

CHAPTER 41

APPLICATIONS

Authority

N.J.S.A. 5:12-63c, 69a, 70a-c, 70e, 89, 90, 91, 92, 93, 139 and 141.

Source and Effective Date

R.2005 d.148, effective April 15, 2005.
See: 37 N.J.R. 427(b), 37 N.J.R. 1754(a).

Chapter Expiration Date

Chapter 41, Applications, expires on April 15, 2010.

Chapter Historical Note

Chapter 41, Applications, was adopted as R.1977 d.475, effective December 15, 1977. See: 9 N.J.R. 545(b), 10 N.J.R. 4(d).

Subchapter 12, Labor Organization Registration, was adopted as R.1978 d.176, effective May 25, 1978. See: 10 N.J.R. 211(b), 10 N.J.R. 306(b).

Subchapter 11, Applications by Casino Licensees for Approval of Agreements, was adopted as R.1978 d.177, effective May 25, 1978. See: 10 N.J.R. 212(b), 10 N.J.R. 306(c).

Subchapter 13, Casino License Conservatorship, was adopted as R.1979 d.207, effective May 24, 1979. See: 11 N.J.R. 213(b), 11 N.J.R. 360(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1983 d.181, effective May 17, 1983. Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983. See: 15 N.J.R. 532(b), 15 N.J.R. 931(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1988 d.255, effective May 12, 1988. See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989. See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Subchapter 2, Casino Hotel Facilities, and Subchapter 13, Casino License Conservatorship, were recodified as N.J.A.C. 19:43-6 and 19:43-13, by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Subchapter 14, Applications for the Renewal of Employee Licenses, was adopted as R.1993 d.34, effective January 19, 1993, operative July 1, 1993. See: 24 N.J.R. 2133(a), 25 N.J.R. 345(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1993 d.205, effective April 15, 1993. See: 25 N.J.R. 916(b), 25 N.J.R. 1999(a).

Subchapter 5, Forms, was adopted as new rules by R.1993 d.429, effective September 7, 1993. See: 25 N.J.R. 2655(a), 25 N.J.R. 4120(a).

Subchapter 11, Agreements To Do Business with Casino Licenses, was in part repealed and in part recodified to N.J.A.C. 19:43-10 by R.1994 d.220, effective May 2, 1994. See: 26 N.J.R. 339(b), 26 N.J.R. 1847(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1995 d.242, effective April 13, 1995. See: 27 N.J.R. 647(a), 27 N.J.R. 2011(a).

Subchapter 6, Statements of Compliance, was repealed by R.1996 d.352, effective August 5, 1996. See: 28 N.J.R. 2350(a), 28 N.J.R. 3817(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.2000 d.196, effective April 13, 2000, and Subchapter 3, Persons Required To Be Qualified, was repealed by R.2000 d.196, effective May 15, 2000. See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

Chapter 41, Applications, was readopted as R.2005 d.148, effective April 15, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. LICENSE AND REGISTRATION
REQUIREMENTS19:41-1.1 Persons required to obtain a casino key
employee license

(a) Any natural person who will be employed by a casino licensee in a position that includes any responsibility or authority listed below, regardless of job title, 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:

1. The supervision of specific areas of casino or simulcasting operations. Such positions shall include, without limitation, persons who:

i. Function as a table games shift manager in accordance with N.J.A.C. 19:45-1.12(b)8;

ii. Function as a pit boss in accordance with N.J.A.C. 19:45-1.12(b)6;

iii. Function as a poker shift supervisor in accordance with N.J.A.C. 19:45-1.12(b)7;

iv. Function as a slot shift manager in accordance with N.J.A.C. 19:45-1.12(h)4;

v. Supervise the repair and maintenance of slot machines and bill changers;

iii. If the enterprise is a sole proprietorship, the name of the sole proprietor; and

iv. Each beneficial owner of more than five percent of the outstanding voting securities of the enterprise, and the percentage of ownership; and

13. The name and position or title of the individual who supplied the information in the VRF.

(b) In addition to the information in (a) above, a completed VRF may include the following:

1. A certification of truth, which shall be dated and signed by an authorized agent of the casino licensee or applicant or hub facility, and which shall indicate such person's position or title and the casino licensee or applicant or hub facility submitting the form; and

2. A Principal Employee Data Summary Form for each individual in (a)12i through iv above, which may include the following information:

- i. Name;
- ii. Residence;
- iii. Date of birth;
- iv. Sex and race, which information is voluntarily provided;
- v. Position with the enterprise; and
- vi. Any gaming licenses or registrations currently held or pending in the State.

New Rule, 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).

19:41-5.11A Notice of Intent to Conduct Enterprise Business

(a) A Notice of Intent to Conduct Enterprise Business shall be in a format prescribed by the Commission and may require the following information regarding the enterprise:

1. Any official or trade name used;
2. Business address;
3. Telephone number;
4. Federal Employer Identification Number;
5. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 522a; and
6. The date on which a formal offer and acceptance of an agreement to conduct business with a casino licensee or applicant occurred.

New Rule, R.1995 d.496, effective September 5, 1995.
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

19:41-5.12 Junket Enterprise Registration Form

(a) A Junket Enterprise Registration Form (JERF) shall be in a format prescribed by the Commission and may require the junket enterprise to provide the following information:

1. Any official or trade name used;
2. Business address;
3. Telephone number;
4. Federal Employer Identification Number;
5. State and date of incorporation;
6. Whether the enterprise is minority- or women-owned and controlled and the enterprise certification number, if any, which information is voluntarily provided;
7. Form of business;
8. Names and addresses of all subsidiaries;
9. The name, address and percentage of ownership of each entity directly owning more than five percent of the enterprise;
10. The names of each of the following:
 - i. Any individual who entered into the agreement with the casino licensee or applicant and any individual who will deal directly with the casino licensee or applicant, including junket representatives; the immediate supervisors of such persons; and all persons responsible for the office out of which such supervisors work;
 - ii. Any officer, partner, or director who will be significantly involved in the conduct of the enterprise's business with the casino licensee or applicant;
 - iii. If the enterprise is a sole proprietorship, the name of the sole proprietor; and
 - iv. Each beneficial owner of more than five percent of the outstanding voting securities of the enterprise, and the percentage of ownership;
11. The name, date of birth, address and telephone number of any junket representative employed by the enterprise who is utilized in the conduct of junket activity but who is not listed in (a)10i above.

(b) In addition to the information in (a) above, a completed JERF may include the following:

1. A certification of truth, which shall be dated and signed by an officer or owner of the junket enterprise and shall indicate such person's position or title;
2. A Principal Employee Data Summary Form for each individual in (a)10i through iv above, which may include the following information:
 - i. Name;
 - ii. Residence;

- iii. Date of birth;
 - iv. Sex and race, which information is voluntarily provided;
 - v. Position with the enterprise; and
 - vi. Any gaming licenses or registrations currently held or pending in the State; and
3. A Junket Enterprise Transmittal Form, which may include the following:
- i. The anticipated date of arrival for the first junket involving the junket enterprise; and
 - ii. A certification of truth, which shall be dated and signed by an authorized agent of the casino licensee or applicant, and shall indicate such person's position or title.

New Rule, 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).

19:41-5.13 Labor Organization Registration Statement

(a) A Labor Organization Registration Statement shall be in a format prescribed by the Commission and may require the labor organization, union, or affiliate to provide the following information:

- 1. The name of the registrant as shown on its charter or in its constitution;
- 2. The current and former business addresses of the registrant, including the address of any office where matters pertaining to employees of a casino license will be conducted;
- 3. The names of the registrant's parent organization and all affiliates of the registrant or its parent organization;
- 4. The nature of the actual or probable involvement of any affiliate which represents or is seeking to represent employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or which is involved or seeking to be involved in the control or direction of such representation;
- 5. Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee;
- 6. The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:
 - i. Any pension or welfare system maintained by the registrant;
 - ii. Each officer and agent of any pension or welfare system maintained by the registrant;
 - iii. Each officer and officer-elect of the registrant;

- iv. Each agent authorized to represent the registrant; and
- v. Each principal employee of the registrant.

(b) In addition to the information in (a) above, a completed Labor Organization Registration Statement may include the following:

- 1. A notarized affidavit of truth, which shall be dated and signed by the registrant's president or chief executive officer, treasurer and secretary;
- 2. A certification of truth, dated and signed by the registrant's attorney of record;
- 3. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the registrant as requested by the Commission or the Division;
- 4. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the registrant from any disclosure or publication of information acquired during the investigation process, in accordance with N.J.S.A. 5:12-80c; and
- 5. Consent to inspection, searches and seizures and the supplying of handwriting exemplars, in accordance with N.J.S.A. 5:12-80c.

New Rule, R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-5.14 Labor Organization Individual Disclosure Form

(a) A Labor Organization Individual Disclosure Form 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. Title or position with the labor organization;
- 3. Date and place of birth;
- 4. Physical description;
- 5. Current address and residence history;
- 6. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 552a;
- 7. Citizenship and, if applicable, information concerning resident alien status;
- 8. Telephone number at current place of employment;
- 9. Employment history, including all positions held with a labor organization, union or affiliate, whether or not compensated;

1. The applicant for registration has an offer of employment from a casino licensee or applicant; and

2. A petition requesting that the Commission issue the registration has been filed by the casino licensee or applicant pursuant to N.J.A.C. 19:43-9.5

(b) A completed application for casino service employee registration as set forth in N.J.A.C. 19:41-7.1A shall be filed as follows:

1. The applicant for registration may provide the casino licensee or applicant with his or her written authorization to file the application on his or her behalf pursuant to N.J.A.C. 19:43-9.5(a)4; or

2. The applicant for registration may submit the complete application directly to the Commission by mail or in person at the address specified in N.J.A.C. 19:40-3.5(b) and (c), provided that:

i. The application is accompanied by a written offer of employment from a casino licensee or applicant; and

ii. The applicant provides the casino licensee or applicant with a signed and dated certification stating that he or she has filed a completed application with the Commission.

New Rule, R.1994 d.280, effective June 6, 1994.
See: 26 N.J.R. 1321(a), 26 N.J.R. 2474(a).
Amended by R.1995 d.306, effective June 19, 1995.
See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

19:41-7.1C Duration of employee licenses and registrations

(a) A casino key employee license shall be issued for an initial term of two years and may be renewed for a term of four years.

(b) A temporary casino key employee license shall be issued for a term not to exceed nine months.

(c) A casino employee license shall be issued for an initial term of three years and may be renewed for a term of four years.

(d) A temporary casino employee license shall be issued for a term of six months and may be renewed at the discretion of the Commission for one additional six month period.

(e) Casino service employee registrations shall be issued for an indefinite term.

(f) Notwithstanding (a) through (e) above, a casino key employee license, a temporary casino key employee license, a casino employee license, a temporary casino employee license or a casino service employee registration may be given a conditional expiration date to coincide with any employment authorization issued by the United States De-

partment of Justice, Immigration and Naturalization Service which is less than the term of the license or registration.

(g) A license or registration issued with a conditional expiration date pursuant to (f) above may be extended upon the presentation of proof of United States citizenship, or upon proof of authorization to work in the United States in accordance with N.J.A.C. 19:41-1.3(a). However, a casino employee license or a casino key employee license shall not be extended beyond the term of the license.

(h) Unless extended pursuant to (g) above, a casino key employee license, a casino employee license or a casino service employee registration with a conditional expiration date shall expire on that date.

New Rule R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

19:41-7.2 Duty to disclose and cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, registrant and person required to be qualified to provide all information, documentation and assurances pertaining to qualifications required or requested by the Commission or Division and to cooperate with the Commission and Division in the performance of their duties. Any refusal by any such person to comply with a formal request for information, evidence or testimony shall be a basis for denial, revocation or disqualification. No application shall be granted to any applicant who fails to provide information, documentation and assurances required by the Act or requested by the Commission or who fails to reveal any fact material to qualification.

Case Notes

Christine Paul v. Division of Gaming Enforcement, 2 N.J.A.R. 341 (1979). 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 Tufi, OAL Dkt. CCC 4660-70 (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).

19:41-7.2A Identification

(a) Each natural person who seeks to apply for a license or registration under the Act, obtain a license credential, or to modify his or her credential in any manner or obtain employment as a CHAB employee pursuant to N.J.A.C. 19:41-8.11 shall establish his or her identity to a reasonable certainty.

(b) A natural person may establish his or her identity pursuant to (a) above by providing either:

1. One of the following authentic documents:

i. A current United States passport;

ii. A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United States Department of Justice, Immigration and Naturalization Service (INS); or

iii. A current identification card issued by the INS containing a photograph or fingerprints and identifying information such as name, date of birth, sex, height, color of eyes and address; or

2. Any two of the following authentic documents:

i. A certified copy of a birth certificate issued by a state, county or municipal authority in the United States bearing an official seal;

ii. A current driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iii. A current identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iv. A current student identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;

v. A current identification card issued by a federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

vi. A valid casino employee or casino key employee license, an expired casino employee or casino key employee license issued after 1998, or a valid casino service employee registration; or

vii. An unexpired foreign passport with an authorization issued by the INS.

(c) Any person required to establish his or her identity pursuant to (a) above who is not a United States citizen shall also be required to demonstrate that he or she is authorized to work in the United States in accordance with N.J.A.C. 19:41-1.3(a).

(d) Any natural person may request that the Commission change the name designated on his or her application, license or registration by establishing identity pursuant to (b) above or by providing a certificate of marriage, a divorce decree or court order from this or any other state, which evidences the requested name change.

(e) Any person whose application or name change is not accepted for failure to meet the requirements of (b) or (c) above may request a hearing in accordance with N.J.A.C. 19:42-2.1.

New Rule. R.1985 d.668, effective January 6, 1986.

See: 17 N.J.R. 2532(a), 18 N.J.R. 96(a).

Repealed by R.1990 d.560, effective November 19, 1990.

See: 22 N.J.R. 2651(a), 22 N.J.R. 3504(b).

New Rule, R.1994 d.5, effective January 3, 1994 (operative February 1, 1994).

See: 25 N.J.R. 4736(a), 26 N.J.R. 254(a).

Amended by R.1994 d.470, effective September 19, 1994.

See: 26 N.J.R. 2565(a), 26 N.J.R. 3891(b).

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

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

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

Rewrote the section.

19:41-7.3 Duty to promptly furnish information

It shall be the duty of each applicant to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, handwriting exemplars or other materials required or requested by the Commission or Division. Failure to furnish same within five days after receipt of request therefor shall constitute grounds for delaying consideration of the application.

19:41-7.4 Consent to inspections, searches and seizures

Each applicant, licensee, registrant, holding company and intermediary company shall consent in writing to inspections, searches and seizures authorized by law.

Case Notes

Search and seizure consent statute upheld as mandating submission to lawful searches: warrantless home searches not authorized. In re: Martin, 90 N.J. 295 (1982).

19:41-7.5 Waiver of liability for disclosure of information

Each applicant, licensee, registrant and person required to be qualified shall, in writing, waive liability as to the State of New Jersey and its instrumentalities and agents for any damages resulting from any disclosure or publication of any material or information acquired during the license consideration process or during any inquiries, investigations or hearings.

19:41-7.6 Consent to examination of accounts and records

Each applicant, licensee and registrant shall, in writing, consent to the examination of all accounts, bank accounts and records in his possession or under his control and authorize all third parties in possession or with control of such accounts or records to allow such examination thereof as may be deemed necessary by the Commission or Division.

19:41-7.7 Fingerprinting

(a) Each applicant, licensee, registrant and natural person required to be qualified, except for an applicant required to be qualified pursuant to subsection 92c of the Act by virtue of his or her position with a casino service industry enterprise, shall be fingerprinted under the supervision of the Division without charge. The Commission may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Commission.

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 four-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.

3. Notice of the hourly fee rates established pursuant to (e)1 above shall be published in the New Jersey Register.

(f) A licensed casino facility shall be required to pay, as a component of the renewal fee for any casino license necessary to casino or casino simulcasting operations therein and as a condition of any such casino license renewal, a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share for each licensed casino facility shall be the amount which bears the same proportion to the total liability of all licensees as the proportion which that licensed casino facility's average daily authorized casino room and casino simulcasting facility square footage bears to the total average daily

authorized casino room and casino simulcasting facility square footage for all licensed casino facilities. For purposes of this calculation any part of a calendar day shall be considered a full day. Any days during which a necessary casino license or operation certificate for a licensed casino facility has been suspended shall also be counted in determining the share of such facility. Further, the operation of the facility by a conservator or trustee shall be deemed continued operation by the casino operator for these purposes. The obligation to pay the assessed share of a licensed casino facility shall be that of the casino operator; provided, however, that if a change of casino operators occurs during the fiscal year, each such operator shall be liable for an amount of the share apportioned according to the time during which each operator functioned. Any share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Commission, through its Division of Financial Evaluation, may estimate from time to time during the fiscal year the share for each licensed casino facility incurred to that time and require payment of such estimated share on a monthly or other periodic basis during 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 (f).

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(e) Substantially amended.

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

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

Added text to (f) "Any share calculated ... such estimated share."

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Deleted old (e)1 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (d): added text setting forth \$200,000 renewal fee for each two-year license renewal; added "one-year license" renewal in sentence setting forth \$100,000 renewal fee.

In (e): deleted specific hourly rates and added "... hourly rates to be set by the Commission in accordance with this subsection ..." Added new (e)1-3, recodifying existing (e)1-2 as part of subsection (e).

Public Notice: hourly fee rates.

See: 25 N.J.R. 1012(a).

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).

Public Notice: hourly fee.

See: 25 N.J.R. 2775(c).

Public Notice: hourly fee.

See: 26 N.J.R. 2476(a).

Public Notice: hourly fee rates.

See: 26 N.J.R. 3216(c).

Amended by R.2000 d.196, effective May 15, 2000.

See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

In (d), substituted a reference to four-year license renewals for a reference to two-year license renewals.

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

Public Notice: Hourly Fee Rates.

See: 39 N.J.R. 1535(b).

Case Notes

Assessment procedure consistent with Casino Control Act and necessary for its implementation. *Atlantic City Casino Hotel Assn. v. Casino Control Commission*, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.5 Fees for testing of gaming and simulcast wagering equipment and related devices and software

(a) Any person seeking to have prototype gaming or simulcast wagering equipment or related devices or software approved pursuant to N.J.A.C. 19:46-1.20(a)1 and, if applicable, 1.28 shall be required to pay the following fee:

1. An initial minimum charge of \$500.00, which shall be credited to the total fee;
2. Payment for the efforts of the Commission and the Division on matters directly related to the examination, testing and consideration of the prototype at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and
3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division for matters directly related to the examination, testing and consideration of the prototype.

New Rule, R.1999 d.173, effective June 7, 1999.

See: 30 N.J.R. 2164(a), 31 N.J.R. 1502(a).

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

Public Notice: Hourly Fee Rates.

See: 39 N.J.R. 1535(b).

19:41-9.6 Slot machine fees

In addition to any other tax or fee imposed by the Act or the regulations of the Commission and as required by Section 140 of the Act, each casino operator shall pay an annual license fee of \$500.00 upon every slot machine maintained for use in or in use in the licensed casino establishment. The annual slot machine license fee shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and a pro rata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Subsection (b) amended.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Added text to (b) "at the rate ..."; deleted text in (b) "at the rate of \$40.00 per hour".

Amended by R.1992 d.118, effective March 16, 1992.

See: 23 N.J.R. 3729(a), 24 N.J.R. 970(c).

Deleted existing subsection (c) on permits for out-of-state slot machine manufacturers and distributors. Deleted \$500.00 permit fee.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b): Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e)".

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

Amended by R.1999 d.173, effective June 7, 1999.

See: 30 N.J.R. 2164(a), 31 N.J.R. 1502(a).

Deleted former (a) designation; and deleted a former (b).

19:41-9.7 Casino hotel alcoholic beverage licenses

(a) Under Section 103 of the Act no business may expose for sale, solicit or promote the sale of, possess with intent to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel unless said business possesses an appropriate casino hotel alcoholic beverage license.

(b) The fee for the issuance or renewal of a casino hotel alcoholic beverage license for a casino licensee conducting alcoholic beverage activity in a casino hotel shall be assessed as follows:

1. Payment for the efforts of the Commission and the Division on matters directly related to the casino hotel alcoholic beverage license or application at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the casino hotel alcoholic beverage license or application.

(c) The fee for the issuance or renewal of a casino hotel alcoholic beverage license for a casino service industry licensee which is not affiliated with any casino licensee shall be \$1,000 for each location approved by the Commission for any or all of the activities listed in section 103.

(d) The fee for the issuance or renewal of a restricted brewery authorization shall be assessed as follows:

1. For a casino licensee, in accordance with (b) above; and
2. For a casino service industry licensee which is not affiliated with any casino licensee, a fee of \$1,000.

(e) The fee for the issuance of any permit or approval required by the Act or Title 33 of the Revised Statutes for an alcoholic beverage activity which is not included within a casino hotel alcoholic beverage license shall be assessed:

1. For a casino licensee, in accordance with (b) above;
2. For all other persons, at a rate of \$50.00 per day.

Amended by R.1983 d.80, effective March 21, 1983.

See: 14 N.J.R. 1364(a), 15 N.J.R. 449(c).

Added \$5,000 fee to be assessed for each location within the casino hotel. All storage areas to be deemed a licensable location. Fee to be pro rated for after acquired licenses.

New Rule, R.1987 d.109, effective February 17, 1987.

See: 18 N.J.R. 2379(a), 19 N.J.R. 381(a).

Deleted old text.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Added new (b)1 and deleted old (b)1; deleted (e).

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)1: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e)."

Public Notice: Hourly fee rates.

See: 25 N.J.R. 1012(a).

Public Notice: Hourly fee rates.

See: 25 N.J.R. 2775(c).

Public Notice: Hourly fee rates.

See: 26 N.J.R. 3216(c).

Amended by R.1997 d.460, effective November 3, 1997.

See: 29 N.J.R. 3706(a), 29 N.J.R. 4715(b).

Inserted new (d), and recodified existing (d) as (e).

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

Public Notice: Hourly Fee Rates.

See: 39 N.J.R. 1535(b).

19:41-9.8 Gaming related casino service industry enterprise license fee

(a) In accordance with subsections 92a and b of the Act, all casino service industry enterprises offering goods and services which directly relate to casino, simulcast wagering or gaming activity, including gaming equipment manufacturers, suppliers and repairers, and casino security services, shall meet the standards established for casino key employees in order to be licensed. Such a license shall be issued for an initial term of three years and for a term of five years for all subsequent renewals.

(b) In order to recover the cost of the investigation and consideration of license applications by enterprises engaged in these industries, the initial license application and issuance fee for a subsection 92a casino service industry enterprise license shall be assessed as follows:

1. A minimum application charge of \$5,000 shall be due at the time of application;

2. An additional application charge of \$5,000 shall be due when the total number of hours of Commission and Division professional staff time expended on matters directly related to the applicant exceeds 333 hours;

3. An additional application charge of \$5,000 shall be due when the total number of hours of Commission and Division professional staff time expended on matters directly related to the applicant exceeds 667 hours;

4. An additional application charge, at an hourly rate to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e), shall be due and payable upon demand by the Commission for each hour of Commission and Division professional staff time that is expended on matters directly related to the applicant that is in excess of 1,000 total hours; and

5. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division for matters directly related to the processing and investigation of the application.

(c) In order to recover costs for monitoring compliance with the Act and the regulations and for assuring the continued fitness of enterprises engaged in gaming related casino service industries, the application and issuance fee for the renewal of a subsection 92a casino service industry enterprise license shall be assessed in accordance with (b) above.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92a casino service industry enterprise license may request an installment plan for payment of the application fee. The Division of Financial Evaluation shall propose a payment plan for the applicant which shall include, if the applicant chooses to accept the payment plan, an additional fee of \$100.00 for the cost of processing the payment plan.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a), added biennial renewal provision. In (b), deleted \$3,000 fee and added \$5,000-\$10,000 fee structure. Revised (c) to reflect changes in (b); added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Amended by R.1995 d.282, effective June 5, 1995.

See: 27 N.J.R. 1171(a), 27 N.J.R. 2251(a).

Amended by R.2006 d.252, effective July 3, 2006.

See: 38 N.J.R. 1418(a), 38 N.J.R. 2888(a).

In (a), removed "schools teaching gaming and dealing techniques," and substituted "three" for "two" and "five" for "four"; in (b)1, added "shall be due at the time of application"; rewrote (b)2; inserted present (b)3 and (b)4; recodified former (b)3 as (b)5; and rewrote (d).

Case Notes

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

19:41-9.9 Non-gaming related casino service industry license fee

(a) In accordance with subsection 92c of the Act, all casino service industry enterprises offering goods and services not directly related to gaming operations to casino licensees or applicants on a regular or continuing basis shall be licensed to the standards established by the Commission. Under subsection 94d of the Act, such license shall be issued for a three year period and shall be renewable for additional four year periods.

(b) The initial application and issuance fee for a three year non-gaming related casino service industry enterprise license shall be \$2,000.

(c) The application and issuance fee for the renewal of a four year non-gaming related casino service industry enterprise license shall be \$2,500.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92c casino service industry enterprise license may request an installment plan for payment of the application fee in accordance with the following schedule:

1. Upon filing of the application, an initial installment payment equal to one-fourth of the total application fee and an additional fee of \$100.00 for the cost of processing such payment plan; and

2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

Amended by R.1984 d.272, effective July 2, 1984.
See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Fees raised from \$1,500 to \$3,000; added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Case Notes

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

19:41-9.9A Junket enterprise license fees

(a) In accordance with subsection 102c of the Act, all qualifiers of junket enterprises shall meet the standards established for casino key employees in order for the junket enterprise to be licensed. Under subsection 94d of the Act, a junket enterprise license shall be issued for a three year period and shall be renewable for additional four year periods.

(b) The initial application and issuance fee for a three year junket enterprise license shall be \$3,000.

(c) The application and issuance fee for the renewal of a four year junket enterprise license shall be \$3,750.

(d) Any enterprise required to apply for the issuance or renewal of a junket enterprise license may request an installment plan for payment of the application fee in accordance with the following schedule:

1. Upon filing of the application, an initial installment payment equal to one-fourth of the total application fee and an additional fee of \$100.00 for the cost of processing such payment plan; and

2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

New Rule, R.1983 d.112, effective March 29, 1983.

See: 15 N.J.R. 257(a), 15 N.J.R. 627(b).

Originally filed as an emergency adoption (R.1983 d.37) on January 27, 1983. Readopted as R.1983 d.112.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1988 d.200, effective May 2, 1988.

See: 20 N.J.R. 381(a), 20 N.J.R. 998(c).

Fees raised from \$1,500 to \$3,000.

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

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

Stylistic changes.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

19:41-9.10 Labor organization registration fee

Under section 93 of the Act, each labor organization seeking to represent employees licensed or registered under the Act and employed by a casino hotel or a casino licensee shall register with the Commission annually. The fee for each annual registration of a labor organization shall be \$250.00.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Fee increased from \$100 to \$250.

19:41-9.11 Casino key employee license fees

(a) Under section 89 of the Act, no person may be employed as a casino key employee unless such person is the holder of a valid casino key employee license.

(b) The fee for the issuance of a casino key employee license shall be as follows:

1. A minimum application charge of \$750.00, which shall be credited to the total fee; and

2. Payment for the efforts of the Commission and the Division on matters directly related to the applicant at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

3. Payment for all unusual or out of pocket expenses incurred by the Commission and the Division on matters directly related to the applicant or licensee; provided, however, that the amount of the issuance fee shall not exceed \$4,000.

(c) The fee for the renewal of a casino key employee license shall be \$750.00.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(b) and (c) substantially amended.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

The establishment of the renewal fee for a casino key employee license is a flat fee of \$500.00.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Deleted old (b)2 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)2: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) ..."

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (b)1 and (c), fees raised from \$500 to \$750. In (b)3, \$4,000 was \$3,000; "renewal" deleted from "issuance fee".

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

19:41-9.11A Junket representative license term and fees

(a) In accordance with N.J.S.A. 5:12-102b, all junket representatives employed by a casino licensee, an applicant for a casino license or an affiliate of a casino licensee shall meet the standards established for casino employees, except for residency, in order to be licensed. Pursuant to N.J.S.A. 5:12-94d, such a license shall be issued for an initial term of three years and for a term of four years for all subsequent renewals.

(b) The issuance fee for an initial three year licensee shall be \$350.00. The renewal fee for a four year license shall be \$250.00.

New Rule, R.1988 d.200, effective May 2, 1988.

See: 20 N.J.R. 381(a), 20 N.J.R. 998(c).

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Deleted old (b)2 and inserted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)2: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) ..."

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

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

Reference to employment by casino licensee added.

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Amended by R.1995 d.307, effective June 19, 1995.

See: 27 N.J.R. 1168(a), 27 N.J.R. 2458(a).

Corrected citations; and rewrote (b).

19:41-9.12 (Reserved)

Amended by R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

(a): "three" was "two". (b): "three" was "two"; (b)1: "\$1,500" was "\$1,000".

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(b)2 and 3 amended.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Application charge changed from \$1,500 to \$500.00.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Deleted old (b)2 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)2: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) ..."

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Repealed by R.1997 d.1, effective January 6, 1997.

See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

Section was "Gaming school resident director license fees".

19:41-9.13 (Reserved)

As amended, R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

(a): "three" was "two". (b): "three" was "two"; "\$220" was "\$160".
 (c): "three" was "two"; "\$180" was "\$120".
 Amended by R.1994 d.216, effective May 2, 1994.
 See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).
 Repealed by R.1997 d.1, effective January 6, 1997.
 See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

Section was "Gaming school instructor, principal employee and sales representative license fees".

19:41-9.14 Casino employee license fees

(a) Under section 90 of the Act, no person may be employed as a casino employee unless such person is the holder of a valid casino employee license.

(b) Under subsection 94d of the Act, a casino employee license shall be issued for three years and be renewable for four year periods thereafter. The issuance fee for such a three year license shall be \$350.00. The renewal fee for such a four year license shall be \$250.00.

(c) Any person who applies for the issuance of a casino employee license pursuant to (b) above may pay the appropriate application fee in accordance with the following schedule upon payment of an additional fee of \$10.00 to cover the cost of processing the payment plan:

1. An applicant for the issuance of a casino employee license may submit an initial payment of \$275.00 upon filing of the application and a subsequent payment of \$85.00 within 30 days from the date that the license is granted or denied or the application is withdrawn, or upon the prior issuance of the license.

(d) The Commission may waive the fee in (b) above for an applicant for initial licensure if:

1. The applicant chooses to have such application filed on his or her behalf by or through an agency funded by State or Federal funds, the purpose of which agency is the administration or operation of job training or retraining programs; and

2. Such agency certifies to the Commission that its job training or retraining programs would customarily absorb the initial license fee on behalf of the applicant.

Amended by R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

(b): "three" was "two"; "\$275.00" was "\$200.00"; "\$225.00" was "\$150.00".

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (b), \$350 was \$275; in (c), \$250 was \$195, and \$200 was \$180; added (d) and (e).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Amended by R.1995 d.282, effective June 5, 1995.

See: 27 N.J.R. 1171(a), 27 N.J.R. 2251(a).

19:41-9.15 Casino service employee registration fee

(a) Under section 91 of the Act, no person may be employed as a casino service employee unless such person is registered with the Commission. A casino service employee

registration shall remain in effect unless revoked, suspended, limited, or otherwise restricted by the Commission in accordance with the provisions of the Act. The one time registration fee for a casino service employee shall be \$60.00.

(b) The Commission may waive the fee in (a) above in accordance with N.J.A.C. 19:41-9.14(d).

Amended by R.1982 d.162, effective June 7, 1982.

See: 14 N.J.R. 232(a), 14 N.J.R. 581(d).

Changed registration requirements.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a), \$60 was \$30; added (b).

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

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

Administrative correction.

See: 41 N.J.R. 1102(b).

19:41-9.16 (Reserved)

Amended by R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

Added \$80.00 additional fee for change from non-gaming to gaming related employee.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

(a) Substantially amended.

Amended by R.1989 d.47, effective January 17, 1989.

See: 20 N.J.R. 2647(a), 21 N.J.R. 175(a).

Added new (b); recodified old (b)-(d) as (c)-(e).

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a), \$75 was \$60, \$130 was \$55, and \$100 was \$80; other substantive revisions.

Amended by R.1994 d.217, effective May 2, 1994.

See: 26 N.J.R. 911(a), 26 N.J.R. 1847(a).

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 "Employee license position additions and deletions".

19:41-9.17 Miscellaneous administrative fees

(a) Lost licenses shall be replaced for a fee of \$6.00.

(b) Requests to change a name or address on a license shall require a fee of \$6.00.

(c) A processing fee of \$15.00 shall be imposed upon any applicant for a casino service industry enterprise license or junket enterprise license which submits a check in payment of an application fee which is dishonored and returned by a bank after deposit.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Deleted the word "application".

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a) and (b), \$6 was \$4. Deleted old (c) and (d) regarding fees for copy of Casino Control Act and rules; added new (c).

19:41-9.18 (Reserved)

Repealed by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Section was "special assessment to operating casinos and casino license applicants".

19:41-9.19 Obligation to pay fees; nonrefundable nature of fees; credits

(a) Any fee obligation arising in accordance with the Act and this subchapter shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license. In accordance with N.J.S.A. 5:12-82c(10), each party to an agreement to lease the casino hotel or the land thereunder, to jointly own a casino hotel or the land thereunder, or to manage a casino, shall also be liable for any amounts chargeable to the casino operator except as otherwise provided in the Act.

(b) Except as otherwise provided in (e) below, amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable.

(c) Payments made by a casino licensee for its estimated share under N.J.A.C. 19:41-9.4(f) which exceed its actual share as finally determined by the Commission for the fiscal year shall be credited toward the payment of additional fees by that casino licensee.

(d) Any surplus which exists in the Casino Control Fund as of the close of a fiscal year which is not due to excess payments of estimated shares collected pursuant to N.J.A.C. 19:41-9.4(f) shall be credited toward the payment of additional fees by casino licensees. The share for each casino licensee shall be the amount which is in the same proportion to the total surplus subject to this subsection as the proportion of the total amount of fees incurred or paid by the casino licensee with respect to the fiscal year is to the total amount of all fees incurred or paid by all casino licensees with respect to the fiscal year.

(e) Any former casino licensee which would be entitled to a credit toward the payment of additional fees pursuant to (c) or (d) above and which ceases to hold any license and which does not owe and will not accrue additional fee or other obligations to the State under the Act may claim a refund of any amount to which it is found to be entitled to a credit.

As amended, R.1981 d.367, effective October 8, 1981.

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

Added (b).

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

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

Amended by R.1996 d.353, effective August 5, 1996.

See: 28 N.J.R. 2351(a), 28 N.J.R. 3817(c).

19:41-9.20 Fees for services provided to other governmental bodies

(a) Whenever the Commission or Division is authorized by law to provide services to any State, county or municipal department, board, bureau, commission, authority or agency, and to receive compensation for the performance of such services, the Commission shall assess fees for the cost and expense of providing these services as follows:

1. Payment for the efforts of the Commission and the Division on matters directly related to other governmental bodies at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the performance of the services which are being provided.

New Rule, R.1985 d.583, effective November 18, 1985.

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

Old rule recodified to 19:41-9.21.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Deleted old (a)1 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (a)1: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) ..."

19:41-9.21 Powers and duties of Commission and Division

Nothing in this subchapter shall be construed to limit the powers and duties of the Commission or the Division as provided in the Act or the regulations of the Commission.

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

See: 17 N.J.R. 2422(a), 17 N.J.R. 2788(a).

Recodified from 9.20.

SUBCHAPTERS 10 THROUGH 11. (RESERVED)

**SUBCHAPTER 12. LABOR ORGANIZATIONS
REGISTRATION****19:41-12.1 Definitions**

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

"Affiliates" means labor organizations chartered by the same parent body, or governed by the same constitution and bylaws, or labor organizations having the relation of parent and subordinate.

"Certified bargaining representative" means a labor organization which has been certified as the representative of employees under the National Labor Relations Act, as amended.

"Fiduciary to pension or welfare system" means a person is a fiduciary with respect to a pension or welfare system to the extent:

1. He exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management of disposition of its assets;
2. He renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so; or
3. He has any discretionary authority or discretionary responsibility in the administration of such plan.

"Labor organization" means any organization of any kind, any union, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or systems board, or joint council which is subordinate to a national or international labor organization.

"Labor organization agent" or "agent" means any person, whether compensated or not, who is authorized or allowed to represent a labor organization in any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or who undertakes on behalf of the labor organization to promote, facilitate or otherwise influence the relations between the labor organization and the casino licensee.

"Labor organization officer" or "officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary/treasurer or other executive functions of a labor organization, and any member of its executive board or similar governing body.

"Labor organization principal employee" or "principal employee" means any employee of a labor organization who, by reason of remuneration or of a management, supervisory or policy making position exercises any authority, discretion or influence with regard to any matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee.

"Officers and agents of pension or welfare systems" means all elected officials and key administrative personnel, whether elected or appointed, including administrators, trustees, and all other fiduciaries to the system.

"Pension or welfare system maintained by a labor organization" means any pension or welfare system created or established by a labor organization or one or more of the trustees or one or more members of the governing body of which is selected or appointed by the labor organization.

"Pension system" means any plan, fund or program which is maintained by a labor organization, or by a labor organization and an employer, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund or program provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

"Welfare system" means any plan, fund or program which is maintained by a labor organization or by a labor organization and an employer, to the extent that such plan, fund or program was established or is maintained for the purposes of providing for its participants, or their beneficiaries, through the purchase of insurance or otherwise, medical surgical, or hospital care or benefits, or benefits in the event of sickness, accident disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or any other such benefit other than pension on retirement or death, and insurance to provide such pensions.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Case Notes

"Agent" definition applied. In the Matter of the Hotel and Restaurant Employees and Bartenders International Union Local 54, 203 N.J.Super. 297 (App.Div.1985), certiorari denied 102 N.J. 352 (1985).

19:41-12.2 Registration required

Each labor organization, union or affiliate representing or seeking to represent employees who are employed in a casino hotel, casino, or casino simulcasting facility by a casino licensee shall register with the Commission annually in accordance with N.J.S.A. 5:12-93 and the rules of the Commission.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.3 Registration exemption; standards and findings

(a) The Commission may in its discretion exempt any labor organization, union, or affiliate from annual registration in accordance with the requirements of N.J.S.A. 5:12-93a.

(b) The Commission may find that a labor organization which is an affiliate of a registered labor organization is exempt from the registration requirements of Section 93 of the Act based upon the information provided to the Com-

mission by the registrant labor organization. Where the Commission bases an exemption finding on such information, the exemption shall be subject to revocation upon disclosure to the Commission either by the registrant, by the Division or otherwise of any information which indicates that the affiliate does not meet the standards for exemption.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.4 Initial filing of registration statement

(a) Within 30 days of the date on which it begins organizing activities directed at the employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or within such additional time as the Commission may, upon a showing of good cause, permit, a labor organization, union or affiliate shall file with the Commission an application for labor organization registration in accordance with N.J.A.C. 19:41-12.4A.

(b) For purposes of this section, organizing activities shall include, without limitation, soliciting membership by means of any direct personal contact, or any public notices such as the posting or distribution of fliers, posters or advertisements.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.4A Application for initial and renewal of labor organization registration

(a) An application for initial or renewal labor organization registration shall consist of the fee specified in N.J.A.C. 19:41-9.10 and a completed original and one copy of the following:

1. A Labor Organization Registration Statement as set forth in N.J.A.C. 19:41-5.13; and
2. The information required by N.J.A.C. 19:41-12.9(d) for each officer, agent and principal employee.

New Rule, R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Amended by R.1996 d.159, effective March 18, 1996 (operative July 1, 1996).

See: 28 N.J.R. 74(b), 28 N.J.R. 1558(c).

19:41-12.5 Duration of registration; renewal

An initial labor organization registration shall be for a period of one year from the date on which the initial Labor Organization Registration Statement is accepted for filing by the Commission. Subsequent Labor Organization Registration Statements shall be filed annually pursuant to N.J.A.C. 19:41-12.4A no later than 120 days prior to the expiration of the current registration period.

As amended, R.1981 d.367, eff. October 8, 1981.

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

"120" days was "90".

Amended by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.6 Continuing duty to disclose

Every registered labor organization shall be under a continuing duty to promptly disclose any change in the information contained in the Labor Organization Registration Statement set forth in N.J.A.C. 19:41-5.13 or any information otherwise requested by the Commission or the Division.

Amended by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.7 Federal reports exception

Notwithstanding the reporting requirements imposed by N.J.S.A. 5:12-93 and the rules of the Commission, no labor organization, union, affiliate or person shall be required to furnish any information which is included in a report filed by any labor organization, union, affiliate or person with the Secretary of Labor pursuant to 29 U.S.C. Section 431, et seq. (Labor-Management Reporting and Disclosure Act) or 29 U.S.C. Section 1001 et seq. (Employee Retirement Income Security Act) if a copy of such report, or if the portion thereof containing such information, is furnished to the Commission pursuant to the aforesaid Federal provisions.

Amended by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.8 (Reserved)

Repealed by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Section was "Qualification of officers, agents and principal employees".

19:41-12.9 Officers, agents and principal employees; initial and renewal filing requirements

(a) Every officer, agent and principal employee of a labor organization, union or affiliate required to register with the Commission pursuant to N.J.S.A. 5:12-93 and the rules of the Commission shall file with the Commission a completed original and one copy of a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 19:41-5.14.

(b) Notwithstanding (a) above, a Labor Organization Individual Disclosure Form need not be filed by an officer of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee provided that the Commission or the Division may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register pursuant to N.J.S.A. 5:12-93.

(c) Each officer, agent or principal employee required to file a Labor Organization Individual Disclosure Form shall do so initially at the time the pertinent labor organization, union or affiliate applies or should apply for registration, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Commission may, upon a showing of good cause, permit.

(d) Each individual who has filed an initial Labor Organization Individual Disclosure Form shall annually file the following with the Commission at the time the pertinent labor organization files for renewal of its registration pursuant to N.J.A.C. 19:41-12.4A:

1. An original and one copy of a Labor Organization Individual Disclosure Form; and
2. Either a certification by the Division that the applicant has been fingerprinted or fingerprint impression cards in accordance with N.J.A.C. 19:41-7.7.

(e) Notwithstanding the requirements of N.J.S.A. 5:12-93 and this section, the Commission may waive any disqualification criterion of N.J.S.A. 5:12-86 with respect to any officer, agent or principal employee of a labor organization, union or affiliate in accordance with the standards set forth in N.J.S.A. 5:12-93b.

Amended by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Amended by R.1996 d.159, effective March 18, 1996 (operative July 1, 1996).

See: 28 N.J.R. 74(b), 28 N.J.R. 1558(c).

19:41-12.10 (Reserved)

Repealed by R.1995 d.283, effective June 5, 1995.
 See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).
 Section was "Waiver of disqualification criteria".

19:41-12.11 Interest in casino hotel or casino licensee prohibited

In accordance with N.J.S.A. 5:12-93c, neither a labor organization, union or affiliate nor its officers and agents not otherwise individually licensed under the Act and employed by a casino licensee may hold any financial interest whatsoever in the casino hotel, casino, casino simulcasting facility or casino licensee whose employees they represent.

Amended by R.1995 d.283, effective June 5, 1995.
 See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.12 Failure to comply; consequences

(a) The Commission may impose any sanction permitted by the Act including the imposition of fines or the revocation of any registration, if:

1. A labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.4 and 12.5 or fails to provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission;

2. Any officer, agent or principal employee of such labor organization, union or affiliate has been found disqualified by the Commission in accordance with the provisions of the Act or the rules of the Commission;

3. The labor organization, union, affiliate or any officer or agent thereof holds a prohibited interest in a casino hotel, casino, or casino simulcasting facility, or casino licensee; or

4. An officer, agent or principal employee of a labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.9 or fails to provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission.

Amended by R.1995 d.283, effective June 5, 1995.
 See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

SUBCHAPTER 13. (RESERVED)**SUBCHAPTER 14. APPLICATIONS FOR THE RENEWAL OF EMPLOYEE LICENSES****19:41-14.1 Scope of subchapter; effect of expiration of license**

(a) This subchapter shall govern applications for the renewal of casino key employee and casino employee licenses.

(b) Except as otherwise provided by N.J.A.C. 19:41-14.4 and 14.5(d), no applicant for the renewal of an employee license may, after the expiration date of that license, be employed on the basis of that license by a casino licensee in any position which requires the possession of a current and valid employee license.

Amended by R.1995 d.282, effective June 5, 1995.
 See: 27 N.J.R. 1171(a), 27 N.J.R. 2251(a).
 Amended by R.1997 d.36, effective January 21, 1997.
 See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).
 In (b), amended N.J.A.C. reference.

19:41-14.2 Time for filing

(a) An application for the renewal of an employee license shall be mailed to each employee licensee at the address on file with the Commission at least seven months prior to the expiration date of his or her license. The completed application for renewal shall be filed with the Commission no later than the last day of the month which is five months prior to the month in which the current license term expires. The filing deadlines for employee license renewal applications are as follows:

If the Current License Term Expires on the Last Day of:	Then the Renewal Application Must be Filed by the Last Day of:
January	August of prior year
February	September of prior year
March	October of prior year
April	November of prior year
May	December of prior year
June	January of current year
July	February of current year
August	March of current year
September	April of current year
October	May of current year
November	June of current year
December	July of current year

(b) No application shall be considered filed in accordance with (a) above unless:

1. The application contains all application materials required by N.J.A.C. 19:41-14.3; and

2. All application materials have been completed in accordance with the requirements of the Act, the Commission's regulations and any instructions included with the materials.

(c) Any applicant for the renewal of an employee license who files an incomplete renewal application within the filing deadline specified in (a) above shall be promptly notified by the Commission of any deficiency in the renewal application. To qualify as an "incomplete renewal application" for purposes of this section, an application must include, at a minimum, the license renewal fee and an Employee License Renewal Application form (see N.J.A.C. 19:41-14.3). Any licensee filing an incomplete renewal application shall have until the filing deadline established in (a) above or 21 days from the date of service of the deficiency notice, whichever is later, to file a complete renewal application.

19:41-14.7 Transitional rules governing certain renewals

(a) Notwithstanding any other provision of this subchapter to the contrary, any application for the renewal of an employee license which was scheduled to expire prior to July 1, 1993 may be granted if:

1. A complete application for renewal, including the payment of all required fees, was filed in accordance with Commission renewal procedures in effect as of the date on which the license term was scheduled to expire; and

2. The Division has not filed an investigative report with the Commission on the renewal of the license by the last day of the sixth month following the operative date of this section.

(b) Notwithstanding any other provision of this subchapter to the contrary, any application for the renewal of an employee license which is scheduled to expire by January 1, 1994 may be granted during the fifth month following the date on which the license term is scheduled to expire if:

1. A complete application for renewal, as defined in N.J.A.C. 1941-4.3, is filed no later than the date on which the license term is scheduled to expire; and

2. The Division has not filed an investigative report with the Commission on the renewal of the license by the end of the fourth month following the date on which the license term is scheduled to expire.

19:41-14.8 Renewal of license after expiration of license term; relation to previous license term

(a) The term of any employee license which is renewed by the Commission after the date on which the previous license term would normally have expired in accordance with the requirements of N.J.S.A. 5:12-94 shall relate back to and begin on the day following the expiration date of the previous license term.

(b) Notwithstanding (a) above, the term of any employee license which has been suspended by the Commission and which is reinstated and renewed by the Commission after the date on which the previous license term would normally have expired in accordance with the requirements of N.J.S.A. 5:12-94 shall begin on the day following the date of the Commission vote reinstating and renewing the license.