

**CHAPTER 69A  
APPLICATIONS**

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**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. LICENSE AND REGISTRATION REQUIREMENTS**

- 13:69A-1.1 (Reserved)
- 13:69A-1.2 Persons required to obtain a casino employee registration
- 13:69A-1.3 Registrant requirements; authorization to work in the United States
- 13:69A-1.3A Credentials
- 13:69A-1.4 Credentials and access badges; display; temporary credentials
- 13:69A-1.5 Scope and applicability of registration requirements

**SUBCHAPTERS 2 THROUGH 3. (RESERVED)**

**SUBCHAPTER 4. STANDARDS FOR QUALIFICATION**

- 13:69A-4.1 through 13:69A-4.3 (Reserved)
- 13:69A-4.4 Section 86 standards

**SUBCHAPTER 5. FORMS**

- 13:69A-5.1 Definitions
- 13:69A-5.2 Multi-Jurisdictional Personal History Disclosure Form
- 13:69A-5.2A New Jersey Supplemental Form—Casino Qualifier
- 13:69A-5.3 Personal History Disclosure Form 1
- 13:69A-5.4 Personal History Disclosure Resubmission Form
- 13:69A-5.5 Personal History Disclosure Form 3 – Casino Employee Registration
- 13:69A-5.5A Qualifier Resubmission Form—Casino Qualifiers
- 13:69A-5.5B Request to Determine Employment or Reapplication Eligibility
- 13:69A-5.5C Casino Employee License Conversion Application
- 13:69A-5.6 Business Entity Disclosure Form—Casino Company; Casino Holding and Intermediary Company
- 13:69A-5.6A Business Entity Disclosure Form—Resubmission
- 13:69A-5.6B Institutional Investor Certification
- 13:69A-5.7 Business Entity Disclosure Form—Casino Hotel Alcoholic Beverage Enterprise
- 13:69A-5.8 Business Entity Disclosure Form—Holding Company Casino Hotel Alcoholic Beverage Enterprise
- 13:69A-5.9 Qualifier Disclosure Form—Casino Hotel Alcoholic Beverage Enterprise
- 13:69A-5.10 New Jersey Supplemental Form—Casino Service Industry Enterprise Qualifiers

- 13:69A-5.11 Vendor Registration Form and Vendor Registration Supplemental Disclosure Form
- 13:69A-5.11A Casino Service Industry Enterprise—Qualifier Resubmission Disclosure Form
- 13:69A-5.12 Registration Form—Non-Supervisory Employees of a Junket Enterprise
- 13:69A-5.13 Labor Organization Registration Statement
- 13:69A-5.14 Labor Organization Individual Disclosure Form
- 13:69A-5.15 Business Entity Disclosure Form—Casino Service Industry Enterprise
- 13:69A-5.16 Casino Hotel Alcoholic Beverage License Application
- 13:69A-5.17 Casino Hotel Alcoholic Beverage License Resubmission
- 13:69A-5.18 Casino Hotel Alcoholic Beverage Permit Application

**SUBCHAPTER 6. (RESERVED)**

**SUBCHAPTER 7. INFORMATION**

- 13:69A-7.1 Affirmative responsibility to establish qualifications
- 13:69A-7.1A Application for the issuance of registrations, licenses and natural person qualification
- 13:69A-7.1B Application for casino employee registration; filing requirements
- 13:69A-7.1C Duration of registrations
- 13:69A-7.2 Duty to disclose and cooperate
- 13:69A-7.2A Identification
- 13:69A-7.3 Duty to promptly furnish information
- 13:69A-7.4 Consent to inspections, searches and seizures
- 13:69A-7.5 Waiver of liability for disclosure of information
- 13:69A-7.6 Consent to examination of accounts and records
- 13:69A-7.7 Fingerprinting
- 13:69A-7.8 Photographing
- 13:69A-7.9 Handwriting exemplars
- 13:69A-7.10 Oath or affirmation and attorney certification
- 13:69A-7.11 Untrue information
- 13:69A-7.12 Signatures
- 13:69A-7.13 Form of signature
- 13:69A-7.14 Duty to submit English translation of documents in foreign language
- 13:69A-7.15 Format of papers
- 13:69A-7.16 Number of copies

**SUBCHAPTER 8. APPLICATION AND RESUBMISSION**

- 13:69A-8.1 Receipt
- 13:69A-8.2 Filing
- 13:69A-8.3 Processing
- 13:69A-8.4 Public inspection of information
- 13:69A-8.5 Amendment
- 13:69A-8.6 Withdrawal
- 13:69A-8.7 Mootness
- 13:69A-8.8 Restriction on application and employment after denial or revocation
- 13:69A-8.9 Petition for early reapplication
- 13:69A-8.10 Petition for permission to obtain employment not requiring a license or registration
- 13:69A-8.11 Petition for permission to obtain employment as a casino hotel alcoholic beverage employee

**SUBCHAPTER 9. FEES**

- 13:69A-9.1 General description of fees and policy
- 13:69A-9.2 Fiscal year
- 13:69A-9.3 Payment of fees and civil penalties
- 13:69A-9.4 Casino license fees
- 13:69A-9.5 Fees for testing of gaming and simulcast wagering equipment and related devices and software
- 13:69A-9.6 Slot machine fees
- 13:69A-9.7 Casino hotel alcoholic beverage licenses
- 13:69A-9.8 Casino service industry enterprise license fee

13:69A-9.9	Casino hotel alcoholic beverage casino service industry enterprise license fee
13:69A-9.9A	(Reserved)
13:69A-9.10	Labor organization registration fee
13:69A-9.11 through 13:69A-9.14	(Reserved)
13:69A-9.15	Casino employee registration fee
13:69A-9.16	Fee for conversion of a license to a registration
13:69A-9.17	Miscellaneous administrative fees
13:69A-9.18	Fee for non-credentialed employment
13:69A-9.19	Obligation to pay fees; nonrefundable nature of fees; credits
13:69A-9.20	Fees for services provided to other governmental bodies
13:69A-9.21	Powers and duties of Division

## SUBCHAPTERS 10 THROUGH 11. (RESERVED)

SUBCHAPTER 12. LABOR ORGANIZATIONS  
REGISTRATION

13:69A-12.1	Definitions
13:69A-12.2	Registration required
13:69A-12.3	Registration exemption; standards and findings
13:69A-12.4	Initial filing of registration statements
13:69A-12.5	Initial and renewal labor registration filing requirements
13:69A-12.6	Continuing duty to disclose
13:69A-12.7	Federal reports exception
13:69A-12.8	Interest in casino hotel or casino licensee prohibited
13:69A-12.9	Failure to comply; consequences

## SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. RETENTION OF PHD-1  
QUALIFICATION

13:69A-14.1	(Reserved)
13:69A-14.2	Time for filing
13:69A-14.3	Contents of submission

SUBCHAPTER 15. CONVERSION OF CASINO EMPLOYEE  
LICENSE

13:69A-15.1	Scope of subchapter; converting a casino employee license to a casino employee registration
13:69A-15.2	Time for filing
13:69A-15.3	Contents of an application to convert a casino employee license to a casino employee registration
13:69A-15.4	Duration of a casino employee registration

## SUBCHAPTER 16. MULTI-CASINO EMPLOYEES

13:69A-16.1	Procedures
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SUBCHAPTER 1. LICENSE AND REGISTRATION  
REQUIREMENTS**13:69A-1.1 (Reserved)****13:69A-1.2 Persons required to obtain a casino  
employee registration**

(a) Any natural person who will be employed by a casino licensee or holding or intermediary company of a casino licensee, and involved in the operation of a licensed casino or a simulcasting facility, or whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith, or

regularly requires work in a restricted casino area shall be required to hold, prior to such employment, a current and valid casino employee registration issued in accordance with N.J.S.A. 5:12-91(g). Such positions shall include, without limitation, persons who:

1. Function as a dealer;
2. Function as a boxperson;
3. Function as a floorperson in accordance with N.J.A.C. 13:69D-1.12(b)2;

4. Perform, under the supervision of an audit department executive, the duties and responsibilities of the internal audit department in accordance with N.J.A.C. 13:69D-1.11(b)2, including, without limitation, the supervision of personnel in the internal audit department; the monitoring of compliance with regulations and internal controls; and the evaluation of the adequacy of accounting and administrative controls;

5. Perform, under the supervision of a controller, the duties and responsibilities of the casino accounting department in accordance with N.J.A.C. 13:69D-1.11(b)6 including, without limitation, the supervision of personnel in the casino accounting department; overseeing the review, verification and recordation of casino revenue journal entries; and the processing or control of active accounting documents related to casino gaming activity;

6. Have access to active accounting documents related to casino gaming activity;

7. Conduct surveillance investigations and operations in accordance with N.J.A.C. 13:69D-1.11(b)1;

8. Repair and maintain slot machines and bill changers in accordance with N.J.A.C. 13:69D-1.11(b)4;

9. Assist in the operation of slot machines and bill changers, including, without limitation, persons who participate in manual jackpot payouts and fill payout reserve containers, or supervise such persons in accordance with N.J.A.C. 13:69D-1.12(b)3;

10. Identify patrons or groups of patrons to receive complimentary based on actual patron play, authorize such complimentary or determine the amount of such complimentary;

11. Analyze casino operations data and make recommendations to casino key employee personnel relating to, without limitation, casino marketing, complimentary, junkets, gaming, casino simulcasting, keno wagering, special events, promotions and player ratings;

12. Enter data in casino computer systems or develop, maintain, install or operate casino computer systems or related software in accordance with N.J.A.C. 13:69D-1.11(b)3;

4. Documentation to prove eligibility for a permit, which may include the following:

- i. The 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 bylaws; or
- iv. Any other information the Division may deem appropriate;

5. If previously issued a CHAB license, information, including the date and place of the most recent event;

6. If currently licensed, a copy of the 12-digit New Jersey Alcoholic Beverage License or a Bureau of Alcohol, Tobacco, Firearms and Explosives permit;

7. The name of the CHAB licensed facility and the room location where the event will take place;

8. The dates and times when the permit will be in effect;

9. A description of the circumstances, events or purpose for which the permit is requested and supporting documentation, as requested;

10. A description of the activities and the job titles and responsibilities of employees that will involve the sale, service, delivery, or storage of alcoholic beverages;

11. A listing of the alcoholic beverages required for the event and a description of how they will be purchased;

12. A list of the suppliers of the alcoholic beverages;

13. A description of any fees charged and how the proceeds will be collected and used;

14. A description of the measures to be taken to ensure that persons under the legal age do not consume alcohol;

15. A summary of what will take place during the event;

16. An inventory report filed within ten days of the event;

17. An acknowledgement of the conditions and terms of the permit, signed and dated by a representative of the applicant; and

18. A certification and agreement signed and dated by a representative of the CHAB licensee where the event will be held.

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SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. INFORMATION

**13:69A-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 or her qualifications, including United States citizenship, lawful status granted by the United States Department of Homeland Security, Citizenship and Immigration Services, or authorization to work in the United States, in accordance with the Act and rules of the Division. No application shall be granted to any applicant who fails to so prove his or her qualifications. The loss of United States citizenship, lawful status from the United States Department of Homeland Security, Citizenship and Immigration Services, or authorization to work in the United States shall be a basis for denial or revocation of registration or any other approval issued by the Division or Commission.

**13:69A-7.1A Application for the issuance of registrations, licenses and natural person qualification**

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

1. A completed original of the appropriate Personal History Disclosure (PHD) Form, as follows:

i. An applicant for a casino employee registration shall file a PHD-3 as set forth in N.J.A.C. 13:69A-5.5;

ii. An applicant required to qualify pursuant to N.J.S.A. 5:12-85.1a, b 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. 13:69C-2.6;

iii. An applicant required to qualify pursuant to N.J.S.A. 5:12-85.1c 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. 13:69C-2.7;

iv. 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 junket enterprise shall file a Multi-Jurisdictional Personal History Disclosure Form and New Jersey Supplemental Form as set forth in N.J.A.C. 13:69A-5.2 and 5.2A, respectively; and

v. 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. 13:69A-5.14;

2. The documents required for identification by N.J.A.C. 13:69A-7.2A;

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

4. Proof of fingerprinting in accordance with N.J.A.C. 13:69A-7.7; and

5. Any applicable fee required by N.J.A.C. 13:69A-9.8 through 9.16.

(b) Each applicant shall file a complete application pursuant to (a) above with the Division by mail or in person at the address specified on the application form.

(c) No application shall be accepted for filing unless the applicant is eligible for employment pursuant to N.J.A.C. 13:69A-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 Division and any instructions included with the disclosure form.

#### **13:69A-7.1B Application for casino employee registration; filing requirements**

(a) A completed application for casino employee registration as set forth in N.J.A.C. 13:69A-7.1A shall be filed as follows:

1. The applicant for registration may provide the casino licensee or applicant for casino license with his or her written authorization to file the application on his or her behalf; or

2. The applicant for registration may submit the completed application directly to the Division by mail or in person at the address specified on the application form.

#### **13:69A-7.1C Duration of registrations**

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

(b) If a casino employee registrant has not been employed in a position with a casino hotel facility for a period of three years, the registration of that casino employee shall lapse.

(c) If a vendor registrant has not conducted business with a casino hotel facility for three years, the registration of that vendor shall lapse.

(d) Notwithstanding (a) through (c) above, a casino employee registration may be given a conditional expiration date to coincide with any employment authorization issued by the United States Department of Homeland Security, Citizenship and Immigration Services.

(e) A license or registration issued with a conditional expiration date pursuant to (d) above may be extended upon the presentation of proof of United States citizenship, or upon

proof of authorization to work in the United States in accordance with N.J.A.C. 13:69A-1.3.

(f) Unless extended pursuant to (e) above, a casino employee registration with a conditional expiration date shall expire on that date.

#### **13:69A-7.2 Duty to disclose and cooperate**

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, registrant and qualifier to provide all information, documentation and assurances pertaining to qualifications required or requested by the Division and to cooperate with the Division in the performance of its 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 Division or who fails to reveal any fact material to qualification.

#### **13:69A-7.2A Identification**

(a) Each natural person who seeks to apply for a license or registration under the Act, obtain a license credential, modify his or her credential in any manner or obtain employment as a CHAB employee pursuant to N.J.A.C. 13:69A-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 and valid United States passport;

ii. A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United States Department of Homeland Security, Citizenship and Immigration Services (USCIS); or

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

2. A certified copy of a birth certificate issued by a state, county or municipal authority in the United States bearing an official seal, and any one of the following authentic documents:

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

ii. A current and valid 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;

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

iv. A current and valid 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; or

v. A current and valid casino employee or casino key employee license, a casino employee or casino key employee license that expired within the last five years, or a valid casino service employee registration issued after February 2003; or

3. A current and valid foreign passport with an employment authorization issued by the USCIS, and any one of the following authentic documents:

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

ii. A current and valid 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;

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

iv. A current and valid 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; or

v. A current and valid casino employee or casino key employee license, a casino employee or casino key employee license that expired within the last five years, or a valid casino service employee registration issued after February 2003.

(c) Any person whose current legal name is different from the name on his or her certified birth certificate (for example, maiden name) must show legal proof of the name change. Legal proof accepted is a certified marriage or civil union certificate, divorce decree or court order linking the new name with the previous name. Note: A divorce decree may be used as authority to resume using a previous name only if it contains the new name and permits a return to use of the previous name.

(d) Any person required to establish his or her identity pursuant to (a) above who is not a United States citizen shall also be required to demonstrate that he or she is authorized to work in the United States in accordance with N.J.A.C. 13:69A-1.3(a).

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

(f) 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. 13:69B-2.3.

### **13:69A-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 Division. Failure to furnish same within five days after receipt of request therefore shall constitute grounds for delaying consideration of the application.

### **13:69A-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.

### **13:69A-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.

### **13:69A-7.6 Consent to examination of accounts and records**

Each applicant, licensee, registrant and person required to qualify 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 Division.

### **13:69A-7.7 Fingerprinting**

(a) Each applicant, licensee, registrant and natural person required to be qualified shall be fingerprinted under the supervision of the Division without charge. The Division may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Division.

(b) Nothing in this section shall relieve a natural person who submits fingerprints pursuant to (a) above from the continuing duty imposed pursuant to N.J.A.C. 13:69A-7.3 or N.J.S.A. 5:12-78.

### **13:69A-7.8 Photographing**

Each applicant, licensee, registrant and natural person required to be qualified shall be photographed by the Division without charge.

### **13:69A-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 Division.

### **13:69A-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 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 Division. If required by the applicable form, each such form and papers also shall 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.

### **13:69A-7.11 Untrue information**

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

### **13:69A-7.12 Signatures**

(a) All application, registration, business enterprise disclosure and personal history disclosure forms shall be signed by any 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 or its treasurer;

2. If of a partnership, by any of its partners; if a limited partnership, only by one 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 or its treasurer; and

4. If of a natural person, by the person himself or herself.

### **13:69A-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.

### **13:69A-7.14 Duty to submit English translation of documents in foreign language**

Any registrant, applicant, qualifier or licensee that submits a document which is in a language other than English to the Division with an application or in response to a Division request for information shall, at the request of the Division, also submit an English translation of the non-English language document, except that the Division may permit the submission of an English summary in lieu of a complete translation. The translation or summary shall be printed or typed and shall include the signature, printed or typed name, address and telephone number of the person performing the translation or summary.

### **13:69A-7.15 Format of papers**

All application papers submitted to the Division shall be on paper approximately 8 1/2 by 11 inches in size of customary weight and quality and bound on the left margin or upper left corner in volumes not to exceed 150 sheets. Where larger sheets are required for exhibits, they shall be folded substantially to the size indicated. All such papers, unless printed, shall be typed in a type size of pica or larger and double-spaced with margins of at least one inch. Copies may be reproduced by any method capable of providing plainly legible copies.

### **13:69A-7.16 Number of copies**

(a) Unless otherwise specified by Division rules, an applicant for any license or registration required by the Act shall file an original of each application and all papers submitted as a part thereof.

(b) Additional conformed copies of any such papers shall be supplied upon request of the Division.

Division shall be paid before the Division shall consider the application for issuance or retention of licensure, unless the Division finds cause to permit an extension of time in which to pay such fee or civil penalty.

(c) All fees and civil penalties shall be paid by check or money order made payable, in the case of fees, to the "Casino Control Fund" and in the case of civil penalties to the "Casino Revenue Fund." The Division also may accept credit cards and debit cards for payment of any fee or civil penalty that does not exceed \$5,000. No check, credit card or debit card so presented shall be deemed payment until the Division shall be satisfied that the appropriate funds have been credited to the Division's account.

(d) Unless otherwise directed by the Division, all payments of fees or civil penalties received from licensees, registrants or applicants shall be credited against, in chronological order (the oldest shall be paid first), any outstanding debts for fees or civil penalties that the person owes pursuant to the Act and the rules of the Division.

(e) A required fee or civil penalty shall be considered paid only if the Division is satisfied that the person obligated to pay the fee or civil penalty owes no other debts for fees or civil penalties.

(f) Any required fee or civil penalty that a person fails to pay despite demand therefore shall constitute cause for the Division to take the following administrative actions, as applicable, with regard to such person:

1. Dismiss any application or resubmission papers submitted by such person;
2. Suspend any license or registration held by such person;
3. Suspend any permission granted to such person pursuant to N.J.A.C. 13:69A-8.10 or 8.11;
4. Prohibit the filing of an application for or retention of any license or registration;
5. Prohibit employment by a casino licensee or applicant in a position that does not require a license or registration;
6. Prohibit the transaction of any direct or indirect business with a casino licensee or applicant;
7. Prohibit the holding of a position with any casino service industry enterprise licensee or applicant for which such person would be required to establish his or her qualification pursuant to N.J.S.A. 5:12-92b; and
8. Prohibit the holding of a position with any casino licensee for which such person would be required to establish his or her qualification pursuant to N.J.A.C. 13:69C-2.2.

(g) The provisions of (f) above shall apply without regard to whether the license or registration was issued, the permission was granted, the application was submitted or the Vendor Registration Form was filed before the debt arose.

#### 13:69A-9.4 Casino license fees

(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. "Casino license" means a plenary casino license issued under Section 87 of the Act;
2. "Licensed casino facility" means a casino hotel facility as to which a casino license has been issued to authorized gaming operations;
3. "Casino operator" means a casino licensee is designated as the primary obligor for payment of gross revenues taxes in accordance with N.J.A.C. 13:69L; and
4. "Initial license fee" or "Issuance fee" means the total fee which is required by the Act and this subchapter to be paid prior to consideration or issuance of a plenary casino license to an unlicensed applicant and which is based upon the cost of investigating and considering the application.

(b) No application for the issuance or retention of a casino license shall be accepted for filing by the Division unless a nonrefundable deposit of \$100,000 shall first have been paid in full. Such deposit shall be applied to the initial license fee or retention fee if the application is approved.

(c) No casino license shall be issued unless the applicant shall first have paid in full an issuance fee of not less than \$200,000.

(d) As a component of its initial license fee and as a condition of casino licensure, each applicant or licensee shall be required to pay for the efforts of the Division and the Commission on matters directly related to the applicant or licensee at hourly rates to be set by the Division in accordance with this subsection, and to reimburse any unusual costs or out of pocket expenses incurred by the Division or the Commission in regard to such matters.

1. Prior to the start of each fiscal year, the Division shall determine the hourly fee rates to be paid by licensees and applicants pursuant to this subchapter. These rates shall be based upon the hourly costs of services provided by Division professional staff and the Commission professional staff during the fiscal year, as estimated from the projected fiscal year budget for the Division and the Commission.

2. The projected hourly fee rates established pursuant to (d)1 above may be adjusted by the Division during the fiscal year based upon the final fiscal year budget approved for the Division and the Commission by the Legislature.

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

(e) A licensed casino facility shall be required to pay a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share for each licensed casino facility shall be the amount which bears the same proportion to the total liability of all licensees as the proportion which that licensed casino facility's average daily authorized casino room and casino simulcasting facility square footage bears to the total average daily authorized casino room and casino simulcasting facility square footage for all licensed casino facilities. For purposes of this calculation any part of a calendar day shall be considered a full day. Any days during which a necessary casino license or operation certificate for a licensed casino facility has been suspended shall also be counted in determining the share of such facility. Further, the operation of the facility by a conservator or trustee shall be deemed continued operation by the casino operator for these purposes. The obligation to pay the assessed share of a licensed casino facility shall be that of the casino operator; provided, however, that if a change of casino operators occurs during the fiscal year, each such operator shall be liable for an amount of the share apportioned according to the time during which each operator functioned. Any share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Division may estimate from time to time during the fiscal year the share for each licensed casino facility incurred to that time and require payment of such estimated share on a monthly or other periodic basis during the fiscal year.

#### **13:69A-9.5 Fees for testing of gaming and simulcast wagering equipment and related devices and software**

(a) Any person seeking to have prototype gaming or simulcast wagering equipment or related devices or software approved pursuant to N.J.A.C. 13:69E shall be required to pay the following fee:

1. An initial minimum charge of \$500.00, which shall be credited to the total fee;
2. Payment for the efforts of the Division on matters directly related to the examination, testing and consideration of the prototype at hourly rates to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d); and
3. Payment for all unusual or out-of-pocket expenses incurred by the Division for matters directly related to the examination, testing and consideration of the prototype.

#### **13:69A-9.6 Slot machine fees**

In addition to any other tax or fee imposed by the Act or the rules of the Division and as required by Section 140 of the Act, each casino operator shall pay an annual license fee of

\$500.00 upon every slot machine maintained for use in or in use in the licensed casino establishment. The annual slot machine license fee shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and a pro rata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

#### **13:69A-9.7 Casino hotel alcoholic beverage licenses**

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

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

1. Payment for the efforts of the Division on matters directly related to the casino hotel alcoholic beverage license or application at hourly rates to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d); and
2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Division on matters directly related to the casino hotel alcoholic beverage license or application.

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

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

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

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

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

**13:69A-9.8 Casino service industry enterprise license fee**

(a) In accordance with Subsections 92a and b of the Act, all casino service industry enterprises offering goods and services which directly relate to casino, simulcast wagering or gaming activity, including gaming equipment manufacturers, suppliers and repairers, independent testing laboratories, junket enterprises and junket representatives and any person employed by a junket enterprise or junket representative in a managerial or supervisory position, shall meet the standards established for casino key employees in order to be licensed. Such a license shall be issued with subsequent resubmissions not later than every five years thereafter. In addition, in accordance with Subsection 92c(2) of the Act, and at the direction of the Director, all casino service industry enterprise applicants or licensees required to hold a casino hotel alcoholic beverage license shall meet the standards established for casino key employees.

(b) In order to recover the cost of the investigation and consideration of license applications by enterprises engaged in these industries, the initial license application and issuance fee for a casino service industry enterprise license, with the exception of an applicant or licensee of a casino hotel alcoholic beverage license, shall be assessed as follows:

1. A minimum application charge of \$5,000 shall be due at the time of application;
2. An additional application charge of \$5,000 shall be due when the total number of hours of Division professional staff time expended on matters directly related to the applicant exceeds 333 hours;
3. An additional application charge of \$5,000 shall be due when the total number of hours of Division professional staff time expended on matters directly related to the applicant exceeds 667 hours;
4. An additional application charge, at an hourly rate to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d), shall be due and payable upon demand by the Division for each hour of Division professional staff time that is expended on matters directly related to the applicant that is in excess of 1,000 total hours; and
5. Payment for all unusual or out-of-pocket expenses incurred by the Division for matters directly related to the processing and investigation of the application.

(c) In order to recover costs for monitoring compliance with the Act and the rules of the Division and for assuring the continued fitness of enterprises engaged in casino service industries, the fee for the retention of a casino service industry enterprise license shall be assessed in accordance with (b) above.

(d) Any enterprise required to apply for the issuance or retention of a casino service industry enterprise license may request an installment plan for payment of the application fee.

The Division shall propose a payment plan for the applicant which shall include, if the applicant chooses to accept the payment plan, an additional fee of \$100.00 for the cost of processing the payment plan.

**13:69A-9.9 Casino hotel alcoholic beverage casino service industry enterprise license fee**

(a) Pursuant to Section 92c(2) of the Act, the Director of the Division may, at his or her discretion, direct a casino service industry enterprise engaged in alcoholic beverage activities to apply for a casino service industry enterprise license pursuant to Section 92a of the Act. Such an enterprise shall then be licensed to the standards established by the Division for casino service industry enterprises with resubmissions not later than every five years thereafter, pursuant to Section 94h of the Act.

(b) The fee for a casino hotel alcoholic beverage casino service industry enterprise (CHAB CSI) license shall be \$3,000.

(c) The fee for retention of a CHAB CSI license shall be \$3,500.

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

1. Upon filing of the application, an initial installment payment equal to one-fourth of the total application fee and an additional fee of \$100.00 for the cost of processing such payment plan; and
2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

**13:69A-9.9A (Reserved)****13:69A-9.10 Labor organization registration fee**

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

**13:69A-9.11 through 13:69A-9.14 (Reserved)****13:69A-9.15 Casino employee registration fee**

(a) Under Section 91 of the Act, no person may be employed as a casino employee unless such person is registered with the Division. A casino employee registration shall remain in effect unless revoked, suspended, limited, or otherwise restricted by the Division in accordance with the pro-

visions of the Act. The one time registration fee for a casino employee shall be \$95.00.

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

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

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

(c) A petition for early reapplication shall require a fee of \$95.00.

#### **13:69A-9.16 Fee for conversion of a license to a registration**

(a) Pursuant to N.J.A.C. 13:69A-15, a casino employee license shall be converted to a casino employee registration upon the expiration date of that casino employee license. The one-time fee for converting such licenses is \$95.00.

(b) A casino key employee may convert to a casino employee registration at any time. The one-time fee for converting such a license is \$95.00.

(c) Notwithstanding (a) and (b) above, a casino employee licensee who also has a valid registration is not required to pay a conversion fee.

#### **13:69A-9.17 Miscellaneous administrative fees**

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

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

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

#### **13:69A-9.18 Fee for non-credentialed employment**

A petitioner seeking non-credential employment with a casino licensee pursuant to N.J.A.C. 13:69A-8.10 shall pay a \$95.00 fee.

#### **13:69A-9.19 Obligation to pay fees; nonrefundable nature of fees; credits**

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

a casino hotel or the land thereunder, or to manage a casino, shall also be liable for any amounts chargeable to the casino operator except as otherwise provided in the Act.

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

(c) Payments made by a casino licensee for its estimated share under N.J.A.C. 13:69A-9.4(e) which exceed its actual share as finally determined by the Division for the fiscal year shall be credited toward the payment of additional fees by that casino licensee.

(d) Any surplus which exists in the Casino Control Fund as of the close of a fiscal year which is not due to excess payments of estimated shares collected pursuant to N.J.A.C. 13:69A-9.4(e) shall be credited toward the payment of additional fees by casino licensees. The share for each casino licensee shall be the amount which is in the same proportion to the total surplus subject to this subsection as the proportion of the total amount of fees incurred or paid by the casino licensee with respect to the fiscal year is to the total amount of all fees incurred or paid by all casino licensees with respect to the fiscal year.

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

#### **13:69A-9.20 Fees for services provided to other governmental bodies**

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

1. Payment for the efforts of the Division on matters directly related to other governmental bodies at hourly rates to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d); and

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

#### **13:69A-9.21 Powers and duties of Division**

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