

(c) The Commission may at any time require a casino licensee or applicant to establish the qualification of any person that the Commission may deem appropriate for

qualification pursuant to N.J.S.A. 5:12-84, 85, and 105. Any person deemed appropriate for qualification shall promptly file the required application form.

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(d) It shall be the affirmative responsibility of each casino licensee or applicant to ensure that all persons required by the Act and the rules of the Commission to establish their qualifications in connection with an initial or renewal application for a casino license have filed any required application forms in accordance with this subchapter.

Amended by R.1994 d.218, effective May 2, 1994.  
See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

**19:43-2.3 Notification of anticipated or actual changes in directors, officers or equivalent qualifiers of casino licensees and holding companies**

(a) Each casino licensee or applicant or holding company shall immediately notify the Commission and the Division, in writing, as soon as is practicable, of the proposed appointment, appointment, proposed nomination, nomination, election, intended resignation, resignation, incapacitation or death of any member of, or partner in, its board of directors or partnership, as applicable, or of any officer or other person required to qualify pursuant to N.J.S.A. 5:12-85c, d or e. Such notice shall be addressed to the Document Control Unit of the Commission at the address indicated in N.J.A.C. 19:40-3.1(a) and to the Casino Licensing Section of the Division at the address indicated in N.J.A.C. 19:40-3.1(d).

Amended by R.1994 d.218, effective May 2, 1994.  
See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

**19:43-2.4 Notification of new financial sources**

(a) Each casino licensee or applicant shall immediately notify the Commission and the Division, in writing, as soon as it becomes aware that it intends to enter into a transaction bearing any relation to its casino project which may result in any new financial backers, investors, mortgagees, bondholders, or holders of indentures, notes, or other evidences of indebtedness who may be subject to the provisions of N.J.S.A. 5:12-84b and Article 6B of the Act. Such notice shall be addressed to the Document Control Unit of the Commission at the address indicated in N.J.A.C. 19:40-3.1(a) and to the Casino Licensing Section of the Division at the address indicated in N.J.A.C. 19:40-3.1(d).

Amended by R.1994 d.218, effective May 2, 1994.  
See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

**19:43-2.5 Notification concerning certain new qualifiers of publicly traded holding companies**

(a) A casino licensee or applicant shall immediately notify the Commission and Division if the casino licensee or applicant becomes aware that, with regard to any publicly traded holding company of the casino licensee or applicant, any person has acquired:

1. Five percent or more of any class of equity securities;
2. The ability to control the holding company; or

3. The ability to elect one or more directors of the holding company.

(b) If any publicly traded holding company of a casino licensee or applicant either files or is served with any Schedule 13D, Schedule 13G or Section 13f filing under the Securities Exchange Act of 1934, copies of any such filing shall be immediately submitted to the Commission and Division by the casino licensee or applicant or the publicly traded holding company.

(c) Notice pursuant to (a) and (b) above shall be addressed to the Document Control Unit of the Commission at the address indicated in N.J.A.C. 19:40-3.1(a) and to the Casino Licensing Section of the Division at the address indicated in N.J.A.C. 19:40-3.1(d).

Amended by R.1994 d.218, effective May 2, 1994.  
See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

**19:43-2.6 Qualification of new directors, officers or other qualifiers of a casino licensee**

(a) Any natural person required to qualify pursuant to N.J.S.A. 5:12-85c or e by virtue of his or her position with a casino licensee shall not perform any duties or exercise any powers relating to such position until qualified by the Commission or, where appropriate, until he or she is temporarily licensed by the Commission as a casino key employee pursuant to N.J.S.A. 5:12-89e.

(b) Each person subject to (a) above shall file a Personal History Disclosure Form 1A (PHD-1A), as set forth in N.J.A.C. 19:41-5.2, with the Commission upon application for qualification or for a temporary casino key employee license.

Amended by R.1994 d.218, effective May 2, 1994.  
See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

**19:43-2.7 Qualification of new directors, officers or other qualifiers of a holding company**

(a) Any proposed new director, partner, officer or other natural person required to qualify pursuant to N.J.S.A. 5:12-85c, d or e by virtue of his or her position with a holding company of a casino licensee, shall not perform any duties or exercise any powers related to such position until he or she has been found qualified by the Commission to the standards, except for residency, of a casino key employee.

(b) Each person subject to (a) above shall file a Personal History Disclosure Form 1A (PHD-1A), as set forth in N.J.A.C. 19:41-5.2, with the Commission prior to or immediately upon being elected or appointed to such position, except that persons required to qualify by virtue of the following positions may alternatively file a Personal History Disclosure Form 1B (PHD-1B), as set forth in N.J.A.C. 19:41-5.3:

1. An outside director of a holding company or any business entity required to qualify with respect to a casino licensee;

2. A trustee pursuant to N.J.S.A. 5:12-95.12;

3. A trustee required to be qualified; and

4. A beneficiary of a trust required to be qualified.

(c) The Commission may, upon the written petition of the casino licensee, permit a person otherwise subject to (a) above to perform any duties or exercise any powers relating to his or her position pending qualification, provided that:

1. Such person files a Personal History Disclosure Form 4A (PHD-4A), as set forth in N.J.A.C. 19:41-5.5;

2. At least 30 days have elapsed from the date on which the PHD-4A was filed; and

3. Such person files a PHD-1A or PHD-1B, in accordance with (b) above, within 15 days of the date on which the Commission's permission is granted.

(d) Notwithstanding the provisions of (a) above, any person permitted to perform duties or exercise powers pursuant to (c) above shall:

1. Be immediately removed from his or her position if at any time the Division provides information which the Commission determines to indicate reasonable cause to believe that such person may not be qualified;

2. Only be permitted to perform duties or exercise powers without having been qualified for a maximum period of nine months from the date on which permission to assume duties was first granted unless the Commission determines, upon written petition and a showing of good cause by the casino licensee, to extend the nine month period; and

3. At the time of the next renewal hearing of the casino licensee, be required to establish his or her qualifications unless the requirement that he or she be qualified is, temporarily or otherwise, waived by the Commission pursuant to N.J.S.A. 5:12-85d(1).

Amended by R.1994 d.218, effective May 2, 1994.  
See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

#### 19:43-2.7A Application for renewal of qualification

(a) All persons who have been found qualified by the Commission pursuant to N.J.S.A. 5:12-85c, d or e shall file a renewal application as follows:

1. Any person whose position requires both qualification and a key employee license shall file an application for renewal when required to file for renewal of his or her casino key employee license pursuant to N.J.A.C. 19:41-14.2.

2. Any other person required to qualify shall file an application for renewal when the casino licensee for which he or she is a qualifier files a casino license renewal application.

(b) An application for renewal of qualification shall consist of the following:

1. A complete Key Standard Qualifier Renewal Form;

2. A signed, dated and notarized certification of truth;

3. A signed, dated and notarized release authorization which shall direct 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 applicant as requested by the Commission or the Division; and

4. Either a certification by the Division that the applicant has been fingerprinted or fingerprint impression cards in accordance with by N.J.A.C. 19:41-7.7.

New Rule, R.1994 d.218, effective May 2, 1994.

See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

Amended by R.1994 d.592, effective December 5, 1994.

See: 26 N.J.R. 3824(a), 26 N.J.R. 4789(a).

Amended by R.1995 d.621, effective December 4, 1995.

See: 27 N.J.R. 319(a), 27 N.J.R. 4910(a).

#### 19:43-2.8 Issuance or transfer of interests; approval

No person shall issue or transfer any security or ownership interest in a casino licensee or applicant or any non-publicly traded subsidiary or holding company thereof without the express, prior written approval of the Commission. The Commission shall not grant any such approval without considering the provisions of N.J.S.A. 5:12-39, 44, 47.2, 82d(7) through (10), 85c and e, 95.12 through 95.16, and 105.

#### 19:43-2.9 Subsidiaries

(a) Each casino licensee or applicant or holding company thereof shall report immediately, in writing, to the Commission and the Division the formation or dissolution of, or any transfer of a nonpublicly traded interest in, any subsidiary of the casino licensee or applicant or any subsidiary of any holding company of the casino licensee or applicant which bears any relationship to the casino project.

(b) Each casino licensee or applicant shall file with the Commission and the Division adopted charter provisions that comply with the requirements of N.J.S.A. 5:12-82d(7) through (10) for each subsidiary of the casino licensee or applicant.

### SUBCHAPTER 3. STANDARDS FOR LICENSURE OR QUALIFICATION

#### 19:43-3.1 Undue economic concentration

(a) In accordance with N.J.S.A. 5:12-82e, no casino license shall be issued to or held by a person if the Commission determines that such issuance or holding will result in undue economic concentration in Atlantic City casino operations by that person. Whether a person is considered the holder of a casino license is defined in N.J.S.A. 5:12-82e.

## 2. At the end of each calendar year:

i. An annual forecast by calendar quarters of the operating and financial performances of the casino licensee for the upcoming calendar year, including statement of income and balance sheet, which shall be submitted in the standard format prescribed by the Commission or such other format approved by the Commission; and

ii. A detailed analysis of compliance with N.J.A.C. 19:43-4.2(b)4; and

3. Such other information as the Commission or Division shall deem material to a showing of financial stability for a particular casino licensee.

**19:43-4.5 Failure to demonstrate financial stability**

In the event that a casino licensee or applicant fails to demonstrate financial stability, the Commission may take such action as is necessary to fulfill the purposes of the Act and to protect the public interest, including, but not limited to: issuing conditional licenses, approvals or determinations; establishing an appropriate cure period; imposing reporting requirements in excess of those otherwise mandated by these regulations; placing such restrictions on the transfer of cash or the assumption of liabilities as is necessary to insure future compliance with the standards set forth in N.J.A.C. 19:43-4.2(b); requiring the maintenance of reasonable reserves or the establishment of dedicated or trust accounts to insure future compliance with the standards set forth in N.J.A.C. 19:43-4.2(b); denying licensure; appointing a conservator pursuant to section 130.1 et seq. of the Act.

**SUBCHAPTER 5. APPLICATION REQUIREMENTS****Authority**

N.J.S.A. 5:12-63c, 69a, 70b, 70h, 70l, 80, 81, 82, 83, 84, 85, 86, 87, 88 and 98.

**Source and Effective Date**

R.1994 d.341, effective July 5, 1994.  
See: 26 N.J.R. 1615(a), 26 N.J.R. 2798(e).

**19:43-5.1 General information requirements**

No casino license shall be issued or renewed by the Commission unless the applicant, and each person required to be qualified as part of the application, provides all information, documentation and assurances required by N.J.S.A. 5:12-80, 82, 83, 84, 85, 86 and 87 or as otherwise may be required to establish its qualification pursuant to the Act and the rules of the Commission.

**19:43-5.2 Duration of license; conditions**

(a) In accordance with N.J.S.A. 5:12-87e and 88, a casino licensee shall be issued by the Commission for an initial period of one year, and shall be renewable thereafter for a period of up to one year for each of the first two renewal terms, and up to four years for successive renewal terms thereafter.

(b) A casino license may be issued or renewed subject to such conditions, restrictions, limitations or covenants as the Commission, in its discretion, deems necessary.

Amended by R.1996 d.160, effective March 18, 1996.  
See: 28 N.J.R. 75(a), 28 N.J.R. 1559(a).

**19:43-5.3 Contents of application for initial casino license**

(a) An application for the initial issuance of a casino license shall include, without limitation, the following information, which shall be completed in accordance with the requirements of the Act and the rules of the Commission and any instructions included with the application materials:

1. A Business Entity Disclosure Form—Corporate (BED—Corporate) as set forth in N.J.A.C. 19:41-5.6 or Business Entity Disclosure Form—Partnership (BED—Partnership) as set forth in N.J.A.C. 19:41-5.6A for each of the following:

i. The casino license applicant;

ii. Each holding company or intermediary company of the applicant required to be qualified pursuant to N.J.S.A. 5:12-85b, d or e; and

iii. Each entity required to be qualified pursuant to N.J.S.A. 5:12-85c;

2. The appropriate Personal History Disclosure Form (PHDF) for the following:

i. For each natural person required to be qualified pursuant to N.J.S.A. 5:12-85c or e by virtue of his or her relationship to the applicant, the PHDF required by N.J.A.C. 19:43-2.6; and

ii. For each natural person required to be qualified pursuant to N.J.S.A. 5:12-85c and d by virtue of his or her relationship to a holding company or intermediary company of the applicant, the PHDF required by N.J.A.C. 19:43-2.7;

3. Such information and documentation as may be required by the Commission or the Division to establish the qualification of any person required to be qualified as a financial source pursuant to N.J.S.A. 5:12-84b;

4. Such information and documentation as may be requested by the Commission or the Division to demonstrate the financial stability, integrity and responsibility of the casino license applicant and each holding company or intermediary company of the applicant required to be qualified pursuant to N.J.S.A. 5:12-84a and 85 and

N.J.A.C. 19:43-4, the integrity of its financial sources and adequacy of its financial resources pursuant to N.J.S.A. 5:12-84b, and sufficient business ability and the likelihood of successful and efficient casino operations pursuant to N.J.S.A. 5:12-84d;

5. Such information and documentation as may be required by the Commission or the Division to establish compliance with N.J.S.A. 5:12-83, 84e and all other relevant facilities requirements of the Act and the rules of the Commission including, without limitation, the following:

i. A description of the proposed casino hotel site, including site plans, total acreage, total square footage, frontages and elevation;

ii. A description of the proposed casino hotel, including floor plans; and the total number of qualifying and non-qualifying sleeping units pursuant to N.J.S.A. 5:12-27 and 83, the number of sleeping units on each floor, the square footage of each unit and the average size of all units;

iii. A description of the casino room and casino simulcasting facility, including floor plans;

iv. A description of each proposed casino hotel alcoholic beverage location, including type, location and square footage;

v. The construction program, including estimated construction time and anticipated date of opening; the status of all required governmental and regulatory approvals and any conditions thereto; the project budget; and the architect, general contractor, construction manager and primary subcontractors, environmental consultant and interior designer; and

vi. An impact statement and related material which establishes to the satisfaction of the Commission the suitability of the casino and related facilities in accordance with the standards set forth in N.J.S.A. 5:12-84e;

6. The information required in N.J.A.C. 19:53-2.4, 2.5, 2.6, 4.6 and 6.7 and such other information, documentation and assurances as may be requested by the Commission or the Division to ensure compliance with the equal employment and business opportunity and affirmative action requirements of N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53;

7. The initial license fee required by N.J.A.C. 19:41-9.4; and

8. Any other information or documentation which the Commission or the Division may deem material to the qualification of the applicant, or of any person required to be licensed or qualified, pursuant to the Act and the rules of the Commission.

(b) The applicant shall file an original and three copies of each Personal History Disclosure Form required by (a) above, and an original and four copies of all other information required by (a) above, with the Commission in accordance with N.J.A.C. 19:40-3.5(b).

#### 19:43-5.4 Petitions for waiver

(a) Upon the petition of a casino license applicant, the Commission, with the concurrence of the Director, may waive compliance with the qualification requirements of N.J.S.A. 5:12-85d for an officer, director, lender, underwriter, agent, employee or security holder of a publicly traded holding or intermediary company of a casino licensee pursuant to N.J.S.A. 5:12-85d(1), or for an institutional investor thereof pursuant to N.J.S.A. 5:12-85f. Such petition shall be in writing and shall include the following:

1. A description of all outstanding securities of the applicant and its holding companies and intermediary companies and a list of all holders thereof; and

2. A certification in support of the petition, including the following:

i. Compliance with the criteria for such waivers as set forth in N.J.S.A. 5:12-85d(1) or f; and

ii. A statement of compliance with the notice requirements set forth in N.J.A.C. 19:43-2.5(a) and (b).

#### 19:43-5.5 Statements of compliance; commitment to reserve a casino license

(a) A casino license applicant may, pursuant to N.J.S.A. 5:12-81, file a petition requesting that the Commission issue a statement of compliance that the applicant has established compliance with one or more of the eligibility criteria required by the Act or the rules of the Commission for a casino license.

(b) A statement of compliance certifying satisfaction of the requirements of N.J.S.A. 5:12-84e may be accompanied by a written commitment by the Commission to reserve a casino license in accordance with N.J.S.A. 5:12-81c.

Administrative correction.

See: 30 N.J.R. 1432(a).

#### 19:43-5.6 Prehearing conference; hearing

(a) All hearings and prehearing conferences regarding an application for a casino license shall be conducted in accordance with N.J.A.C. 19:42 and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A party other than the applicant may on motion seek leave to intervene or to participate in a hearing regarding an application for a casino license in accordance with the standards and procedures set forth in N.J.A.C. 1:1-16.

**19:43-9.6 Notice, verification and implementation of wage execution**

(a) The Commission shall, on a weekly basis, notify each casino licensee of the name, date of birth, and, if applicable, the license or registration number of each person subject to a Commission order pursuant to N.J.A.C. 19:42-2.11A.

1. This notice shall be provided to each casino licensee by hard copy (printed) communication or electronic data transfer by no later than 3:00 P.M. each Thursday, unless Thursday is a State or Federal holiday, in which case notice shall be provided by no later than 3:00 P.M. on the first weekday thereafter that is not a State or Federal holiday.

2. Notwithstanding N.J.A.C. 19:40-3.3(d), this notice shall be deemed received by the casino licensee at 9:00 A.M. on the second weekday following the issuance of the notice, unless that weekday is a Friday or State or Federal holiday, in which case notice shall be deemed received at 9:00 A.M. on the first weekday thereafter that is not a State or Federal holiday.

(b) Upon receipt of the notice in (a) above, a casino licensee shall either:

1. Verify that, except as provided in (c)1 below, a wage execution is in place for each employee whose name appears on the list; or

2. If a wage execution is not in place for any such employee, the casino licensee shall:

i. Obtain a copy of the Commission order and relevant consent agreement or court order from the employee or immediately request copies from the Commission; and

ii. Within 10 days of receipt of the notice, implement the Commission order by remitting the required amount of the employee's wages to the agency identified in the consent agreement or court order until the amount specified has been remitted or until the employee provides evidence that the debt has been paid in full.

(c) Notwithstanding (b) above:

1. A casino licensee shall notify the Commission in writing of any prior wage execution orders, final decrees in bankruptcy proceedings or any other reason which prevents compliance with the Commission's order, including the terms and priorities of such orders or decrees.

2. A casino licensee shall be permitted, upon written notice to the Commission, to cease implementation of any consent agreement imposed pursuant to N.J.A.C. 19:42-2.11A, if it receives a subsequent court order directing a wage execution for that employee or a final decree in a bankruptcy proceeding which discharges the underlying debt.

New Rule, R.1996 d.473, effective October 7, 1996.  
See: 28 N.J.R. 2806(a), 28 N.J.R. 4515(a).

**SUBCHAPTER 10. REQUIREMENTS FOR DOING BUSINESS WITH VENDORS****19:43-10.1 Requirements for doing business; Active Vendors Record; Prohibited Vendors Record**

(a) No agreement entered into with any person by or on behalf of a casino licensee or applicant shall be performed or in force or effect unless the casino licensee or applicant has filed a Master Purchasing and Disbursement Report, and:

1. The person is licensed as a casino service industry pursuant to N.J.S.A. 5:12-92a or c, is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92c, or is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92a or N.J.S.A. 5:12-92c and N.J.A.C. 19:51-1.2A(b) and has been granted a transactional waiver pursuant to N.J.A.C. 19:51-1.2B; or

2. The appropriate filings have been submitted on behalf of the person in accordance with N.J.A.C. 19:43-10.4 or the Commission has exempted the transaction from such filing requirements pursuant to N.J.A.C. 19:43-10.5.

(b) The Commission shall maintain an Active Vendors Record of persons with whom a casino licensee or applicant may do business for the reasons set forth in (a) above.

(c) Notwithstanding any other provision of this subchapter no casino licensee or applicant shall enter into an agreement with any person who:

1. Has been found disqualified pursuant to N.J.S.A. 5:12-86;

2. Has failed to comply with the filing requirements of N.J.A.C. 19:43-10.4;

3. Has been subject to a suspension, revocation or denial of a casino service industry license or dismissal of an application pursuant to N.J.A.C. 19:41-9.3 or 19:51-1.5 or 1.10;

4. Is restricted from application pursuant to N.J.A.C. 19:41-8.6 or 19:51-1.2A(h); or

5. Has been temporarily prohibited from doing business with casino licensees and applicants pursuant to N.J.A.C. 19:42-3.

(d) The Commission shall maintain a Prohibited Vendors Record of persons with whom casino licensees and applicants are prohibited from doing business for the reasons set forth in (c) above. Such record shall be made available to casino licensees and applicants on a regular basis.

(e) No person shall be removed from the Prohibited Vendors Record except by order of the Commission or until the applicable period of restriction ends or until the person has complied with all applicable filing requirements.

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

### 19:43-10.2 Maintaining agreements; filing of agreements

(a) Pursuant to N.J.S.A. 5:12-104b, each casino licensee or applicant shall be required to maintain a fully signed copy of every written agreement and records with respect to any unwritten agreement, which provide, at a minimum, the terms thereof, the parties thereto and a description of the goods or services provided regarding the following, whether or not the casino licensee or applicant is a party to such agreement and whether or not the agreement provides for the exchange of direct compensation:

1. The realty of the casino hotel or related facility, including construction, maintenance, renovation, expansion or demolition;
2. Any person doing business with or for the benefit of the casino licensee or applicant; or
3. Any person doing business on the premises of the casino hotel.

(b) Each casino licensee or applicant shall submit a copy of any written agreement or a precise written description of any unwritten agreement for which records are maintained pursuant to (a) above upon oral or written request from the Commission based upon a determination that such filing is necessary to protect the public interest and accomplish the policies of the Act.

(c) Except as provided in (d) below, each casino licensee or applicant shall submit to the Commission a copy or a precise written description of the following:

1. Any agreement subject to (a) above or any material amendment thereto, which agreement or amendment specifically provides for payments of \$75,000 or more during any 12-month period; or
2. Any agreement subject to (a) above which includes as a party, an independent producer who shall receive revenue from ticket sales for public entertainment held at a casino hotel.

(d) An agreement that is otherwise subject to (c) above shall not be required to be submitted to the Commission if:

1. The agreement is with a casino service industry licensee or applicant or a person who has been exempted from casino service industry licensure pursuant to N.J.S.A. 5:12-92c; or

2. The agreement involves a transaction which has been exempted from vendor registration pursuant to N.J.A.C. 19:43-10.5.

(e) Any written description submitted pursuant to this section shall be submitted to the Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1 and shall provide, at a minimum, the following:

1. The nature of the goods or services to be provided to the casino licensee or applicant;
2. The full name and business address of the noncasino party to the agreement;
3. The duration of the agreement or, if provided in the agreement, the specific date or dates of performance; and
4. The financial terms of the agreement.

(f) An agreement submitted pursuant to (c) above shall be filed as follows:

1. An agreement with any enterprise listed on the Active Vendors Record shall be filed no later than 20 calendar days following the date of execution of any written agreement or the date of acceptance of an unwritten agreement; and

2. An agreement with an enterprise not listed on the Active Vendors Record shall be filed at the time that a Vendor Registration Form is filed for that enterprise in accordance with N.J.A.C. 19:43-10.4.

Recodified from 19:41-11.1 and amended by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).  
Amended by R.1995 d.496, effective September 5, 1995.  
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).  
Amended by R.1997 d.282, effective July 7, 1997.  
See: 28 N.J.R. 5167(a), 29 N.J.R. 2846(a).

In (a)1, inserted reference to demolition.  
Amended by R.1998 d.123, effective March 2, 1998.  
See: 29 N.J.R. 4670(a), 30 N.J.R. 867(a).  
Added new (c) through (f).

### 19:43-10.3 Review of agreements and records of agreements; termination upon disapproval

(a) The Commission may review each agreement and record maintained or filed pursuant to N.J.A.C. 19:43-10.2 to determine the following:

1. The reasonableness of the terms of the agreement, including the terms of compensation;
2. The qualifications of the persons involved in and associated with the agreement in accordance with the standards enumerated in section 86 of the Act, after which the Commission may make a finding as to the suitability of such persons to be involved or associated with the casino licensee or applicant;

3. Whether any enterprise involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a casino licensee or applicant, its employees or agents which requires casino service industry licensure pursuant to section 92 of the Act and N.J.A.C. 19:51-1.2 or 1.2A, in which case the Commission shall direct that a casino service industry license application be promptly filed by the enterprise; and

4. Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any casino service industry or to encourage or preserve competition in any casino service industry in accordance with N.J.S.A. 5:12-1b(12) and N.J.A.C. 19:51-1.6.

(b) If the Commission disapproves of an agreement governed by N.J.A.C. 19:43-10.2 or any person associated therewith, the Commission may by directive require the termination of such agreement or association or pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission. If such disapproved agreement or association is not thereafter promptly terminated as required by Commission directive, the Commission may pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission. This subsection shall apply notwithstanding that the Commission has granted an exemption pursuant to N.J.S.A. 5:12-92c to any person involved in or associated with such

agreement from the casino service industry license requirements set forth therein.

(c) Each agreement maintained or filed pursuant to N.J.A.C. 19:43-10.2 shall be deemed to include a provision for its termination without liability on the part of the casino licensee or applicant, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon such agreement, in the event that the Commission disapproves the agreement in accordance with (b) above.

Recodified from 19:41-11.2 and amended by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

**19:43-10.4 Filing requirements: Notice of Intent to Conduct Enterprise Business, Vendor Registration Form, Junket Enterprise Registration Form**

(a) Except as otherwise provided in (b) or (c) below or N.J.A.C. 19:43-10.5, each casino licensee or applicant shall file with the Commission no later than 20 calendar days following the formal offer and acceptance of an agreement a completed Notice of Intent to Conduct Enterprise Business, as set forth in N.J.A.C. 19:41-5.11A, for any enterprise which does not appear on the Active Vendors Record maintained by the Commission pursuant to N.J.A.C. 19:43-10.1.

(b) Each casino licensee or applicant shall file with the Commission a complete VRF, as set forth in N.J.A.C. 19:41-5.11, for any enterprise with which it is conducting the following types of business, if the Active Vendors Record maintained pursuant to N.J.A.C. 19:43-10.1 does not indicate that a VRF has been filed for such enterprise by any casino licensee or applicant:

1. Within 20 calendar days from the date of the formal offer and acceptance of any of the following types of agreements:

i. Any agreement with a bus owner or operator for the transportation of passengers to a casino hotel in exchange for complimentary services or items for such passengers upon arrival;

ii. Any agreement for goods or services, if payments pursuant to the agreement are reasonably expected to exceed \$10,000;

iii. Any agreement with an independent producer who will receive revenue from ticket sales for public entertainment held at a casino hotel which agreement does not provide for direct compensation to the casino licensee;

iv. Any lease relating to the premises of the casino hotel or related facility;

v. Any agreement which does not involve the direct exchange of compensation;

vi. Any agreement with a simulcast sending track; or

vii. Any agreement relating to the construction, maintenance, renovation, expansion or demolition of the casino hotel or related facility, whether or not the casino licensee or applicant is a party to such agreement;

2. Within 20 calendar days from the date on which the casino licensee or applicant becomes aware that it has entered into an agreement with an enterprise that will result in business for the current calendar year totaling \$10,000 or more; and

3. Within 20 calendar days from the end of the monthly financial reporting period for vendor transactions in which the casino licensee's or applicant's calendar year to date business with an enterprise totals \$10,000 or more.

(c) In addition to the agreements listed in (b) above, each casino licensee or applicant shall file with the Commission a complete VRF, as set forth in N.J.A.C. 19:41-5.11, for any enterprise where required pursuant to this subsection, whether or not the casino licensee or applicant is a party to such agreement. The Commission may, on its own initiative, or following a recommendation by the Division, upon a preliminary determination that the filing of a complete VRF is necessary to protect the public interest and further the policies of the Act, notify a casino licensee or applicant and

an enterprise that a complete VRF is required to be filed within 10 days. The casino licensee or applicant and/or enterprise may appear before the Commission to contest the VRF filing requirement upon so notifying the Commission prior to the expiration of the 10 day filing period. In the event that the filing requirement is contested the Commission will determine whether or not a complete VRF is necessary to protect the public interest and further the policies of the Act. A failure by the casino licensee or applicant and enterprise to contest the filing requirement within the 10 day period or to appear before the Commission shall be grounds for a determination by the Commission that the filing of a complete VRF is necessary to protect the public interest and further the policies of the Act.

(d) Each casino licensee or applicant shall, prior to the arrival at the casino hotel of a junket which involves one or more junket enterprises, file with the Commission a Junket Enterprise Registration Form (JERF) as set forth in N.J.A.C. 19:41-5.12 for each junket enterprise involved in such junket which does not appear on the Active Vendors Record maintained by the Commission pursuant to N.J.A.C. 19:43-10.1. This requirement shall apply regardless of whether such junket enterprise has had a Notice of Intent to Conduct Business or a VRF filed with the Commission on its behalf pursuant to (a), (b) or (c) above for an agreement unrelated to junkets.

(e) Notwithstanding (b), (c) and (d) above, an incomplete VRF or JERF shall be considered timely filed by the licensee or applicant in accordance with this section if:

1. The incomplete registration form is timely filed pursuant to (b), (c) or (d) above, as appropriate; and

2. A revised registration form, completed in accordance with deficiency notice provided by the Commission, is filed:

i. For a VRF, within 10 days of service of notice or by the end of the deadlines set forth in (b) above, whichever is later; or

ii. For a JERF, within 10 days of service of notice or prior to the arrival of the junket, whichever is later.

(f) Filings required by this section shall be directed to the Casino Control Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1.

(g) In the event that an enterprise which has previously had a Notice of Intent to Conduct Enterprise Business filed on its behalf fails to provide the information necessary to complete a VRF as required by this section, the casino licensee or applicant shall notify the Commission within the applicable filing deadlines established in (b)2 or 3 above.

New Rule, R.1994 d.220, effective May 2, 1994.  
See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).  
Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).  
Amended by R.1997 d.282, effective July 7, 1997.  
See: 28 N.J.R. 5167(a), 29 N.J.R. 2846(a).

Rewrote (b)1vii; inserted new (c); recodified former (c) through (f) as (d) through (g); and in (d) and (e), amended internal cites to include (d).

#### 19:43-10.5 Exemption from registration

(a) The Commission may, upon the request of a casino licensee or applicant or on its own initiative, exempt a transaction from the filing requirements in N.J.A.C. 19:43-10.4 if the Commission determines that the filing of a Notice of Intent to Conduct Enterprise Business or a Vendor Registration Form (VRF) is not necessary to protect the public interest and further the policies set forth in sections 1(b)6, 1(b)9, 92 and 104 of the Act. In making such a determination the Commission shall consider, without limitation, the following:

1. The nature of the goods or services provided or the business transacted;
2. The nature of the enterprise providing the goods or services or transacting the business with the casino licensee or applicant; and
3. Whether such enterprise is otherwise regulated by the Act or Commission regulations.

(b) The following transactions shall be deemed exempt pursuant to (a) above unless the filing of a Notice of Intent to Conduct Enterprise Business or a VRF is otherwise directed by the Commission:

1. Contributions to non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;
2. Direct payments to guests or guests and their representatives pursuant to a court order or stipulation of settlement or for settlement of guest losses or guest refunds;
3. Payments by the casino licensee or applicant for the following:
  - i. Payments for travel expenses incurred by an employee of the casino licensee or applicant in the conduct of the employer's business including, without limitation, lodging, meals and transportation expenses;
  - ii. Payments to prospective employees for reimbursement of travel expenses incurred as a result of the employment interview; and
  - iii. Payments for training seminars, publication subscriptions, conference registrations or membership dues for professional associations that will directly contribute to the work performance or professional development of the employee;
4. Payments received from an employee of the casino licensee or applicant for purchases of obsolete hotel property or supplies for personal use;

5. Payments to government agencies for goods or services provided under statutory or other legal mandate, or for taxes, assessments, fines, garnishments or licensing fees and payments to public utilities having legal service monopolies;

6. Payments to or from individuals or enterprises pursuant to compliance with state or Federal law;

7. Payments by a third party manufacturer for rebates to a casino licensee or applicant for prior purchase of goods or services from licensed or registered vendors;

8. Payments for freight charges to freight transporters selected by the vendor for delivering goods C.O.D. or freight collect;

9. Transactions with travel industry enterprises that purchase or order lodging, meals, or other accommodations at a pre deducted or gross commission rate which does not exceed 10 percent of cost;

10. Payments to unlicensed casino service industry applicants under transactional waivers approved pursuant to N.J.S.A. 5:12-92a and N.J.A.C. 19:51-1.2B;

11. Payments to any person required to qualify pursuant to N.J.S.A. 5:12-84b, 85c or 85e, which are a result of agreements pertaining to such person's status as a financial source or qualifier;

12. Payments to labor organizations, unions and affiliates registered pursuant to N.J.S.A. 5:12-93 for employee dues and benefits programs; and

13. Payments for goods and services totaling \$500.00 or less made pursuant to a contract or purchase agreement not in excess of \$500.00 if the casino licensee or applicant reasonably and in good faith believes that no other goods or services will be provided to it by the same vendor.

New Rule, R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

#### 19:43-10.6 Master Purchasing and Disbursement Report

(a) Each casino licensee or applicant shall generate a Master Purchasing and Disbursement Report in accordance with this section for all transactions subject to N.J.S.A. 5:12-104b. Such report shall be submitted to the Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1 on the Friday of the third full calendar week of each month by 5:00 P.M., unless that day is a State or Federal holiday, in which case the report shall be provided by 5:00 P.M. on the first weekday thereafter that is not a State or Federal holiday, and shall include the following information for the period since the most recent report was filed:

1. A payee register listing alphabetically by payee all non-payroll transactions drawn by the casino licensee or applicant and, at a minimum, the following information in tabular form next to the name of each payee:

- i. Vendor identification number or exempt code;
- ii. Amount of each individual disbursement;
- iii. Date of each individual disbursement;
- iv. Check number, or other identification of disbursement;
- v. Subtotal of the disbursements by payee; and
- vi. The grand total of all disbursements made during the reporting periods;

2. A manual attachment listing any transaction subject to this section which is not included in the payee register in (a)1 above or the magnetic computer tape in (a)6 below, including transactions with enterprises not yet assigned a vendor identification number, wire transfers and transactions by a subsidiary, intermediary company, holding company or agent of the casino licensee or applicant for goods or services that benefit the casino licensee or applicant. All transactions appearing on the manual attachment shall include, at a minimum, the following information:

- i. Vendor name;
- ii. Vendor identification number (if assigned) or exempt code;
- iii. Date of disbursement;
- iv. Amount of each disbursement; and
- v. Subtotal of all disbursements;

3. A vendee register listing alphabetically by vendee all non-operating transactions in which the casino licensee or applicant was the vendor providing goods or services including, at a minimum, the following information in tabular form next to the name of the vendee:

- i. Vendor identification number or exempt code;
- ii. Date of each transaction;
- iii. Amount of each transaction;
- iv. Subtotal of all transactions; and
- v. A general description of the type of good or service provided;

4. A voided check register listing alphabetically by vendor previously reported transactions that were subsequently voided or require corrected information and at a minimum, the following information:

- i. Vendor name;
- ii. Vendor identification number or exempt code;
- iii. Date of original transaction;

iv. Amount of void; and

v. Date of void;

5. A subcontractor register listing all payments made to maintenance and construction companies performing services on the existing or proposed casino hotel or related facility, regardless of whether such company is a general contractor, subcontractor, secondary subcontractor or otherwise, including, at a minimum, the following information:

- i. Name and vendor identification number of each maintenance or construction company listed directly under the maintenance or construction company from which it received payment;
- ii. Transaction dates;
- iii. Dollar amount of each payment; and
- iv. Monthly total dollar amount disbursed to each maintenance or construction company;

6. A magnetic computer tape listing all disbursements to enterprises appearing on the payee register (a)1 above and appearing on the subcontractor register (a)5 above, within specifications as required by the Commission, and a hard copy printout that includes the total number of transactions subject to the vendor registration filing requirements; and

7. The signature of the casino licensee's or applicant's chief operating officer or his or her designee verifying the accuracy of the information contained therein.

New Rule, R.1994 d.220, effective May 2, 1994.  
See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).  
Amended by R.1995 d.496, effective September 5, 1995.  
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

#### 19:43-10.7 Internal controls submission

(a) Each casino licensee or applicant shall, pursuant to N.J.S.A. 5:12-99, submit an original and two copies to the Commission of a description of its internal procedures and administrative and accounting controls concerning compliance with the requirements of N.J.S.A. 5:12-92 and 104b. Unless otherwise directed by the Commission, a partial submission addressing, at a minimum, the procedures in (a)3iii and (a)4 below, shall be provided to the Commission at least 30 days prior to the commencement of construction activity at a proposed casino hotel facility or related facility. A complete submission addressing, at a minimum, the following, shall be provided to the Commission at least 30 days prior to the commencement of purchasing activities for the casino hotel facility or related facility:

1. Procedures for determining the status of enterprises on the Active Vendors Report to meet the requirements in N.J.A.C. 19:43-10.4;

2. Procedures for determining whether a casino licensee or applicant is prohibited pursuant to N.J.A.C.

19:43-10.1(c) from transacting business with an enterprise or individual;

3. Procedures for filing Notices of Intent to Conduct Enterprise Business, Vendor Registration Forms and Joint Enterprise Registration Forms, pursuant to N.J.A.C. 19:43-10.4 for the following:

i. Direct business transactions with enterprises. These procedures shall include an exempt code legend if the alpha or numeric codes that appear in the monthly Master Purchasing and Disbursement Report differ from those contained in N.J.A.C. 19:43-10.5(b);

ii. Purchases by a subsidiary, intermediary company, holding company, agent or commercial buyer for the benefit of the casino licensee or applicant;

iii. Business transactions with enterprises providing services related to the construction, renovation, expansion or demolition of the casino hotel facility or related facility, regardless of whether the casino licensee or applicant is a party to the agreement, including, without limitation, construction companies performing services for leaseholders located within the casino hotel facility or related facility; and

4. Procedures for providing financial reporting for (a)3ii and iii above in accordance with the requirements of N.J.A.C. 19:43-10.6(a)2 and 5, respectively.

(b) The Commission shall review each submission required by (a) above to determine whether it conforms to the requirements of the Act and the rules of the Commission. If the Commission finds any insufficiencies, it shall specify same in writing to the casino licensee or applicant who shall make appropriate alterations. When the Commission determines a submission to be adequate in all respects, it shall notify the casino licensee or applicant accordingly.

(c) Any proposed amendment to a previously approved vendor internal controls submission shall be submitted, unless otherwise directed by the Commission, no later than five days after any change in those procedures or controls takes effect. Such submission shall conform with the requirements set forth in (a) above.

(d) All submissions pursuant to this section shall be directed to the Casino Control Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1.

Amended by R.1994 d.265, effective June 6, 1994.  
See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).  
Recodified from 19:43-10.1 and amended by R.1995 d.496, effective September 5, 1995.  
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).  
Amended by R.1998 d.17, effective January 5, 1998.  
See: 29 N.J.R. 4081(a), 30 N.J.R. 117(a).  
Rewrote (a) and (a)1 through (a)4; and deleted (a)5 through (a)7.

## SUBCHAPTER 11. RENEWAL OF CASINO LICENSE

### Authority

N.J.S.A. 5:12-63c, 69a, 70b, 70h, 70l, 80, 81, 82, 83, 84, 85, 86, 87, 88 and 98.

### Source and Effective Date

R.1994 d.341, effective July 5, 1994.  
See: 26 N.J.R. 1615(a), 26 N.J.R. 2798(e).

### 19:43-11.1 Renewal; time for filing

(a) The Commission may, upon the written petition of the casino licensee, renew a casino license in accordance with N.J.S.A. 5:12-88 provided that:

1. The casino licensee files a completed application for renewal of a casino license with the Commission no later than 90 days prior to the expiration of the current license; and
2. All license fees and taxes as required by law and the rules of the Commission are paid by the casino licensee on or before the date of expiration of the current license.

### 19:43-11.2 Contents of renewal application

(a) An application for the renewal of a casino license shall include, without limitation, the following, which shall be completed in accordance with the requirements of the Act and the rules of the Commission and any instructions included with the application materials:

1. The Business Entity Disclosure (BED) Forms required by N.J.A.C. 19:43-5.3(a)1;
2. The Personal History Disclosure Forms required by N.J.A.C. 19:43-5.3(a)2, in accordance with the qualifier renewal procedures set forth in N.J.A.C. 19:43-2.7A;
3. Copies of all New Jersey Consolidated Corporation Business Tax Returns, in accordance with N.J.S.A. 5:12-148b;
4. The information required in N.J.A.C. 19:43-5.3(a)3 and 4;
5. Such information as may be requested by the Commission or the Division to demonstrate the applicant's good faith efforts to comply with the equal employment and business opportunity and affirmative action requirements of N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53 and any relevant conditions to the current casino license;
6. Such information as may be requested by the Commission or the Division to demonstrate compliance with all conditions, restrictions, limitations and covenants in the current casino license and certificate of operation;
7. The license renewal fee specified in N.J.A.C. 19:41-9.4; and

8. Any other information or documentation which the Commission or the Division may deem material to the qualification of the applicant, or of any person required to be licensed or qualified, pursuant to the Act and the rules of the Commission.

(b) The applicant shall file an original and three copies of each Personal History Disclosure Form required by (a) above, and an original and four copies of all other information required by (a) above, with the Commission in accordance with N.J.A.C. 19:40-3.5(b).

Administrative Correction.  
See: 27 N.J.R. 382(a).

#### 19:43-11.3 Petitions for waiver

Upon the petition of the casino license applicant in accordance with N.J.A.C. 19:43-5.4, the Commission, with the concurrence of the Director, may waive compliance with the qualification requirements of N.J.S.A. 5:12-85d for an officer, director, lender, underwriter, agent, employee or security holder of a publicly traded holding or intermediary company of a casino licensee pursuant to N.J.S.A. 5:12-85d(1), or for an institutional investor thereof pursuant to N.J.S.A. 5:12-85f.

#### 19:43-11.4 Prehearing conference; hearing

(a) All hearings and prehearing conferences concerning an application for renewal of a casino license shall be conducted in accordance with N.J.A.C. 19:42 and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A party other than the applicant may on motion seek leave to intervene or to participate in a hearing regarding an application for a casino license in accordance with the standards and procedures set forth in N.J.A.C. 1:1-16.

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### SUBCHAPTER 12. INTERIM CASINO AUTHORIZATION (RESERVED)

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### SUBCHAPTER 13. CONSERVATORSHIP

#### Subchapter Historical Note

Subchapter 13, originally Casino License Conservatorship, was recodified from N.J.A.C. 19:41-13 by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a). See, also, Chapter Historical Note.

#### 19:43-13.1 Definitions

The following words and terms are defined in the New Jersey Casino Control Act (P.L.1977, c.110, as amended) and are used in this subchapter as defined in that Act:

#### "Conservatorship action"

Amended by R.1994 d.31, effective January 18, 1994.  
See: 25 N.J.R. 4866(a), 26 N.J.R. 486(a).

#### 19:43-13.2 Institution of casino license conservatorship and appointment of conservators

(a) Notwithstanding any other provision of the Act, upon the revocation of a casino license or upon, in the discretion of the Commission, the suspension of a casino license or operation certificate for a period of in excess of 120 days or upon the failure or refusal to renew a casino license and notwithstanding the pendency of any appeal therefrom, the Commission shall appoint and constitute a conservator to, among other things, take over and into his possession and control all the property and business of the licensee relating to the casino and the approved hotel.

(b) Notwithstanding any other provision of the Act, upon, in the discretion of the Commission, the expiration of a temporary casino permit, except in those circumstances where a casino license has been issued or a casino license has not been issued because of the inaction of the Commission or upon the revocation of a temporary casino permit or upon, in the discretion of the Commission, the suspension of a temporary casino permit or operation certificate for a period of in excess of 60 days or upon the denial of a casino license to a temporary casino permittee and notwithstanding the pendency of an appeal therefrom, the Commission shall appoint and constitute a conservator to, among other things, take over and into his possession and control all the property and business of the temporary casino permittee relating to the casino and the approved hotel.

(c) Notwithstanding the foregoing, no conservator shall be constituted and appointed in any instance in which the casino hotel facility for which the casino license or temporary casino permit has been issued has not been, in fact, in operation and open to the public.

(d) The Commission may proceed in a conservatorship action in a summary manner or otherwise and shall have the power to appoint and remove one or more conservators.

#### 19:43-13.3 Qualification of conservator

(a) No person shall be appointed as a conservator unless the Commission is satisfied that he is individually qualified according to the standard applicable to casino key employees, except that casino experience shall not be necessary for qualification.

(b) The Division shall investigate and report to the Commission with regard to the qualifications of each person who is proposed as a candidate to serve as a conservator.

#### 19:43-13.4 Bonding of conservators

Every conservator shall, before assuming his duties, execute and file a bond for the faithful performance of his

duties payable to the Commission in the office of the Commission with such surety or sureties and in such form as the Commission shall approve and in such amount as the Commission shall prescribe.

**19:43-13.5 Powers of multiple conservators**

When more than one conservator is appointed, the provisions of this subchapter applicable to one conservator shall be applicable to all and the debts and property of the former or suspended licensee or permittee may be collected and received by any of them and the powers and rights conferred upon them shall be exercised by a majority of them.