

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 Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983.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Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989.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Subchapter 11, Agreements To Do Business with Casino Licenses, was in part repealed and in part recodified to N.J.A.C. 19:43-10 by R.1994 d.220, effective May 2, 1994.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. 1847(b). See, also, section annotations.

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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;

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

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

25. Repair gaming equipment other than slot machines;

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

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

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

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

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

Amended by R.1998 d.18, effective January 5, 1998.

See: 29 N.J.R. 3432(b), 30 N.J.R. 112(b).

Amended by R.2002 d.207, effective July 1, 2002.

See: 34 N.J.R. 1249(a), 34 N.J.R. 2336(b).

In (a), rewrote 17.

Historical Note

A former N.J.A.C. 19:41-1.2, "Casino service industry licenses" was repealed by R.1992 d.412, effective October 19, 1992.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

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

No natural person shall be employed as a casino key employee pursuant to N.J.S.A. 5:12-9 and N.J.A.C. 19:41-1.1 or as a casino employee pursuant to N.J.S.A. 5:12-7 and N.J.A.C. 19:41-1.2 unless he or she is 18 years of age or older, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States. No natural person shall perform the functions of a casino service employee registrant pursuant to N.J.S.A. 5:12-11.1 unless he or she has attained the age required for such employment by the laws of the state in which he or she will be employed, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States. No natural person under 18 years of age shall perform the functions of a casino service employee in any casino alcoholic beverage location, as set forth in N.J.A.C. 19:50-1.4, unless such employment is otherwise authorized by N.J.A.C. 13:2-14.

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

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

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

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

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

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

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

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

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

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

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

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

Notice of Receipt of Petition for Rulemaking.

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

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

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

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

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

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

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

Casino simulcasting added.

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

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

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

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

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

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

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

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

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

Substantially amended the section.

Amended by R.2000 d.62, effective February 22, 2000.

See: 31 N.J.R. 3940(a), 32 N.J.R. 717(b).

Substituted "perform the functions of" for "be employed as" following "shall" and changed N.J.S.A. reference in the second sentence, and added a third sentence.

Case Notes

Casino's decision to terminate supervisors who had experience in dealing only one game did not constitute age discrimination. *Maidenbaum v. Bally's Park Place, Inc.*, D.N.J.1994, 870 F.Supp. 1254, affirmed, 67 F.3d 291.

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

(a) While engaged in the performance of his or her duties on the premises of the casino hotel, each casino key employee, casino employee and casino service employee shall have the license credential issued to him or her by the Commission on his or her person at all times, and each casino key employee and casino employee shall wear in a conspicuous manner any access badge required pursuant to (b) below or, if no access badge is required, his or her license credential while present in a restricted area.

(b) Except as otherwise provided in the approved internal controls of a casino licensee submitted pursuant to N.J.A.C. 19:45-1.12A, each casino key employee and casino employee of a casino licensee shall wear in a conspicuous manner a badge or similar form of identification (an "access badge") for purposes of identifying the restricted areas in the employer's establishment to which that employee may obtain access in the course of the performance of his or her normal duties.

(c) No casino licensee shall permit a casino key employee or casino employee to perform his or her duties on the premises of the casino hotel unless the employee is wearing an access badge required by N.J.A.C. 19:45-1.12A and (b) above or, if no access badge is required, his or her license credential in accordance with (a) above.

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

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

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

1. Verifies that the employee is listed in the casino licensee's current employee status report;
2. Verifies that the employee holds a valid license;

3. Verifies that the employee is authorized to obtain access to the public and restricted areas in which he or she will be working while in possession of the temporary license credential;

4. Confirms the above employment, access and licensure information with the supervisor of the employee;

5. Verifies that fewer than 12 temporary license credentials have been issued to the particular employee in the past 12 months; and

6. Immediately notifies the Commission inspection booth in writing that a temporary license credential has been issued, which notice shall include:

i. The name, license number and position title of the employee to whom the temporary credential was issued;

ii. A list of the public and restricted areas to which the employee may obtain access;

iii. The date and time that the temporary credential was issued; and

iv. The name and license number of the casino security department employee issuing the temporary credential.

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

1. Contain the following information:

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

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

iii. The date and time it was issued; and

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

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

3. Be sequentially numbered; and

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

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

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

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

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

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

1. The Commission for a replacement license credential; and

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

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

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

Section was "Labor organization registrations".

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

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

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

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

Deleted subsection (i) from rule text.

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

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

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

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

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

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

Amended by R.1996 d.560, effective December 2, 1996.

See: 28 N.J.R. 3899(a), 28 N.J.R. 5080(b).

Amended by R.1999 d.72, effective March 1, 1999.

See: 30 N.J.R. 1396(a), 31 N.J.R. 672(a).

Rewrote (a) through (c).

Case Notes

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

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

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

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

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

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 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. Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;

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

vi. 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

vii. 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. Any exclusion or barring from any casino or gambling/gaming related entity in any jurisdiction;

20. 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

21. 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, insolvency or liquidation 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 business entity in which the applicant was an owner, director or officer which has been placed under some form of governmental administration or monitoring;

viii. 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;

ix. Any repossessions of real or personal property;

x. Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;

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

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

xiii. Positions held, assets held, or interest received in any estate or trust;

xiv. 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;

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

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

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

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

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

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

xxi. 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

xxii. 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-MJ 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.

Amended by R.2001 d.187, effective June 4, 2001.

See: 33 N.J.R. 996(a), 33 N.J.R. 1925(a).

Rewrote (a); in (b), substituted "MJ" for "1A" in the introductory paragraph.

19:41-5.2A New Jersey Supplemental Form

(a) A New Jersey Supplemental 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. Date of birth;

3. Physical description;

4. Current address;

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

6. The casino 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;

7. Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;

8. Any interest in any business entity which is licensed by the Commission or is an applicant therefore;

9. Information regarding any administrative, civil or criminal charge, offense, arrest or conviction which has been expunged or sealed;

10. 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. Made or been charged with bribes or kickbacks to any government official;

ii. Held a foreign bank account or has had authority to control disbursements from a foreign bank account;

iii. 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;

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

v. 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; or

vi. 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;

11. Copies of Federal and foreign tax returns and related information; and

12. 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.

New Rule, R.2001 d.187, effective June 4, 2001.
See: 33 N.J.R. 996(a), 33 N.J.R. 1925(a).

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;

7. Marital history and other family data;
8. Telephone number at current place of employment;
9. Employment history, including any gaming-related employment;
10. Education and training;
11. Record of military service;
12. 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, including:
 - i. Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction;
 - ii. Any denial, suspension or revocation by a government agency in this State or any other jurisdiction of a license, permit or certification held by or applied for by the applicant or the applicant's spouse;
 - iii. 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;
13. 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 appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body; and
 - iii. Lawsuits to which the applicant was or is a party; and
14. 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. Positions held or interest received in any estate or trust;

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

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

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

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

(b) In addition to the information in (a) above, a completed PHD-1B or JE/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 Junket Enterprise Qualifier Disclosure Form (JE/QDF)"; and in (b), added a reference to JE/QDF.

19:41-5.4 Personal History Disclosure Form 2A (Casino Employee License Application)

(a) A Personal History Disclosure Form 2A (Casino Employee License Application or PHD-2A) 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, resident alien status;
7. Marital history;
8. Telephone number at current place of employment;
9. Employment history, including any gaming-related employment;
10. Education and training;
11. Record of military services;
12. Licenses of other approvals held by or applied for by the applicant in this State or any other jurisdiction, including:
 - i. Any license, permit, approval or registration required to participate in any lawful gambling operation;
 - ii. Any denial, suspension or revocation by a government agency of a license, permit or certification; and
 - iii. Motor vehicle registrations and operator licenses and any revocation or suspension thereof;

13. 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 appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body; and
- iii. Lawsuits to which the applicant was or is a party; and

14. Financial data, as follows:

- i. Businesses owned;
- ii. Bank accounts and safe deposit boxes;
- iii. Judgments or petitions for bankruptcy or insolvency concerning the applicant, including a copy of the bankruptcy petition and discharge, if granted, and any such judgment or petition concerning 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; and

iv. 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.

(b) In addition to the information in (a) above, a completed PHD-2A 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).

19:41-5.5 Personal History Disclosure Form 4A (Casino Service Employee Registration Application)

(a) A Personal History Disclosure Form 4A (Casino Service Employee Registration Application or PHD-4A) 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. 522a;
6. Citizenship and, if applicable, resident alien status;
7. Marital history;
8. Employment history, including any gaming-related employment;
9. Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any lawful gambling operation in this State or any other jurisdiction; and
10. Arrests, charges or offenses committed by the applicant or any member of the applicant's immediate family;

(b) In addition to the information in (a) above, a completed PHD-4A may include the following:

1. The name, address and phone number of personal references;
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).

19:41-5.5A Key Standard Qualifier Renewal Form

(a) A Key Standard Qualifier Renewal 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. 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. The casino licensee or applicant, or holding company, as applicable, with which the applicant is associated, and the nature of the applicant's position with or interest in such entity;
7. Telephone number at current place of employment;
8. 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 and safe deposit boxes; and
 - iii. Copies of Federal tax returns and related information.

(b) A Key Standard Qualifier Renewal Form may also require an applicant to provide the following information for the time period since the submission of his or her most recent disclosure form:

1. 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;

2. Referral or finder's fees in excess of \$10,000;
3. Gifts in excess of \$10,000 given or received by the applicant or the applicant's immediate family;
4. Business owned;
5. Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
6. 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;
7. 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. 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
 - iii. Any denial, suspension or revocation by a governmental agency of a license, permit or certification held by or applied for by 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;
8. Civil, criminal and investigatory proceedings in any jurisdiction, as follows:
 - i. Arrests, charges or convictions for any criminal or disorderly persons 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, or grand jury or investigatory body;
 - iv. Lawsuits to which the applicant was or is a party; and
 - 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

9. 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 the 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; and

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.

(c) In addition to the information in (a) and (b) above, a completed Key Standard Qualifier Renewal Form may include the following:

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

2. 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.

New Rule, R.1994 d.592, effective December 5, 1994.
See: 26 N.J.R. 3824(a), 26 N.J.R. 4789(a).

19:41-5.5B Request to Determine Employment or Reapplication Eligibility Form

(a) A Request to Determine Employment or Reapplication Eligibility 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. Date of birth;

3. Current address;

4. A physical description;

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

6. Arrests, convictions, charges or offenses committed;

7. Reasons for the denial or revocation of any casino employee license or registration; and

8. A written statement of the facts and circumstances which warrant the relief sought.

(b) In addition to the information in (a) above, a completed Request to Determine Employment or Reapplication Eligibility Form may include:

1. Letters of reference and supporting documentation;

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 Division; and

4. If the request is filed pursuant to N.J.A.C. 19:41-8.11:

i. The documents required for identification by N.J.A.C. 19:41-7.2A; and

ii. An offer of employment from a CHAB licensee.

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

19:41-5.5C Application to Downgrade Employee License

(a) An Application to Downgrade Employee License shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Name;

2. Date of birth;

3. Physical description;

4. Current address; and

5. Current license number.

New Rule, R.1999 d.360, effective October 18, 1999.
See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

19:41-5.6 Business Entity Disclosure Form—Corporate

(a) A Business Entity Disclosure Form Corporate—(BED—Corporate) shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Current or former official and trade names used by the corporation, and the dates of use;

2. The reason for filing, including the name of the license applicant and the type of license sought and, if the license applicant is other than the corporation, the nature of the corporation's relationship to the license applicant;

3. Date and place of incorporation;
4. Current or former business addresses of the corporation;
5. A description of the present and any former business engaged in by the corporation and its holding companies, subsidiaries and intermediary companies;
6. The name, last known address, occupation and date of birth of each incorporator;
7. The name, home address, business address, date of birth and occupation of current and former directors and trustees, and the dates such position was held;

5. Physical characteristics;
6. Employment history;
7. Information regarding any license, permit, approval, registration or other authorization to participate in a lawful gambling operation held by or applied for by the applicant in this State or any other jurisdiction; and
8. Arrests, charges or offenses committed by the applicant.

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

1. An original photograph of the applicant taken within the previous 12 months;
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.

19:41-5.10 Qualifier Renewal Disclosure Form

(a) A Qualifier Renewal Disclosure Form (QRDF) 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. Telephone number, address and residence history;
3. Position held with the casino service industry license applicant;
4. Date and place of birth;
5. Physical characteristics; and
6. Arrests, charges or offenses committed by the applicant since the date on which the applicant last filed a Qualifier Disclosure Form (QDF) or QRDF.

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

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

2. 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.

19:41-5.11 Vendor Registration Form

(a) A Vendor Registration Form (VRF) 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. The nature of the business and the type of goods or services being provided to the casino industry or hub facility;
5. Federal Employer Identification Number;
6. State and date of incorporation;
7. Whether the enterprise is minority- or women-owned and controlled and the enterprise certification number, if any, which information is voluntarily provided;
8. Form of business;
9. The date on which a formal offer and acceptance of the agreement to conduct business with a casino licensee or applicant or hub facility occurred;
10. Names and addresses of all subsidiaries;
11. The name, address and percentage of ownership of each entity directly owning more than five percent of the enterprise;
12. The names of each of the following:
 - i. Any individual who entered into the agreement with or will deal directly with the casino licensee or applicant or hub facility, including sales 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 or hub facility;

- ii. If the licensee is a partnership, each partner;
- iii. If the licensee is a limited partnership, each general partner;
- iv. If the licensee is a sole proprietorship, the sole proprietor; or

- v. If the licensee is any other business form, any authorized officer.

New Rule, R.1998 d.51, effective January 20, 1998.
See: 29 N.J.R. 4413(b), 30 N.J.R. 381(a).

**19:41-5.18 Casino Hotel Alcoholic Beverage Permit
Application Form**

(a) A Casino Hotel Alcoholic Beverage (CHAB) Permit Application Form shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. The type of permit requested;
2. The name and address of the organization or business applying for the permit;
3. The name, address, and telephone number of a person to be contacted in reference to the permit;
4. Documentation to prove eligibility for a permit, which may include the following:
 - i. Federal or State tax exemption number;
 - ii. A copy of the applicant's certificate of incorporation;
 - iii. A copy of the applicant's charter, constitution or by-laws; or
 - iv. Any other information the Commission may deem appropriate.
5. The name of the CHAB licensed facility and the room location where the event will take place;
6. The dates and times when the permit will be in effect;
7. A description of the circumstances, events or purpose for which the permit is requested;
8. A description of the activities that will involve the sale, service, delivery or storage of alcoholic beverages;
9. A listing of the alcoholic beverages required for the event and a description of how they will be purchased;
10. A description of any fees charged and how the proceeds will be used;
11. A description of the measures to be taken to ensure that persons under the legal age do not consume alcohol;
12. A summary of what will take place during the event;
13. An acknowledgement of the conditions and terms of the permit, signed and dated by a representative of the applicant; and
14. A certification and agreement signed and dated by a representative of the CHAB licensee where the event will be held.

New Rule, R.1999 d.14, effective January 19, 1999.
See: 30 N.J.R. 3768(a), 31 N.J.R. 142(a).

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. INFORMATION

19:41-7.1 Affirmative responsibility to establish qualifications

It shall be the affirmative responsibility and continuing duty of each applicant, licensee and registrant to produce such information, documentation and assurances as may be required to establish by clear and convincing evidence his qualifications in accordance with the Act and regulations of the Commission. No application shall be granted to any applicant who fails to so prove his qualifications.

Case Notes

Burden of proof on applicant to show licensure qualification. In re: Martin, 90 N.J. 295 (1982).

19:41-7.1A Application for the issuance of employee licenses or registrations and natural person qualification

(a) An application for the initial issuance of an employee license or registration or for individual qualification shall include the following:

1. A completed original and one photocopy of the appropriate Personal History Disclosure (PHD) Form or Qualifier Disclosure Form (QDF), as follows:

i. An applicant for a casino key employee license shall file a PHD-1B as set forth in N.J.A.C. 19:41-5.3;

ii. An applicant for a casino employee license or junket representative license shall file a PHD-2A as set forth in N.J.A.C. 19:41-5.4;

iii. An applicant for a casino service employee registration shall file a PHD-4A as set forth in N.J.A.C. 19:41-5.5;

iv. An applicant 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 or applicant shall file the PHD Form required by N.J.A.C. 19:43-2.6;

v. An applicant 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 or intermediary company of a casino licensee or applicant shall file the PHD Form required by N.J.A.C. 19:43-2.7;

vi. An applicant required to qualify pursuant to subsections 92a and b of the Act by virtue of his or her position with a casino service industry enterprise or gaming school shall file a Gaming QDF as set forth in N.J.A.C. 19:41-5.2;

vii. An applicant required to qualify pursuant to subsection 92c of the Act by virtue of his or her position with a casino service industry enterprise shall file a QDF as set forth in N.J.A.C. 19:41-5.9. If such enterprise is required to be licensed pursuant to N.J.A.C. 19:51-1.2A(f), the applicant shall also provide two copies of his or her Federal tax returns and related documents;

viii. An applicant required to qualify pursuant to N.J.S.A. 5:12-93 by virtue of his or her position with a labor organization or affiliate shall file a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 19:41-5.14; and

ix. An applicant required to qualify pursuant to N.J.S.A. 5:12-102c by virtue of his or her position with a junket enterprise shall file a JE/QDF as set forth in N.J.A.C. 19:41-5.3.

2. The documents required for identification by N.J.A.C. 19:41-7.2A;

3. A photograph of the applicant, taken within the preceding 12 months, which shall be attached to the original disclosure form;

4. Except as otherwise provided by N.J.A.C. 19:41-7.7, a certification by the Division that the applicant has been fingerprinted in accordance with that section; and

5. Any applicable fee required by N.J.A.C. 19:41-9.11, 9.11A, 9.12, 9.13, 9.14 or 9.15.

(b) Each applicant shall file a complete application pursuant to (a) above with the Commission by mail or in person at the address specified in N.J.A.C. 19:40-3.5(b) and (c), except as otherwise provided in N.J.A.C. 19:41-7.1B.

(c) A casino key employee licensee or casino employee licensee may downgrade his or her current license at renewal in accordance with N.J.A.C. 19:41-14.4.

(d) Except as provided in (e) or (f) below, no application shall be accepted for filing unless the applicant is eligible for employment pursuant to N.J.A.C. 19:41-1.3 and such application includes all materials required by (a) above, completed in accordance with the requirements of the Act and the rules of the Commission and any instructions included with the disclosure form.

(e) The Commission may accept an application for a casino key employee license or casino employee license from an applicant who is at least 17 years and six months of age, provided that the application is accompanied by a signed and dated certification by the applicant stating that he or she will not commence casino employment until he or she is 18 years of age. Such certification shall also be signed by the applicant's parent or legal guardian unless the applicant presents proof that he or she is married, has entered military service, has a child or has been previously declared by a court or administrative agency to be emancipated.

(f) An applicant for individual qualification shall provide the documents required by (a)2 above upon the request of the Division.

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.283, effective June 5, 1995.

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

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.1995 d.307, effective June 19, 1995.

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

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

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

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

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

In (a)1i, amended N.J.A.C. reference; and, in (a)1ii, deleted reference to gaming school employee license.

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)1, added a reference to Gaming QDF in iv, and added ix; and in (a)3 and (c), substituted "disclosure form" for "PHD Form or QDF".

Amended by R.1999 d.360, effective October 18, 1999.

See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

Inserted a new (c); recodified former (c) and (d) as (d) and (e); and in the new (d), substituted a reference to (e) for a reference to (d).

Amended by R.2000 d.62, effective February 22, 2000.

See: 31 N.J.R. 3940(a), 32 N.J.R. 717(b).

Rewrote (d); inserted a new (e); and recodified former (e) as (f).

19:41-7.1B Application for casino service employee registration; filing requirements

(a) No casino service employee registration shall be issued by the Commission unless:

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).

19:41-7.2 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 or who seeks permission to 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 INS alien registration card which contains a photograph and fingerprints; 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 current identification card issued by INS containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address; or

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

(c) 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.

(d) 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).

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.

(b) Nothing in this section shall relieve a person who submits fingerprints pursuant to (a) above from the continuing duty imposed pursuant to N.J.A.C. 19:41-7.3 or N.J.S.A. 5:12-78.

Amended by 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.621, effective December 4, 1995.
See: 27 N.J.R. 319(a), 27 N.J.R. 4910(a).

19:41-7.8 Photographing

Each applicant, licensee, registrant and person required to be qualified shall be photographed under the supervision of the Division without charge and in triplicate. One set of the said photographs shall be provided by the Division to the Commission, one shall be filed with the Division and one shall be filed with the Division of State Police.

19:41-7.9 Handwriting exemplars

Each applicant, licensee, registrant, intermediary company, holding company and person required to be qualified shall, in writing, consent to the supplying of handwriting exemplars in the form and manner directed upon the request of the Commission or Division.

Case Notes

Authorizing statute constitutional. In re: Martin, 90 N.J. 295 (1982).

19:41-7.10 Oath or affirmation and attorney certification

All application, registration, business enterprise disclosure and personal history disclosure forms and all other papers relating thereto submitted to the Commission or the Division by or on behalf of an applicant shall be sworn to or affirmed and subscribed and dated by the applicant and, if different, the author of the said form or paper before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths or affirmations. The following statement shall immediately precede the signature of the affiant: "I swear (or affirm) that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment". The affiant, if requested, shall again swear to or affirm and subscribe and date any such paper in the presence of a representative of the Commission or Division. All such forms and papers shall also be signed by the applicant's attorney of record, if any, which shall constitute a certification by him that he has read the said paper and that, to the best of his knowledge, information and belief, its contents are true.

19:41-7.11 Untrue information

The Commission shall deny a license or registration to any applicant who shall supply information to the Commission or Division which is untrue or misleading as to a material fact pertaining to the qualification criteria.

19:41-7.12 Signatures

(a) All application, registration, business enterprise disclosure and personal history disclosure forms shall be signed by each of the following persons:

1. If of a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary and its treasurer;
2. If of a partnership, by each of its partners; if a limited partnership, only by each of its general partners;
3. If of any other business enterprise, organization or association or of a governmental agency, by its chief executive officer, its secretary and its treasurer; and
4. If of a natural person, by the person himself.

19:41-7.13 Form of signature

All signatures shall be signed in ink and dated on all original papers, but may be photocopied, typed, stamped or printed on any copies of such papers. The name and address of the signatory shall be typed, stamped or printed beneath each signature.

(d) Failure of a licensee to file a complete renewal application with the Commission in accordance with (a) through (c) above shall be deemed a failure to apply for renewal of the license and shall result in the termination of the license on its stated expiration date.

1. Any licensee whose current license will be terminated pursuant to this section may, prior to the expiration date of the current license, apply for a new license of the same type by filing the appropriate renewal application materials identified in N.J.A.C. 19:41-14.3 and paying the initial license application fee required by N.J.A.C. 19:41-9, or may apply for a downgraded license in accordance with N.J.A.C. 19:41-14.4. After the expiration date of the current license, the former licensee shall be required to file a complete application for the issuance of a new license. Under either circumstance, the filing of the application for a new license shall not affect the termination of the former license on its stated expiration date.

2. Any person whose license expires due to his or her failure to file a complete and timely renewal application in accordance with this section shall not be eligible to receive a temporary license of the same rank until one year after the expiration date of the former license, except as follows:

i. Upon the filing of a signed and dated certification by such person that, at the time of the filing deadline for renewal, he or she was not working in a position which required such license; or

ii. Upon the written petition of such person and for good cause shown, the Commission may permit application for such temporary license in accordance with N.J.S.A. 5:12-89e or 90g, as applicable, at an earlier date.

(e) Any licensee whose license has been suspended by the Commission must continue to file renewal applications during the suspension period in order to remain eligible to return to work immediately should the license be reinstated. The suspended licensee shall be required to file complete renewal applications in accordance with the requirements of this section as if the suspended license were renewed pursuant to the terms of N.J.S.A. 5:12-94 and (a) above; provided, however, the suspended licensee shall only be required to pay one license renewal fee during the suspension period. Failure of a suspended licensee to file a renewal application in accordance with the requirements of this subsection shall be deemed a failure to apply for renewal of the license but shall not affect the validity of any ongoing proceeding concerning the former licensee's qualification for licensure.

Amended by R.1995 d.622, effective December 4, 1995.

See: 27 N.J.R. 3595(a), 27 N.J.R. 4911(a).

Amended by R.1999 d.360, effective October 18, 1999.

See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

In (d), inserted ", or may apply for a downgraded license in accordance with N.J.A.C. 19:41-14.4" at the end of the first sentence in 1, and rewrote 2.

19:41-14.3 Contents of renewal application

(a) An application for the renewal of an employee license shall include:

1. A completed Employee License Renewal Application form signed by the applicant and notarized by a person authorized to administer oaths in the State of New Jersey. This form shall contain all relevant information since the applicant's initial application for licensure or most recent renewal application concerning the following:

i. Any changes in the name, address or the telephone number of the applicant;

ii. The name and address of the applicant's present employer and the name of his or her supervisor;

iii. The applicant's employment history with casino licensees;

iv. A history of any disciplinary action taken by employers against the applicant;

v. A history of all action taken by any jurisdiction against any license, work permit, or certificate held by the applicant to work in casino gaming;

vi. All criminal arrests, charges, custodial confinements, indictments and convictions of the applicant; and

vii. All civil litigation in which the applicant is named as a defendant or respondent.

2. A Release Authorization signed by the applicant and notarized by a person authorized to administer oaths in the State of New Jersey, which Release Authorization shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions, and all governmental agencies, to release any and all information pertaining to the applicant as requested by the Division or Commission;

3. 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; and

4. Payment of the appropriate license renewal fee due in accordance with N.J.A.C. 19:41-9.

(b) In addition to the materials identified in (a) above, an application for the renewal of a casino key employee license shall include:

1. A Personal Financial Statement certified and signed by the applicant containing a detailed, itemized list of the applicant's assets and liabilities in a form required by the Commission; and

2. Copies of any Federal income tax returns filed by the applicant with the Internal Revenue Service since the applicant's initial license was granted or most recent application for renewal was filed, whichever occurred later.

(c) In addition to the materials identified in (a) above, an application for the renewal of a junket representative license shall include, in a form required by the Commission, designation of an agent to receive service of process in this State and an affirmation that the applicant submits to the jurisdiction of this State.

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

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

In (a)1: added requirement that form be notarized.

In (a)2: added requirement that Release Authorization be notarized.

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

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

In (b), following "director license", deleted "or a junket representative license".

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

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

19:41-14.4 Downgrade of license at renewal

(a) An applicant for the renewal of a casino key employee license may, in lieu of renewing his or her current license, apply to downgrade his or her current license at renewal to a casino employee license by filing an Application to Downgrade Employee License as set forth in N.J.A.C. 19:41-5.5C and a complete renewal application in accordance with N.J.A.C. 19:41-14.2 and 14.3.

(b) An applicant for renewal of a casino key employee license or casino employee license may, in lieu of renewing his or her current license, apply to downgrade his or her current license at renewal to a casino service employee registration by complying with the requirements of N.J.A.C. 19:41-7.1B and filing an Application to Downgrade Employee License as set forth in N.J.A.C. 19:41-5.5C, including the fee required by N.J.A.C. 19:41-9.15.

(c) Any applicant who has filed a complete and timely renewal application may, no later than the last day of the month which is two months prior to the month in which the current license term expires, apply to downgrade his or her license pursuant to (a) or (b) above. Such applicant shall not be entitled to a refund of any license renewal fee previously paid for his or her current license (see N.J.A.C. 19:41-9.19).

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.1999 d.360, effective October 18, 1999.

See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

Rewrote the section.

19:41-14.5 Processing

(a) Upon the receipt of a complete renewal application within the time period required by N.J.A.C. 19:41-14.2, the renewal application shall be transmitted to the Division which shall conduct such investigation as it deems necessary to determine the continued qualification of the applicant.

(b) The Commission shall consider each complete and timely application for the renewal of an employee license no sooner than one month prior to, but no later than, the expiration date of the current license. If the Division does not file an investigative report on a complete and timely application for renewal of an employee license, the Commission may grant the renewal of the license unless the Division requests, in writing, no later than 40 days prior to the expiration date of the current license, that such application for renewal not be considered until an investigative report has been submitted by the Division.

(c) Nothing in this section shall be deemed to be inconsistent with the authority of the Division pursuant to N.J.S.A. 5:12-94 to request the Commission to reconsider the status of any license at any time.

(d) If an applicant for renewal requests a hearing in accordance with the provisions of N.J.A.C. 19:42-3, or the Commission finds that the Division has requested that consideration of an application be delayed until an investigative report is submitted, the Commission shall provide the applicant with a document permitting the applicant to remain employed under his or her existing license credential until such application has been finally determined by the Commission; provided, however, nothing herein shall be deemed to relieve an applicant for renewal of the obligation to file any subsequent application for renewal which is due pursuant to N.J.A.C. 19:41-14.2 during the course of the hearing process.

(e) The Commission shall notify an applicant in writing when a renewal application is granted, and the applicant shall appear in person at the Commission's Casino Employee License Information Unit in Atlantic City within 30 days of the notice to obtain his or her new license credential. Should the applicant fail to appear as required by this subsection, the Commission may notify casino licensees that the applicant can no longer be employed in the licensed position after the expiration of the applicant's current license credential until the applicant appears as required and receives his or her new license credential.

19:41-14.6 Duration of renewed licenses

(a) Casino employee licenses shall be renewed for a term of four years.

(b) Casino key employee licenses shall be renewed for a term of four years.

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).

19:41-14.7 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. 17:27-4.3, 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.