

(b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:

1. The application matter has been transmitted to the Office of Administrative Law; or
2. The application matter has been assigned to any other hearing examiner authorized by law to hear such matter; or
3. The Commission has made a determination to hear the application matter directly.

(c) Notwithstanding the foregoing, the Commission may accept and consider a written notice of withdrawal after the time specified herein if the Division consents to the withdrawal and if the Commission is satisfied that there exists extraordinary circumstances justifying withdrawal.

Amended by R.1980 d.159, effective April 15, 1980.
See: 12 N.J.R. 164(b), 12 N.J.R. 295(a).

19:41-8.7 Mootness

Any application submitted to the Commission shall constitute a request by the applicant for a determination as to his qualifications in accordance with the Act and regulations of the Commission and a consent by the applicant to the making of such a determination by the Commission, in its discretion, when the application thereafter becomes moot for any reason whatsoever.

19:41-8.8 Restriction on application and employment after denial or revocation

(a) Any natural person whose license, registration, qualification or approval is denied or revoked by the Commission for failure to satisfy the affirmative qualification criteria of the Act or due to a Commission finding that such person is disqualified pursuant to N.J.S.A. 5:12-86 or both, may not, except as otherwise provided by N.J.A.C. 19:41-8.9, 8.10 or 8.11, reapply for a license, registration, qualification or approval or, pursuant to N.J.S.A. 5:12-106c, be employed by a casino licensee in a position that does not require a license or registration, until five years have elapsed from the date of denial or revocation. Notwithstanding the foregoing:

1. If the denial or revocation was based upon conviction of a disqualifying offense pursuant to N.J.S.A. 5:12-86c and reapplication is to be evaluated under the standards of N.J.S.A. 5:12-89, reapplication is permitted after the lapse of 10 years from the date of conviction;
2. If the denial or revocation was based on acts constituting a disqualifying offense pursuant to N.J.S.A. 5:12-86c and 86g and reapplication is to be evaluated under the standards of N.J.S.A. 5:12-89, reapplication is permitted after the lapse of 10 years from the date of the conduct in question; and
3. If the Commission approves an agreement resolving an application for or a complaint seeking the revocation

of a license, registration, qualification or approval which results in denial or revocation but permits reapplication or employment by a casino licensee after a stated period of less than five years, eligibility for reapplication or employment by a casino licensee shall be governed by the terms of the agreement and not by the provisions of this section.

(b) Any natural person whose license, registration, qualification or approval is denied or revoked by the Commission on the basis of any of the statutory or regulatory provisions in (b)1 through 5 below may reapply for a license, registration, qualification or approval upon satisfaction of the relevant requirements specified below. If the denial or revocation is based upon two or more statutory or regulatory provisions, the Commission shall permit reapplication only upon compliance with the requirements of this subsection as to each such provision. Any person seeking to reapply pursuant to this subsection shall file a certified petition stating with particularity how the specified requirements have been satisfied.

1. Failure to demonstrate financial stability pursuant to N.J.S.A. 5:12-89b(1) or 90b: Reapplication is permitted upon achieving financial stability.
2. Failure to satisfy the residency requirement set forth in N.J.S.A. 5:12-89b(4) or 90b: Reapplication is permitted upon establishment of a New Jersey residence, or upon a Commission finding that such residency will be established before the processing of said reapplication has been completed, or upon a Commission finding that the residency requirement should be waived pursuant to N.J.S.A. 5:12-89b(4) or 90c.
3. Failure to satisfy the age requirement set forth in N.J.A.C. 19:41-1.3: Reapplication is permitted upon attaining the requisite age or upon a Commission finding that such age will be attained before the processing of said reapplication has been completed.
4. Pending charges for a disqualifying offense pursuant to N.J.S.A. 5:12-86c and 86d: Reapplication is permitted upon disposition of the pending charges provided the charges do not result in conviction of a disqualifying offense pursuant to N.J.S.A. 5:12-86c.
5. Any statutory or regulatory provision which is subsequently repealed or modified: Reapplication is permitted upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or revocation and justifies the conclusion that the prior decision should no longer bar reapplication.

New Rule, R.1980 d.160, effective April 15, 1980.
See: 12 N.J.R. 165(a), 12 N.J.R. 295(b).
Amended by R.1991 d.382, effective August 5, 1991.
See: 23 N.J.R. 1301(a), 23 N.J.R. 2322(a).

Rule text revised throughout to provide that petitions for reapplication are to be considered and determined by the full Commission.

Deleted (c)3, recodifying (c)4 and (c)3; deleted (g)1 and 2 codification.

Amended by R.1993 d.572, effective November 15, 1993.

See: 25 N.J.R. 3685(b), 25 N.J.R. 5360(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.1996 d.69, effective February 5, 1996.

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

Case Notes

Cited as justification for statutory bar; early reapplication; post-disqualification occurrences relevant only to petition for early reapplication. In the Matter of the Hotel and Restaurant Employees and Bartenders International Union Local 54, 203 N.J.Super. 297 (App.Div. 1985), certiorari denied 102 N.J. 352 (1985).

19:41-8.9 Petition for early reapplication

(a) Any natural person who is barred from reapplication for five years pursuant to N.J.A.C. 19:41-8.8 may petition for permission to reapply at an earlier date by filing a Request to Determine Employment or Reapplication Eligibility Form as set forth in N.J.A.C. 19:41-5.5B at any time after one year has elapsed from the date of denial or revocation or at such earlier date as the Commission may order.

(b) The Commission shall offer the Division an opportunity to complete a criminal records check and to provide a written statement of its position on any petition filed pursuant to this section.

(c) The Commission shall grant a petition for early reapplication if it finds that the facts and circumstances presented would be reasonably likely to result in licensure, registration, qualification or approval if considered in the context of a plenary hearing. Factors to be considered by the Commission may include, where appropriate, evidence which would support:

1. A finding of rehabilitation pursuant to N.J.S.A. 5:12-90h or 91d; or

2. A waiver of disqualification pursuant to N.J.S.A. 5:12-91e.

(d) A petition filed pursuant to this section shall specify the type of credential sought.

(e) Notwithstanding (d) above:

1. A petition for permission to reapply for a casino employee license shall be deemed to include a request to reapply for a casino service employee registration and a request for permission to obtain employment in a position which does not require a license or registration; and

2. A petition to reapply for a casino service employee registration shall be deemed to include a request for permission to obtain employment in a position which does not require a license or registration.

(f) If the Commissioner denies a petition for early reapplication for any license, registration, qualification or approval, the petitioner shall be restricted from reapplying for such credential pursuant to this section for a period of two years from the date that permission to reapply is denied.

New Rule, R.1996 d.69, effective February 5, 1996.

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

19:41-8.10 Petition for permission to obtain employment not requiring a license or registration

(a) Any natural person who is barred from employment by a casino licensee for five years pursuant to N.J.S.A. 5:12-106c may petition for permission to obtain employment in a position which does not require a license or registration by filing a Request to Determine Employment or Reapplication Eligibility Form as set forth in N.J.A.C. 19:41-5.5B. Such petition may be filed at any time after one year has elapsed from the date of denial or revocation or at such earlier date as the Commission may order.

(b) The Commission shall offer the Division an opportunity to complete a criminal records check and to provide a written statement of its position on any petition filed pursuant to this section.

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

(d) If the Commission denies a petition for permission to obtain employment not requiring a license or registration, the petitioner shall be restricted from filing another petition pursuant to this section for a period of two years from the date that the petition is denied.

New Rule, R.1996 d.69, effective February 5, 1996.

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

19:41-8.11 Petition for permission to obtain employment as a CHAB employee

(a) Any unlicensed or unregistered person who has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1), who is not barred from employment pursuant to N.J.S.A. 5:12-106c, may petition for permission to obtain employment as a CHAB employee by filing a Request to Determine Employment or Reapplication Eligibility Form as set forth in N.J.A.C. 19:41-5.5B. Such petition may be filed at any time after one year has elapsed from the date of the conviction or release from incarceration, whichever is later.

(b) The Commission shall offer the Division an opportunity to complete a criminal records check and to provide a written statement of its position on any petition filed pursuant to this section.