

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.2000 d.196, effective April 13, 2000.
See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

Executive Order No. 66(1978) Expiration Date

Chapter 41, Applications, expires on April 13, 2005.

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 Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983.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Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989.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Subchapter 11, Agreements To Do Business with Casino Licensees, was in part repealed and in part recodified to N.J.A.C. 19:43-10 by R.1994 d.220, effective May 2, 1994.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(b).

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). See, also, section annotations.

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SUBCHAPTER 1. LICENSE AND REGISTRATION
REQUIREMENTS**19:41-1.1 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;

- vi. Supervise surveillance investigations or the operation of the surveillance department during a shift;
- vii. Supervise security investigations or the operation of the security department during a shift;
- viii. Function as a cage manager in accordance with N.J.A.C. 19:45-1.11(b)7;
- ix. Supervise the operation of the cashiers' cage, table games cage or slot machine cage during a shift. Persons who supervise the operation of a cashiers' cage, table games cage or slot machine cage, in a position

directly subordinate to the cage shift manager, shall be required to obtain a key license where the organization of the cage operations, the size of the casino operation, the nature and volume of the transactions performed by the cage and the number and locations of cage operations indicate that such person exercises a comparable level of responsibility and authority;

- x. Supervise the hard count or soft count room or function as a count room supervisor in accordance with N.J.A.C. 19:45-1.33 or 1.43;

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

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

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

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

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

(b) A casino licensee or applicant which, or a natural person who, is a party to a contractual agreement for the provision of services to the casino licensee or applicant by such natural person as an enterprise subject to the vendor or junket registration or casino service industry licensure requirements of the Act and the rules of the Commission may request, in accordance with the provisions of N.J.A.C. 19:40-3.7, a declaratory ruling that, notwithstanding the presumption established by (b) above, the provision of such services in accordance with the terms of the agreement shall not require the natural person to obtain an employee license or registration.

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

provide any services to a casino licensee or applicant notwithstanding:

1. Any agreement between the casino licensee or applicant and such natural person to the contrary; or

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

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

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

Section was "Casino hotel alcoholic beverage licenses".

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

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

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.

19:41-1.5A (Reserved)

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

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

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

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

Section was "Position endorsement".

19:41-1.6 (Reserved)

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

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

Section was "Slot machine licenses".

19:41-1.7 (Reserved)

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

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

Section was "Work permits".

19:41-1.8 (Reserved)

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

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

Section was "Experience and training requirements".

19:41-1.9 (Reserved)

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

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

Section was "Qualification standards: table games positions."

Case Notes

Casino's decision to terminate supervisors who had experience in 26 dealing only one game did not constitute age discrimination. Maidenb-

aum v. Bally's Park Place, Inc., D.N.J.1994, 870 F.Supp. 1254, affirmed, 67 F.3d 291.

SUBCHAPTERS 2. THROUGH 3. (RESERVED)

SUBCHAPTER 4. STANDARDS FOR QUALIFICATION

19:41-4.1 Scope

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

19:41-4.2 (Reserved)

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

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

Section was "Casino license standards".

Case Notes

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

19:41-4.3 Employee standards

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

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

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

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

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

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

Deleted (a)5 and 6.

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

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

Case Notes

Good character, honesty and integrity.

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

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

19:41-4.4 Section 86 standards

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

19:41-4.5 (Reserved)

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

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

Section was "Casino hotel alcoholic beverage license standards".

SUBCHAPTER 5. FORMS

19:41-5.1 Definitions

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

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

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

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

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

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

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

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

1. Name, including any aliases or nicknames;
2. Date of birth;
3. Physical description;
4. Current address and residence history;
5. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 552a;
6. Citizenship and, if applicable, information regarding resident alien status;
7. Marital history, dependents and other family data;

8. The casino licensee or applicant, casino service industry enterprise licensee or applicant or holding company, as applicable, with which the applicant is affiliated, and the nature of the applicant's position with or interest in such entity;

9. Telephone number at current place of employment;

10. Employment history of the applicant and the applicant's immediate family;

11. Education and training;

12. Record of military service;

13. Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;

14. Trusteeships or other fiduciary positions held by the applicant and the applicant's spouse, and any denial or suspension of, or removal from, such positions;

15. Current memberships in any social, labor or fraternal union, club or organization;

16. Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, as follows:

i. Any professional or occupational license held by or applied for by the applicant or the applicant's spouse;

ii. Motor vehicle registrations and operator licenses held by or applied for by the applicant or the applicant's spouse, and any revocation or suspension thereof;

iii. Possession or ownership of any pistol or firearm, or any application for any firearm permit, firearm dealer's license, or permit to carry a pistol or firearm;

iv. Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction held by or applied for by the applicant; and

v. Any denial, suspension or revocation by a governmental agency of a license, permit or certification held by or applied for the applicant or the applicant's spouse, or any entity in which the applicant or the applicant's spouse was a director, officer, partner or an owner of a five percent or greater interest;

17. Any interest in or employment presently or previously held by the applicant with an entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in this State or any other jurisdiction; and any current employment or other association by the applicant's immediate family with the gambling or alcoholic beverage industries in this State or any other jurisdiction;

18. Civil, criminal and investigatory proceedings in any jurisdiction, as follows:

i. Arrests, charges or offenses committed by the applicant or any member of the applicant's immediate family;

ii. Any instance where the applicant has been named as an unindicted party or co-conspirator in a criminal proceeding or held as a material witness;

iii. Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body, and any refusal to comply with a request to do so;

iv. Lawsuits to which the applicant was or is a party;

v. Any citation or charge for a violation of a statute, regulation or code of any jurisdiction, other than a criminal, disorderly persons, petty disorderly persons or motor vehicle violation; and

vi. Any use, distribution, or possession of any narcotic, hallucinogenic, drug, barbiturate, amphetamine or other substance listed in Schedule I through V of N.J.S.A. 2C:35-5 et seq. other than pursuant to a valid prescription issued by a licensed physician;

19. Whether any entity in which the applicant has been a director, officer, principal employee or a holder of more than five percent interest has:

i. Donated or used funds or property for the use or benefit of or in opposing any government, political party, candidate or committee;

ii. Compensated its directors, officers or employees for time and expenses incurred in performing services for benefit of or in opposing any government or political party;

iii. Made any loans, donations or other disbursements to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions;

iv. Made bribes or kickbacks to any government official; or

v. Maintained a bank account or other account which is not reflected on the books or records of the business or which is in a name other than the name of the business; and

20. Financial data, as follows:

i. All assets and liabilities of the applicant, and the applicant's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the Commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;

ii. Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;

iii. Real estate interests held by the applicant or the applicant's spouse or dependent children;

iv. Businesses owned;

v. Copies of Federal tax returns and related information;

vi. Judgments or petitions for bankruptcy or insolvency concerning the applicant or any business entity in which the applicant held a five percent or greater interest, other than a publicly traded corporation, or in which the applicant served as an officer or director;

vii. Any garnishment or attachment of wages, charging order or voluntary wage execution, including the amount, court, nature of the obligation and the holder of the obligation;

viii. Executors and beneficiaries of the applicant's Last Will and Testament;

ix. Life insurance policies on the applicant's life which name someone other than the applicant's family as a beneficiary;

x. Positions held or interest received in any estate or trust;

xi. Whether the applicant has ever been bonded for any purpose or been denied any type of bond, including the nature of the bond and if applicable, the reason for denial;

xii. Insurance claims in excess of \$100,000 by the applicant or the applicant's spouse or dependent children;

xiii. Referral or finder's fees in excess of \$10,000;

xiv. Loans in excess of \$10,000 made or received by the applicant, the applicant's spouse or dependent children;

xv. Gifts in excess of \$10,000 given or received by the applicant or the applicant's immediate family;

xvi. Brokerage or margin accounts with any securities or commodities dealer;

xvii. Currency exchanges in an amount greater than \$10,000;

xviii. Information regarding any instance where the applicant or any entity in which the applicant was a director, officer or holder of a five percent or greater interest has traded in foreign currencies or in a foreign commodities exchange, sold or purchased discounted promissory notes or other commercial paper, or been a party to any leasing arrangements in excess of \$50,000; and

xix. Information regarding any ownership interest or financial investment by the applicant in any entity which holds or is an applicant for a license issued by the Commission, or in any gambling venture which does not require licensure by the Commission, including persons providing or reasonably anticipated to provide the applicant with support in the financing of such investment or interest; the extent and nature of the applicant's involvement in the management and operation of the entity; whether the applicant has or has agreed to assign, pledge or hypothecate such interest or investment, the nature and terms of any such transaction and a copy of any such agreement.

(b) In addition to the information in (a) above, a completed PHD-1A or Gaming QDF may include the following:

1. The name, address, occupation and phone number of persons who can attest to the applicant's good character and reputation;

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

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.

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

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

Amended by R.1998 d.112, effective March 2, 1998.

See: 29 N.J.R. 4079(a), 30 N.J.R. 866(a).

In (a), inserted the language "or Gaming Enterprise Qualifier Disclosure Form (Gaming QDF)"; and in (b), added a reference to Gaming QDF.

19:41-5.3 Personal History Disclosure Form 1B (Basic Key Form) and Junket Enterprise Qualifier Disclosure Form

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

1. Name, including any aliases or nicknames;

2. Date of birth;

3. Physical description;

4. Current address and residence history;

5. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 552a;

6. Citizenship and, if applicable, information regarding resident alien status;