.2d (CCC) 5.

Casino key employee license of attorney in good standing was granted notwithstanding prior impropriety of casino hotel employee registration. Application of Lavigna, 95 N.J.A.R.2d (CCC) 1.

19:41-1.5 Scope and applicability of employee licensing and registration requirements

(a) In determining whether a natural person **who will** provide services to a casino licensee or applicant must hold a license or registration as an employee or, alternatively, be registered as a vendor or junket enterprise pursuant to N.J.A.C. 19:43-10.4, it shall be presumed that any such person will be required to hold the appropriate license or registration as an employee if the provision of services by such person is characterized by any of the following indicia of an employment relationship:

1. The natural person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one or more employees of the casino licensee or applicant;

2. The casino licensee or applicant will withhold state and federal income taxes or make regular deductions for unemployment insurance, social security, or other wage deductions required by law from any payments made to the natural person;

3. The natural person will be given the opportunity to participate in any benefit plans offered by the casino licensee or applicant to its employees, including, without limitation, health insurance plans, life insurance plans, pension plans or profit sharing plans;

4. The natural person will not, during the time that services are rendered to the casino licensee or applicant, maintain an autonomous business enterprise, seek or provide services to other business clients, or practice a trade or profession other than for the benefit of the casino licensee or applicant;

5. There is or will be a written or verbal promise of employment or an employment contract offered by the casino licensee or applicant in return for the services of the natural person; or

6. The natural person has an employee license or registration application pending before the Commission or will submit such an application during the time the services are being rendered, the cost of which has been or will be paid for or reimbursed by the casino licensee or applicant.

(b) A casino licensee or applicant which, or a natural person who, is a party to a contractual agreement for the provision of services to the casino licensee or applicant by such natural person as an enterprise subject to the vendor or junket registration or casino service industry licensure requirements of the Act and the rules of the Commission may request, in accordance with the provisions of N.J.A.C. 19:42-9.1, a declaratory ruling that, notwithstanding the presumption established by (b) above, the provision of such services in accordance with the terms of the agreement shall not require the natural person to obtain an employee license or registration.

(c) The Commission may, upon consideration of the factors in (a)1 through 6 above and any other relevant information, require any natural person to obtain an employee license or registration prior to providing or continuing to provide any services to a casino licensee or applicant notwithstanding:

1. Any agreement between the casino licensee or applicant and such natural person to the contrary; or
2. That a vendor registration form or junket enterprise registration form has been filed by a casino licensee or applicant on behalf of the natural person pursuant to N.J.A.C. 19:43-10.4.

Repeal and New Rule, R.1994 d.215, effective May 2, 1994.

See: 26 N.J.R. 779(a), 26 N.J.R. 1845(a).

Section was "Casino hotel alcoholic beverage licenses".

Amended by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

19:41-1.5A (Reserved)

New Rule, R.1994 d.447, effective September 6, 1994.

See: 26 N.J.R. 2207(a), 26 N.J.R. 3746(b).

Repealed by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Section was "Position endorsement".

19:41-1.6 (Reserved)

Repealed by R.1994 d.215, effective May 2, 1994.

See: 26 N.J.R. 779(a), 26 N.J.R. 1845(a).

Section was "Slot machine licenses".

19:41-1.7 (Reserved)

Repealed by R.1994 d.66, effective February 7, 1994.

See: 25 N.J.R. 5114(b), 26 N.J.R. 827(a).

Section was "Work permits".

19:41-1.8 (Reserved)

Repealed by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Section was "Experience and training requirements".

19:41-1.9 (Reserved)

Repealed by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Section was "Qualification standards: table games positions."

Case Notes

Casino's decision to terminate supervisors who had experience in dealing only one game did not constitute age discrimination. *Maidenbaum v. Bally's Park Place, Inc.*, D.N.J.1994, 870 F.Supp. 1254.

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. PERSONS REQUIRED TO BE QUALIFIED

19:41-3.1 (Reserved)

Repealed by R.1992 d.500, effective December 21, 1992.

See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Section was "Casino licenses".

Case Notes

Compliance noted. In re: Application of Playboy-Elsinore Associates, 203 N.J.Super. 470 (App.Div.1985).

19:41-3.2 (Reserved)

Repealed by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Section was "Casino service industry licenses".

19:41-3.3 Employee licenses

No employee license shall issue unless the individual qualifications of the natural person applying therefor shall have first been established in accordance with the standards of the Act and of the regulations of the Commission.

19:41-3.4 (Reserved)

Repealed by R.1978 d.176, effective May 25, 1978.

See: 10 N.J.R. 211(b), 10 N.J.R. 306(b).

Section was "Labor organization registrations".

19:41-3.5 Casino hotel alcoholic beverage licenses

No casino hotel alcoholic beverage license shall issue unless the individual qualifications of the person applying therefor shall have first been established in accordance with the standards of Section 103 of the Act and of the regulations of the Commission.

SUBCHAPTER 4. STANDARDS FOR QUALIFICATION

19:41-4.1 Scope

No license shall be issued unless each person required to qualify shall have first qualified in accordance with the following standards applicable to the said person as set forth in the Act and the regulations of the Commission.

19:41-4.2 (Reserved)

Repealed by R.1992 d.500, effective December 21, 1992.

See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Section was "Casino license standards".

Case Notes

Good character, honesty and integrity. Application of Boardwalk Regency Corp. for a Casino License, 180 N.J.Super. 324, 434 A.2d 1111 (App. Div. 1981) modified 90 N.J. 361, 447 A.2d 1335.

19:41-4.3 Employee standards

(a) The employee standards set forth in Sections 89, 90 and 91 of the Act and the regulations of the Commission are as follows:

1. The financial stability, integrity and responsibility of the person;
2. The good character and reputation of the person for honesty and integrity; and
3. The age of the person.

Amended by R.1978 d.363, effective October 16, 1978.

See: 10 N.J.R. 407(e), 10 N.J.R. 522(c).

Amended by R.1982 d.63, effective March 15, 1982.

See: 14 N.J.R. 37(a), 14 N.J.R. 285(d).

Deleted (a)5 and 6.

Amended by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Case Notes

Good character, honesty and integrity.

In re Seymour Alter, OAL Dkt. CCC 2085-79 (December 6, 1979), affirmed in part and reversed in part, CCC Dkt. 79-EA-60 (May 20, 1980), affirmed per curiam N.J. App. Div., June 24, 1981, A-4106-79T1 (Unreported). Patsy N. Marino v. Division of Gaming Enforcement, 2 N.J.A.R. 176 (1980). Bradford Woodard v. Division of Gaming Enforcement, 2 N.J.A.R. 231 (1980). In re Antonio Tuffi, OAL Dkt. CCC 4660-79 (August 8, 1980), modified, CCC Dkt. 79-EA-149 (November 25, 1980), affirmed, N.J. App. Div., February 10, 1982, A-1541-80T1. Barbara A. Callabrese D'Ascenso v. Division of Gaming Enforcement, 2 N.J.A.R. 92 (1980).

Qualifications explicitly incorporate statutory requirements. In re: Martin, 90 N.J. 295 (1982).

19:41-4.4 Section 86 standards

The standards set forth in Section 86 of the Act are the proving of qualifications; the providing of information, documentation and assurances; the conviction of, current prosecution of or commission by the person of certain criminal offenses; the pursuit of certain described activities for financial gain or the association with persons engaged in the pursuit thereof; and, the defiance by the person of certain official investigatory bodies.

19:41-4.5 Casino hotel alcoholic beverage license standards

The casino hotel alcoholic beverage license standards set forth in Section 103 of the Act, the regulations of the Commission, Title 33 of the Revised Statutes and the rules, regulations and bulletins of the Division of Alcoholic Beverage Control are among other things, the age of the person and the conviction of the person of a crime involving moral turpitude.

SUBCHAPTER 5. FORMS

19:41-5.1 Definitions

The following words and terms shall have the following meanings when used in this subchapter, unless the context clearly indicates otherwise.

"Family" is defined at N.J.A.C. 19:40-1.2.

"Hub facility" is defined at N.J.A.C. 19:55-1.1.

"Immediate family" means a person's spouse and any children, whether by marriage, adoption or natural relationship.

Amended by R.1993 d.571, effective November 15, 1993 (operative December 20, 1993).

See: 25 N.J.R. 3951(a), 25 N.J.R. 5359(b).

19:41-5.2 Personal History Disclosure Form 1A (Casino Key Employee/Qualifier Form)

(a) A Personal History Disclosure Form 1A (Casino Key Employee/Qualifier Form or PHD-1A) shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Name, including any aliases or nicknames;
2. Date of birth;
3. Physical description;
4. Current address and residence history;
5. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 552a;
6. Citizenship and, if applicable, information regarding resident alien status;
7. Marital history, dependents and other family data;
8. The casino licensee or applicant, casino service industry enterprise licensee or applicant or holding company, as applicable, with which the applicant is affiliated, and the nature of the applicant's position with or interest in such entity;
9. Telephone number at current place of employment;
10. Employment history of the applicant and the applicant's immediate family;
11. Education and training;
12. Record of military service;
13. Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
14. Trusteeships or other fiduciary positions held by the applicant and the applicant's spouse, and any denial or suspension of, or removal from, such positions;
15. Current memberships in any social, labor or fraternal union, club or organization;
16. Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, as follows:

(c) The Commission shall grant a petition filed pursuant to this section if it finds that the facts and circumstances presented establish good cause for relief.

(d) If the Commission denies a petition for permission to obtain employment as a CHAB employee, the petitioner shall be restricted from filing another petition pursuant to this section for a period of two years from the date that the petition is denied.

New Rule, R.1996 d.69, effective February 5, 1996.
See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

SUBCHAPTER 9. FEES

19:41-9.1 General description of fees and policy

(a) Under the Act, the Commission and Division are required to be financed exclusively from fees charged each fiscal year to applicants, licensees and registrants. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. Section 139 of the Act requires the Commission to establish, by regulation, fees for the issuance and renewal of casino licenses. The statutory basis for the casino license issuance fee is the cost of investigation and consideration of the application. The statutory basis for the casino license renewal fee is the cost of maintaining the control and regulatory activities of the Commission and the Division. In contrast, section 141 of the Act requires the Commission to establish, by regulation, issuance and renewal fees for all non-casino licenses, but indicates no cost basis for establishing such fees.

(b) The differing treatment of these categories reflects a legislative recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the agencies in implementing that process. Moreover, the experience of the Commission and the Division reveals that the actual cost of investigating and considering applications for individual employee licenses and casino service industry licenses frequently exceeds the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these regulations is designed to respond to these policies and problems.

(c) To the extent fairly possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to that applicant or licensee. However, since individual employees and casino service industry enterprises cannot always be expected to cover the full amount expended, there will be an amount of the annual combined budgets of the agencies which will not be recoverable through specified fees for particular services. This amount cannot be predict-

ed with precision because of the necessarily variable allocation of Commission and Division efforts.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from casino license renewal fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise uncollected expenditures of the agencies should be allocated among the licensed casino facilities.

(e) In the event that the Casino Control Fund has a surplus as of the close of a fiscal year, other than a surplus due to estimated payments against an expected deficiency, the surplus should be credited to the extent possible to the individual licensees who made the surplus payments. Since, as noted in (c) above, fees charged to persons other than casino licensees are no more than and frequently less than the actual cost of the investigatory and regulatory services actually attributable to them and since the casino licensees, through various hourly and other charges, contribute the overwhelming majority of all fees generated by the agencies, any surplus in the Casino Control Fund may be attributable to payments made by the casino licensees. Further, since it is not feasible to ascertain precisely the source of the surplus due to the variety of charges levied against the casino licensees and the numerous variables affecting the revenues and expenditures of the agencies, it is reasonable and equitable to distribute the surplus by granting credit to the casino licensees against future fee obligations and to allocate the credit among the licensees in proportion to the relative amount of total fees incurred or paid by each casino licensee with respect to the fiscal year.

Amended by R.1981 d.367, effective October 8, 1981.

See: 13 N.J.R. 531(b), 13 N.J.R. 709(a).

Added subsection (d).

Amended by R.1985 d.583, effective November 18, 1985.

See: 17 N.J.R. 2242(a), 17 N.J.R. 2788(a).

(e) added.

Amended by R.1993 d.253, effective June 7, 1993 (operative July 1, 1993).

See: 25 N.J.R. 1080(a), 25 N.J.R. 2506(c).

Case Notes

Citation. Atlantic City Casino Hotel Assn. v. Casino Control Commission, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.2 Fiscal year

For purposes of this subchapter, a fiscal year shall be the period commencing on July 1 and ending the subsequent June 30.

19:41-9.3 Payment of fees and civil penalties

(a) No application shall be accepted for filing by the Commission or processed by the Commission or the Division except upon proper and timely payment of all required fees and civil penalties in accordance with the Act and the

regulations of the Commission. Any portion of a fee which is incurred or determined after the filing of the application or which is estimated in accordance with this subchapter, and any civil penalty imposed by the Commission, shall be payable upon demand made by the Commission through its Division of Financial Evaluation. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee or civil penalty unless the Commission finds cause to permit an extension of time in which to remit the demanded amount.

(b) Any fee or civil penalty required to be paid in accordance with this subchapter or pursuant to an order of the Commission shall be paid before the Commission shall consider the application for issuance or renewal of licensure, unless the Commission finds cause to permit an extension of time in which to pay such fee or civil penalty.

(c) All fees and civil penalties shall be paid by check or money order made payable, in the case of fees, to the "Casino Control Fund" and, in the case of civil penalties, to the "Casino Revenue Fund," and presented to the Commission at its offices. No check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn.

(d) Unless otherwise directed by the Commission, all payments of fees or civil penalties received from licensees, registrants or applicants shall be credited against, in chronological order (the oldest shall be paid first), any outstanding debts for fees or civil penalties that the person owes pursuant to the Act and the regulations of the Commission.

(e) A required fee or civil penalty shall be considered paid only if the Commission is satisfied that the person obligated to pay the fee or civil penalty owes no other debts for fees or civil penalties.

(f) Any required fee or civil penalty that a person fails to pay despite demand therefor shall constitute cause for the Commission to dismiss administratively any application submitted by such person, or to suspend administratively any license or registration held by such person, including a license or registration that has been issued, or an application that has been submitted, before the debt arose.

Amended by R.1992 d.35, effective January 21, 1992.
See: 23 N.J.R. 3249(a), 24 N.J.R. 298(a).
Revised text.

19:41-9.4 Casino license fees

(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. "Casino license" means a plenary casino license issued under Section 87 of the Act;

2. "Licensed casino facility" means a casino hotel facility as to which a casino license has been issued to authorized gaming operations;

3. "Casino operator" means a casino licensee is designated as the primary obligor for payment of gross revenues taxes in accordance with N.J.A.C. 19:54-1.2;

4. "Initial license fee" or "Issuance fee" means the total fee which is required by the Act and these regulations to be paid prior to consideration or issuance of a plenary casino license to an unlicensed applicant and which is based upon the cost of investigating and considering the application;

5. "License renewal fee" means the total fee which is required by the Act and these regulations to be paid prior to the renewal of a plenary casino license under Section 88 of the Act and which is based upon the cost of investigating and considering the application and of maintaining control and regulatory activities of the Commission and the Division.

(b) No application for the issuance or renewal of a casino license shall be accepted for filing by the Chairman unless a nonrefundable deposit of \$100,000 shall first have been paid in full. Such deposit shall be applied to the initial license fee or renewal fee if the application is approved.

(c) No casino license shall be issued unless the applicant shall first have paid in full an issuance fee of not less than \$200,000.

(d) No casino license shall be renewed unless the applicant shall first have paid in full a renewal fee of not less than \$100,000 for each one-year license renewal, and not less than \$200,000 for each two-year license renewal.

(e) As a component of its initial license fee or renewal fee and as a condition of casino licensure, each applicant or licensee shall be required to pay for the efforts of the Commission and the Division on matters directly related to the applicant or licensee at hourly rates to be set by the Commission in accordance with this subsection, and to reimburse any unusual costs or out of pocket expenses incurred by the Commission or the Division in regard to such matters.

1. Prior to the start of each fiscal year, the Commission shall determine the hourly fee rates to be paid by licensees and applicants pursuant to this subchapter. These rates shall be based upon the hourly costs of services provided by Commission professional staff, Commission inspection staff and Division professional staff during the fiscal year, as estimated from the projected fiscal year budget for the Commission and the Division.

2. The projected hourly fee rates established pursuant to (e)1 above may be adjusted by the Commission during the fiscal year based upon the final fiscal year budget approved for the Commission and the Division by the Legislature.