

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.1995 d.242, effective April 13, 1995.
See: 27 N.J.R. 647(a), 27 N.J.R. 2011(a).

Executive Order No. 66(1978) Expiration Date

Chapter 41, Applications, expires on April 13, 2000.

Chapter Historical Note

Chapter 41, Applications (Subchapters 1 through 10), 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 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 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 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 (except Subchapter 5), 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 Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983.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 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 Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989.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, respectively, 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 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 R.1993 d.429, effective September 7, 1993. See: 25 N.J.R. 2655(a), 25 N.J.R. 4120(a).

Pursuant to Executive Order No. 66(1978), Chapter 41 was readopted as R.1995 d.242. See: Source and Effective Date.

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SUBCHAPTER 1. LICENSE AND REGISTRATION REQUIREMENTS**19:41-1.1 (Reserved)**

Repealed by R.1992 d.500, effective December 21, 1992.
See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).
Section was "Casino licenses".

19:41-1.2 (Reserved)

Repealed by R.1992 d.412, effective October 19, 1992.
See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).
Section was "Casino service industry licenses".

Case Notes

Agreement for store lease from casino requires Commission approval. *Brechman v. Adamar of New Jersey, Inc.*, 182 N.J.Super. 259 (Ch.Div.1981).

19:41-1.3 Employee licenses

(a) No natural person shall be employed in the operation of a licensed casino or a casino simulcasting facility in a supervisory capacity or be empowered to make discretionary decisions which regulate casino or casino simulcasting facility operations or the management of an approved hotel unless he or she is over 18 years of age, is a citizen of the United States or is authorized pursuant to Federal law to work in the United States, and holds a current and valid casino key employee license authorizing employment in the particular position. The following positions, without limitation, shall require a casino key employee license:

1. Pit bosses;
2. Shift bosses;
3. Credit executives;
4. Casino cashier supervisors;
5. Casino managers;
6. Casino assistant managers;
7. Managers of casino security employees;
8. Supervisors of casino security employees;
9. Any employee of a casino licensee empowered to procure or purchase or contract for any entertainment, food, beverages, supplies, equipment, furnishings or any other goods or services whatsoever involving an annual expenditure of \$500.00 or greater;
10. Junket representatives, as defined in section 102 of the Act;
11. Simulcast counter manager;

12. Simulcast counter shift supervisor;
13. Keno manager;
14. Keno supervisor; and

15. Any other employee of a casino licensee so designated by the Commission for reasons consistent with the policies of the Act.

(b) No natural person shall be employed in the operation of a licensed casino or a casino simulcasting facility or in a position whose employment duties require or authorize access to restricted casino areas unless he or she is over 18 years of age, is a citizen of the United States or is authorized pursuant to Federal law to work in the United States, and holds a current and valid casino employee license authorizing employment in the particular position. The following positions, without limitation, shall require a casino employee license:

1. Boxpersons;
2. Dealers;
3. Croupiers;
4. Floorpersons;
5. Waiters and waitresses who access restricted casino areas;
6. Any natural person employed by a casino or its agent to provide physical security in a casino;
7. Casino simulcasting facility personnel involved in wagering-related activities in a casino simulcasting facility, such as casino pari-mutuel cashiers;
8. Keno writers; and
9. Any employee whatsoever of a casino licensee so designated by the Commission.

(c) No natural person shall be employed to perform services or duties in the conduct of the business of an approved hotel which are not included within the definition of casino employee or casino key employee unless he or she is a citizen of the United States or is authorized pursuant to Federal law to work in the United States and holds a current and valid casino hotel employee registration. The following positions, without limitation, require a casino hotel employee registration:

1. Bartenders;
2. Waiters;
3. Waitresses;
4. Maintenance personnel;
5. Kitchen staff; and
6. Any employee whatsoever of a casino licensee so designated by the Commission.

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).

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

(a) Each casino key employee and casino employee shall wear in a conspicuous manner his or her employee license credential issued by the Commission at all times while employed in a public or restricted area including, without limitation, the casino and casino simulcasting facility floors, the cashiers' cage and satellite cages, the count rooms, the catwalk areas and the surveillance room.

(b) Each employee of a casino licensee shall wear in a conspicuous manner a badge or similar form of identification (an "access badge") as required pursuant to his or her employer's internal controls submitted in accordance with N.J.A.C. 19:43-9.1(a)8 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 any of its employees to work in a public or restricted area unless the employee is wearing his or her access badge as required by this section and, in the case of any casino key employee or casino employee, also is wearing his or her license credential as required by this section.

(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 key employee and casino employee required to wear a Commission license credential and access badge pursuant to this section with a license holder, which shall contain the name of the casino hotel facility and shall permit the prominent display of the information contained on the license credential and access badge. Thirty days prior to the use of any such license holder, a casino licensee shall submit a prototype to the Commission along with a narrative description of the proposed manner in which employees will be required to wear such holder.

(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 lost or destroyed, to enable the employee to enter a public or restricted area to perform employment 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 with appropriate endorsements to perform the job requirements of the position title in which the employee will be working;
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 license information with the supervisor of the employee;
5. Verifies that fewer than six 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 while wearing the credential;
 - 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 while wearing the credential;
 - ii. The position title for which it was issued and the applicable position endorsements, if any;
 - iii. A conspicuous statement printed on the face thereof which provides that the credential is void 24 hours after the time of its issuance;
 - iv. The date and time it was issued; and
 - v. 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 worn in a conspicuous manner by the employee to whom it is issued;
4. Be sequentially numbered; and
5. 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 six 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).

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;

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

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

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

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

6. The natural person has an employee license or registration application pending before the Commission or will submit such an application during the time the services are being rendered, the cost of which has been or

will be paid for or reimbursed by the casino licensee or applicant.

(b) A casino licensee or applicant which, or a natural person who, is a party to a contractual agreement for the provision of services to the casino licensee or applicant by such natural person as an enterprise subject to the vendor or junket registration or casino service industry licensure requirements of the Act and the rules of the Commission may request, in accordance with the provisions of N.J.A.C. 19:42-9.1, a declaratory ruling that, notwithstanding the presumption established by (b) above, the provision of such services in accordance with the terms of the agreement shall not require the natural person to obtain an employee license or registration.

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

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

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

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

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

Section was "Casino hotel alcoholic beverage licenses".

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

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

19:41-1.5A (Reserved)

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

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

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

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

Section was "Position endorsement".

19:41-1.6 (Reserved)

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

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

Section was "Slot machine licenses".

19:41-1.7 (Reserved)

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

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

Section was "Work permits".

19:41-1.8 (Reserved)

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

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

Section was "Experience and training requirements".

19:41-1.9 (Reserved)

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

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

Section was "Qualification standards: table games positions."

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. PERSONS REQUIRED TO BE QUALIFIED

19:41-3.1 (Reserved)

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

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

Section was "Casino licenses".

Case Notes

Compliance noted. In re: Application of Playboy-Elsinore Associates, 203 N.J.Super. 470 (App.Div.1985).

19:41-3.2 (Reserved)

Repealed by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Section was "Casino service industry licenses".

19:41-3.3 Employee licenses

No employee license shall issue unless the individual qualifications of the natural person applying therefor shall have first been established in accordance with the standards of the Act and of the regulations of the Commission.

19:41-3.4 (Reserved)

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".

19:41-3.5 Casino hotel alcoholic beverage licenses

No casino hotel alcoholic beverage license shall issue unless the individual qualifications of the person applying therefor shall have first been established in accordance with the standards of Section 103 of the Act and of the regulations of the Commission.

SUBCHAPTER 4. STANDARDS FOR QUALIFICATION

19:41-4.1 Scope

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

19:41-4.2 (Reserved)

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

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

Section was "Casino license standards".

Case Notes

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

19:41-4.3 Employee standards

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

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

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

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

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

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

Deleted (a)5 and 6.

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

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

Case Notes

Good character, honesty and integrity.

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

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

19:41-4.4 Section 86 standards

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

19:41-4.5 Casino hotel alcoholic beverage license standards

The casino hotel alcoholic beverage license standards set forth in Section 103 of the Act, the regulations of the Commission, Title 33 of the Revised Statutes and the rules, regulations and bulletins of the Division of Alcoholic Beverage Control are among other things, the age of the person and the conviction of the person of a crime involving moral turpitude.

SUBCHAPTER 5. FORMS

19:41-5.1 Definitions

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

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

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

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

Amended by R.1993 d.571, effective November 15, 1993 (operative December 20, 1993).
See: 25 N.J.R. 3951(a), 25 N.J.R. 5359(b).

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

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

1. Name, including any aliases or nicknames;
2. Date of birth;
3. Physical description;
4. Current address and residence history;
5. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 552a;
6. Citizenship and, if applicable, information regarding resident alien status;
7. Marital history, dependents and other family data;
8. The casino licensee or applicant, casino service industry enterprise licensee or applicant or holding company, as applicable, with which the applicant is affiliated, and the nature of the applicant's position with or interest in such entity;
9. Telephone number at current place of employment;
10. Employment history of the applicant and the applicant's immediate family;
11. Education and training;
12. Record of military service;
13. Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

v. Any citation or charge for a violation of a statute, regulation or code of any jurisdiction, other than a

criminal, disorderly persons, petty disorderly persons or motor vehicle violation; and

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

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

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

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

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

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

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

20. Financial data, as follows:

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

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

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

iv. Businesses owned;

v. Copies of Federal tax returns and related information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) In addition to the information in (a) above, a completed PHD-1A 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).

19:41-5.3 Personal History Disclosure Form 1B (Basic Key Form)

(a) A Personal History Disclosure Form 1B (Basic Key Form or PHD-1B) 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 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).

19:41-5.4 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. 522a;
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).

19:41-5.6 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;

8. The name, home address, business address, date of birth and title of current officers of the corporation, and the dates of office;

9. The name, last known address, date of birth and occupation of former officers of the corporation, and the dates of office;

10. Annual compensation of partners and officers;

11. The name, business address, date of birth and position of each person, other than a partner or officer, who receives annual compensation of more than \$25,000, and the length of time employed and amount of compensation;

12. A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans;

13. A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued or to be issued;

14. The name, home address and date of birth of each shareholder, the class of stock held, number of shares held and the percentage of outstanding voting or non-voting stock held;

15. A description of the nature, type, terms, covenants, conditions and priorities of all outstanding debt and security devices utilized by the corporation;

16. The name, address and date of birth of each person holding the debt or security devices in (a)15 above, the type of debt instrument held, the original debt amount and current balance;

17. A description of the nature, type, terms and conditions of all securities options, including the title and amount of securities subject to option, the name of each option holder and the market value at the time of issuance;

18. The following information for each account held in the name of the corporation or its nominee, or otherwise under the direct or indirect control of the corporation:

- i. The name and address of the financial institution;
- ii. Type of account;
- iii. Account number; and
- iv. Dates held;

19. The name and address of all persons with whom the corporation has contracts or agreements of over \$10,000 in value, including employment contracts of more than one year duration, or who have supplied goods and services within the past six months, and the nature of such contract or the goods and service provided;

20. The name and address of each company in which the corporation holds stock, type of stock held, purchase price per share, number of shares held, and percentage of ownership;

21. Information regarding any transaction involving a change in the beneficial ownership of the corporation's equity securities on the part of any director, officer or beneficial owner of more than 10 percent of any class of equity security;

22. A description of any civil, criminal and investigatory proceedings in any jurisdiction, for the corporation and each director, trustee or officer as follows:

- i. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;
- ii. Any criminal proceeding in which such person has been a party or has been named as an unindicted co-conspirator;
- iii. Existing civil litigation to which the corporation is a party, if damages are reasonably expected to exceed \$10,000, except for claims covered by insurance; and

iv. Any judgment, consent decree or consent order entered against the corporation pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction;

23. For the corporation and any holding or intermediary company, information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law; and any receiver, fiscal agent, trustee or similar officer appointed for the property or business of the partnership or any partner;

24. Whether the corporation has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefor and the facts related thereto;

25. Whether the corporation or any director, officer, employee or person acting on behalf of the corporation has made bribes or kickbacks to any employee, company, organization or government official;

26. Whether the corporation has:

- i. Donated or loaned corporate funds or property for the use or benefit of or in opposing any government, political party, candidate or committee;
- ii. Made any loans, donations or disbursements to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions; or
- iii. Maintained a bank account or other account not reflected on the books or records of the corporation, or maintained any account in the name of a nominee of the corporation;

27. The names and addresses of any current or former directors, officers, employees or third parties who would have knowledge or information concerning (a)26i-iii above;

28. A copy of each of the following:

- i. Annual reports to shareholders for the last five years;
- ii. Any annual reports prepared within the last five years on Form 10K pursuant to Sections 13 or 15d of the Securities Exchange Act of 1934;
- iii. An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;
- iv. Copies of all annual financial statements prepared in the last five fiscal years, any exceptions taken

to such statements by an independent auditor and the management response thereto;

v. The most recent quarterly unaudited financial statement prepared by or for the corporation which, if the corporation is registered with the Securities Exchange Commission (SEC), may be satisfied by providing a copy of the most recently filed Form 10Q;

vi. Any current report prepared due to a change in control of the corporation, acquisition or disposition of assets, bankruptcy or receivership proceedings, changes in the corporation's certifying accountant, or other material events, which, if the corporation is registered with the SEC, may be satisfied by providing a copy of the most recent filed Form 8K;

vii. The most recent Proxy or Information Statement filed pursuant to Section 14 of the Securities Exchange Act of 1934;

viii. Registration Statements filed in the last five years pursuant to the Securities Act of 1933; and

ix. All reports and correspondence submitted in the last five years by independent auditors for the corporation which pertain to the issuance of financial statements, managerial advisory services or internal control recommendations;

29. A certified copy of the articles of incorporation, charter and by-laws of the corporation, and all amendments and proposed amendments thereto;

30. An organizational chart of the corporation, including position descriptions and the names of persons holding each position;

31. Copies of Internal Revenue Service Forms 1120 (Corporate Income Tax Return) and 941 (Employer's Quarterly Federal Tax Return) filed for the last five years; and

32. A listing of any records, documents or other information submitted as appendices to the BED—Corporation.

(b) In addition to the information in (a) above, a completed BED—Corporate may include the following documents, which shall be dated and signed by the president, chief executive officer or sole proprietor, and notarized:

1. A Release Authorization directing 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 corporation as requested by the Commission or the Division;

2. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the corporation from any disclosure or publication of information acquired during the license or investigation process, in accordance with N.J.S.A. 5:12-80b;

3. Consent to inspection, searches and seizures and the supplying of handwriting exemplars, in accordance with N.J.S.A. 5:12-80c; and

4. An affidavit of truth.

New Rule, R.1994 d.296, effective June 20, 1994.
See: 26 N.J.R. 1437(a), 26 N.J.R. 2591(b).

19:41-5.6A Business Entity Disclosure Form—Partnership

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

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

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

3. Current or former business addresses of the partnership;

4. The name, home address, business address, date of birth and occupation of each partner, a description of the partnership interest held and the dates of the partnership interest;

5. Name, last known address, occupation, date of birth of former partners, the percentage of interest last held and the dates of the partnership interest;

6. If the partnership is a license applicant, any assignment, pledge, hypothecation or sale of any partnership interest;

7. A description of the present and any former business engaged in by the partnership;

8. The name, home address, business address, date of birth and title of each officer, and the dates of office;

9. The name, last known address, date of birth and occupation of former officers, and the dates of office;

10. Annual compensation of partners and officers;

11. The name, business address, date of birth and position of each person, other than a partner or officer, who receives annual compensation of more than \$25,000, and the length of time employed and amount of compensation;

12. A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans;

13. A description of all outstanding debt, and the name, address and date of birth of each debtholder, the type of debt instrument held, the original debt amount and current balance;

14. The following information for each account in the name of the partnership or its nominee, or otherwise under the direct or indirect control of the partnership:

- i. The name and address of the financial institution;
- ii. Type of account;
- iii. Account number; and
- iv. Dates held;

15. The name and address of all persons with whom the applicant has contracts or agreements of over \$10,000 in value, including employment contracts of more than one year duration, or who have supplied goods and services within the past six months, and the nature of such contract or the goods and service provided;

16. A description of any civil, criminal and investigatory proceedings in any jurisdiction, for the partnership and each partner or officer as follows:

- i. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;
- ii. Any criminal proceeding in which such person has been a party or has been named as an unindicted co-conspirator;
- iii. Any existing civil litigation in which such persons are parties in their official capacity, if damages are reasonably expected to exceed \$10,000, except for claims covered by insurance; and
- iv. Any judgment, consent decree or consent order entered against the partnership or any partner pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction;

17. For the partnership and any partner, information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law; and any receiver, fiscal agent, trustee or similar officer appointed for the property or business of the partnership or any partner;

18. Whether the partnership or any partner has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefor and the facts related thereto;

19. Whether the partnership or any partner, officer or employee, or any person acting on behalf of the partnership made bribes or kickbacks to any employee, company, organization or government official;

20. Whether the partnership has maintained a bank account or other account not reflected on the books or records of the partnership, or maintained an account in a name of a nominee of the partnership;

21. The names of any current or former partners, officers, employees or third parties who would have knowledge or information concerning the (a)19 and 20 above;

22. An organizational chart of the partnership, including position descriptions and the names of persons holding each position;

23. A copy of all partnership agreements and amendments and proposed amendments thereto, and all contracts or agreements between any two or more partners relating to the assets, property, profits, management or control of the partnership;

24. A copy of each of the following:

- i. An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of source and application of funds, and copies of all annual financial statements prepared in the last ten fiscal years with respect to the partnership;
- ii. Any Registration Statements filed with the Securities Exchange Commission (SEC) in the last five years pursuant to the Securities Act of 1933; and
- iii. All reports submitted within the last five years by independent auditors for the partnership which pertain to the issuance of financial statements or managerial advisory services;

25. Copies of Internal Revenue Service Forms 1065 (Partnership Return Form) and 941 (Employer's Quarterly Federal Tax Return) filed for the last five years; and

26. A listing of any records, documents or other information submitted as appendices to the BED—Partnership;

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

1. A certification of truth, signed and dated by the applicant's attorney of record;
2. The following documents, which shall be dated and signed by a partner or general partner or the sole proprietor and notarized:
 - i. A Release Authorization directing 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 partnership as requested by the Commission or the Division;
 - ii. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the partnership from any disclosure or publication of information acquired during the license or investigation process, in accordance with N.J.S.A. 5:12-80b;

- iii. Consent to inspection, searches and seizures and the supplying of handwriting exemplars, in accordance with N.J.S.A. 5:12-80c; and
- iv. An affidavit of truth.

New Rule, R.1994 d.296, effective June 20, 1994.
See: 26 N.J.R. 1437(a), 26 N.J.R. 2591(b).

19:41-5.7 Business Entity Disclosure Form 3

(a) A Business Entity Disclosure Form 3 (BED-3) shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Any official or trade name used by the applicant;
2. Whether the application is for initial licensure or renewal and, if a renewal, the license number and expiration date of the current license;
3. The name and telephone number of a person to be contacted in reference to the application;
4. Current or former business addresses of the applicant enterprise;
5. The business form of the enterprise, and a copy of the certificate of incorporation, charter, by-laws, partnership agreement, trust agreement or other basic documentation of the enterprise;
6. The nature of the applicant's business, and the type of goods and services being provided to the casino industry;
7. The following information regarding agreements with any casino licensee or applicant:
 - i. The number of written agreements entered into and a sample copy of such an agreement;
 - ii. The terms of any unwritten agreements with casino licensees or applicants, including the expected duration and compensation; and
 - iii. Whether any such agreements are in any way subject to or conditioned upon any other agreement between the casino licensee or applicant and the applicant or any other enterprise, or upon other agreements between the applicant and its suppliers, vendors or subcontractors, and the facts related thereto;
8. Any suppliers, vendors or subcontractors of the applicant which are also securities holders or creditors of the applicant;
9. The name and location of any government agency in this State or any other jurisdiction that regulates the applicant, and the nature and extent of regulation;

10. Whether the applicant has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefore and the facts related thereto;

11. The following financial information:

- i. Two copies of the applicant's most recent financial statement and Federal and state tax returns;
- ii. Information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law; and any receiver, fiscal agent, trustee or similar officer appointed for the applicant's property or business;

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

- i. Information regarding any indictment, charge or conviction for any criminal or disorderly persons offense;
- ii. Any criminal proceeding in which the applicant has been a party or has been named as an unindicted co-conspirator; and
- iii. Any judgment, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction; and

13. The name, home address, date of birth, title or position and percent of ownership, where applicable, of each of the following persons or entities:

- i. Any officer, director, trustee, partner or sole proprietor;
- ii. Each beneficial owner, whether an enterprise or a natural person, of more than five percent of the outstanding voting securities of the applicant;
- iii. Each sales representative or other person who regularly solicits business from a casino licensee or applicant, such person's immediate supervisors and all persons responsible for the office out of which such supervisors work; and
- iv. Any person authorized to sign any agreement with a casino licensee or applicant.

(b) In addition to the information in (a) above, a completed BED-3 may include the following:

1. A certification of truth, which shall be dated, notarized and signed by the following:
 - i. If the applicant is a corporation, the president or any other authorized officer;
 - ii. If the applicant is a partnership, each partner;

iii. If the applicant is a limited partnership, each general partner;

iv. If the applicant is a sole proprietorship, the sole proprietor; or

v. If the applicant is any other business form, any authorized officer;

2. A Release Authorization directing 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, which shall be dated, notarized and signed by the following:

i. If the applicant is a corporation, the president or any other authorized officer;

ii. If the applicant is a partnership, a partner;

iii. If the applicant is a limited partnership, a general partner;

iv. If the applicant is a sole proprietorship, the sole proprietor; or

v. If the applicant is any other business form, any authorized officer; and

3. An acknowledgment of receipt of notice regarding confidentiality, consent to search and nonrefundability of filing fees, which shall be dated, notarized and signed in accordance with (b)2i through v above.

19:41-5.8 Business Entity Disclosure Form—Holding Company

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

1. Any official or trade name used by the applicant;

2. The enterprise as to which the applicant has been identified as a holding company and, if different, the applicant for casino service industry licensure for which the BED-HC is being submitted;

3. The name and telephone number of a person to be contacted in reference to the application;

4. Current or former business addresses of the applicant enterprise;

5. The business form of the enterprise, and a copy of the certificate of incorporation, charter, by-laws, partnership agreement, trust agreement or other basic documentation of the enterprise;

6. The name and location of any government agency in this State or any other jurisdiction that regulates the applicant, and the nature and extent of regulation;

7. Whether the applicant has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefor and the facts related thereto;

8. The following financial information:

i. Two copies of the applicant's most recent financial statement and Federal and state tax returns;

ii. Information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law; and any receiver, fiscal agent, trustee or similar officer appointed for the applicant's property or business;

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

i. Information regarding any indictment, charge or conviction for any criminal or disorderly persons offense;

ii. Any criminal proceeding in which the applicant has been a party or has been named as an unindicted co-conspirator; and

iii. Any judgment, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction; and

10. The name, home address, date of birth, title or position and percent of ownership, where applicable, of each of the following persons or entities:

i. Any officer, director, trustee, partner or sole proprietor;

ii. Each beneficial owner, whether an enterprise or natural person, of more than five percent of the outstanding voting securities of the applicant;

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

1. A certification of truth, which shall be dated, notarized and signed by the following:

i. If the applicant is a corporation, the president or any other authorized officer;

ii. If the applicant is a partnership, each partner;

iii. If the applicant is a limited partnership, each general partner;

iv. If the applicant is a sole proprietorship, the sole proprietor; or

v. If the applicant is any other business form, any authorized officer;

2. A Release Authorization directing 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, which shall be dated, notarized and signed by the following:

- i. If the applicant is a corporation, the president or any other authorized officer;
- ii. If the applicant is a partnership, a partner;
- iii. If the applicant is a limited partnership, a general partner;
- iv. If the applicant is a sole proprietorship, the sole proprietor; or
- v. If the applicant is any other business form, any authorized officer; and

3. An acknowledgment of receipt of notice regarding confidentiality, consent to search and nonrefundability of filing fees, which shall be dated, notarized and signed in accordance with (b)2i through v above.

19:41-5.9 Qualifier Disclosure Form

(a) A Qualifier Disclosure Form (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. Telephone number, address and residence history;
3. Position held with the casino service industry license applicant or holding company;
4. Date and place of birth;
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;

iii. If the enterprise is a sole proprietorship, the name of the sole proprietor; and

iv. Each beneficial owner of more than five percent of the outstanding voting securities of the enterprise, and the percentage of ownership; and

13. The name and position or title of the individual who supplied the information in the VRF.

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

1. A certification of truth, which shall be dated and signed by an authorized agent of the casino licensee or applicant or hub facility, and which shall indicate such person's position or title and the casino licensee or applicant or hub facility submitting the form; and

2. A Principal Employee Data Summary Form for each individual in (a)12i through iv above, which may include the following information:

i. Name;

ii. Residence;

iii. Date of birth;

iv. Sex and race, which information is voluntarily provided;

v. Position with the enterprise; and

vi. Any gaming licenses or registrations currently held or pending in the State.

19:41-5.12 Junket Enterprise Registration Form

(a) A Junket Enterprise Registration Form (JERF) shall be in a format prescribed by the Commission and may require the junket enterprise to provide the following information:

1. Any official or trade name used;

2. Business address;

3. Telephone number;

4. Federal Employer Identification Number;

5. State and date of incorporation;

6. Whether the enterprise is minority- or women-owned and controlled and the enterprise certification number, if any, which information is voluntarily provided;

7. Form of business;

8. Names and addresses of all subsidiaries;

9. The name, address and percentage of ownership of each entity directly owning more than five percent of the enterprise;

10. The names of each of the following:

i. Any individual who entered into the agreement with the casino licensee or applicant and any individual who will deal directly with the casino licensee or applicant, including junket 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;

iii. If the enterprise is a sole proprietorship, the name of the sole proprietor; and

iv. Each beneficial owner of more than five percent of the outstanding voting securities of the enterprise, and the percentage of ownership;

11. The name, date of birth, address and telephone number of any junket representative employed by the enterprise who is utilized in the conduct of junket activity but who is not listed in (a)10i above.

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

1. A certification of truth, which shall be dated and signed by an officer or owner of the junket enterprise and shall indicate such person's position or title;

2. A Principal Employee Data Summary Form for each individual in (a)10i through iv above, which may include the following information:

i. Name;

ii. Residence;

New Rule, R.1993 d.571, effective November 15, 1993 (operative December 20, 1993).

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

- iii. Date of birth;
 - iv. Sex and race, which information is voluntarily provided;
 - v. Position with the enterprise; and
 - vi. Any gaming licenses or registrations currently held or pending in the State; and
3. A Junket Enterprise Transmittal Form, which may include the following:
- i. The anticipated date of arrival for the first junket involving the junket enterprise; and
 - ii. A certification of truth, which shall be dated and signed by an authorized agent of the casino licensee or applicant, and shall indicate such person's position or title.

New Rule, R.1993 d.571, effective November 15, 1993 (operative December 20, 1993).
See: 25 N.J.R. 3951(a), 25 N.J.R. 5359(b).

19:41-5.13 Labor Organization Registration Statement

(a) A Labor Organization Registration Statement shall be in a format prescribed by the Commission and may require the labor organization, union, or affiliate to provide the following information:

- 1. The name of the registrant as shown on its charter or in its constitution;
- 2. The current and former business addresses of the registrant, including the address of any office where matters pertaining to employees of a casino license will be conducted;
- 3. The names of the registrant's parent organization and all affiliates of the registrant or its parent organization;
- 4. The nature of the actual or probable involvement of any affiliate which represents or is seeking to represent employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or which is involved or seeking to be involved in the control or direction of such representation;
- 5. Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee;
- 6. The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:
 - i. Any pension or welfare system maintained by the registrant;
 - ii. Each officer and agent of any pension or welfare system maintained by the registrant;
 - iii. Each officer and officer-elect of the registrant;

- iv. Each agent authorized to represent the registrant; and
- v. Each principal employee of the registrant.

(b) In addition to the information in (a) above, a completed Labor Organization Registration Statement may include the following:

- 1. A notarized affidavit of truth, which shall be dated and signed by the registrant's president or chief executive officer, treasurer and secretary;
- 2. A certification of truth, dated and signed by the registrant's attorney of record;
- 3. A Release Authorization directing 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 registrant as requested by the Commission or the Division;
- 4. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the registrant from any disclosure or publication of information acquired during the investigation process, in accordance with N.J.S.A. 5:12-80c; and
- 5. Consent to inspection, searches and seizures and the supplying of handwriting exemplars, in accordance with N.J.S.A. 5:12-80c.

New Rule, R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-5.14 Labor Organization Individual Disclosure Form

(a) A Labor Organization Individual Disclosure 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. Title or position with the labor organization;
- 3. Date and place of birth;
- 4. Physical description;
- 5. Current address and residence history;
- 6. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 552a;
- 7. Citizenship and, if applicable, information concerning resident alien status;
- 8. Telephone number at current place of employment;
- 9. Employment history, including all positions held with a labor organization, union or affiliate, whether or not compensated;

10. Licenses or other approvals held or applied for which are required to participate in any lawful gambling operation in this State or any jurisdiction;

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

i. Convictions for crimes or disorderly persons offenses; and

ii. Convictions for contempt for refusal to testify or cooperate with any legislative investigatory body or other official investigatory body; and

12. Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee.

(b) In addition to the information in (a) above, a completed Labor Organization Individual Disclosure Form may include the following:

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

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

3. A signed, dated and notarized release authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the officer, agent or principal employee as requested by the Commission or the Division; and

4. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the officer, agent or principal employee from any disclosure or publication of information acquired during the investigation process, in accordance with N.J.S.A. 5:12-80c.

New Rule, R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

SUBCHAPTER 6. STATEMENTS OF COMPLIANCE

19:41-6.1 General provisions

The Commission may in its discretion, issue a revocable statement of compliance to an applicant for any license certifying that all requirements relating to a particular specified eligibility criterion or stage in the license consideration process have been complied with at any time the Commission is satisfied that any such requirements have been established by the applicant in accordance with the Act and regulations of the Commission.

19:41-6.2 Contents

(a) Every statement of compliance shall:

1. Specify the particular criterion or stage complied with and indicate that such applicant has qualified for licensure in relation to the criterion or stage specified;

2. Set forth, as its date of issuance, the date as of which such compliance existed;

3. Set forth its date of expiration;

4. Indicate, that it is automatically revoked without further Commission action as of the day following its date of expiration; and

5. Indicate that it may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the applicant has otherwise failed to qualify for licensure, that the applicant has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists.

19:41-6.3 Issuance of licenses

No license shall be issued to any person to whom a statement of compliance has been issued unless every qualification of such person as of the time of the issuance of such license shall have first been established in accordance with the Act and regulations of the Commission.

19:41-6.4 Commitments that casino licenses shall be reserved

(a) No commitment to reserve a casino license in accordance with Section 81c of the Act shall accompany a statement of compliance certifying satisfaction of the requirements of Section 84e of the Act unless:

1. The applicant is eligible in accordance with every provision of the Act including those of Section 82b which require that the proposed hotel, in the judgment of the Commission, can become an hotel within 18 months;

2. The applicant has satisfied all of the requirements of Section 84e of the Act with respect to his specific casino hotel proposal;

3. The commitment to reserve is for a period not to exceed 18 months; and

4. The applicant qualifies for a casino license within a period not to exceed 18 months of the date of such commitment.

19:41-6.5 Reservations of other licenses

No license shall be reserved by the Commission other than a casino license in accordance with Section 81c, 82b and 84e of the Act and regulations of the Commission.

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 disclosure form, as follows:

i. An applicant for a casino key employee license, resident director license or an applicant required to qualify pursuant to subsection 102c of the Act by virtue of his or her position with a junket enterprise 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, gaming school 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 PHD-1A 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; and

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, union or affiliate shall file a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 19:41-5.14.

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 PHD Form or QDF;

4. Either of the following:

i. A certification by the Division that the applicant has been fingerprinted in accordance with N.J.A.C. 19:41-7.7(a)1; or

ii. In the case of an applicant for individual qualification, either the certification required by (a)4i above or the fingerprint impression cards required by N.J.A.C. 19:41-7.7; 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) Except as provided in (d) below, no application shall be accepted for filing unless it includes all application 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 PHD Form or QDF.

(d) An applicant for individual qualification shall provide the documents required by (a)2 and (a)4ii 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).

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 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).

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

Each applicant, licensee, registrant and person required to be qualified shall be fingerprinted under the supervision of the Division without charge, except that an applicant for individual qualification may alternatively submit two sets of classifiable fingerprints on fingerprint impression cards provided by the Commission.

Amended by R.1994 d.280, effective June 6, 1994.

See: 26 N.J.R. 1321(a), 26 N.J.R. 2474(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.

19:41-7.14 (Reserved)

Amended by R.1978 d.175, effective May 25, 1978.

See: 10 N.J.R. 210(b), 10 N.J.R. 306(a).

Amended by R.1982 d.190, effective June 21, 1982.

See: 14 N.J.R. 380(b), 14 N.J.R. 664(b).

Deleted Personal History Disclosure Form 2 and replaced with new Form 2A.

Amended by R.1984 d.369, effective August 20, 1984 (operative January 1, 1985).

See: 16 N.J.R. 1336(a), 16 N.J.R. 2302(c).

Added new Personal History Disclosure Form 4A to replace Form 4. Amended by R.1985 d.50, effective February 19, 1985 (operative May 1, 1985).

See: 16 N.J.R. 3302(a), 17 N.J.R. 480(b).

Vendor Registration Form amended.

Repealed by R.1993 d.429, effective September 7, 1993.

See: 25 N.J.R. 2655(a), 25 N.J.R. 4120(a).

Section was "Form of application".

Case Notes

Amendment to former application form sought on constitutional grounds. In re: Martin, 90 N.J. 295 (1982).

Disclosure of sealed juvenile adjudications. State v. W.J.A., 173 N.J.Super. 19 (Law.Div.1980).

19:41-7.15 Format of papers

All application papers submitted to the Commission or Division shall be on paper approximately 8½ 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.

19:41-7.16 Number of copies

(a) All original applications and other original papers relating thereto submitted to the Commission or Division by the applicant, shall be accompanied by the following number of conformed copies:

1. In the case of a casino applicant and applicants for a gaming school license, four conformed copies of all personal history disclosure forms relating thereto and five conformed copies of all remaining documents;

2. In the case of an applicant for a casino service industry license under N.J.S.A. 5:12-92a and b, four conformed copies of all applications and papers submitted as a part thereof;

3. In the case of an applicant for a casino service industry license under N.J.S.A. 5:12-92c, two conformed copies of all applications and papers submitted as a part thereof;

4. In the case of an applicant for a casino key employee license pursuant to N.J.S.A. 5:12-89, or labor organization registrant, under N.J.S.A. 5:12-93, two conformed copies of all applications and papers submitted as a part thereof;

5. In the case of an applicant for a casino or hotel employee license pursuant to N.J.S.A. 5:12-90 and 91, one conformed copy of each application and papers submitted as a part thereof.

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

As amended, R.1979 d.357, effective September 11, 1979.

See: 11 N.J.R. 418(c), 11 N.J.R. 530(e).

SUBCHAPTER 8. APPLICATION**19:41-8.1 Receipt**

All application papers, unless otherwise directed by the Chair, shall initially be submitted to and received by the Chair, or such members of the Commission staff as the Chair may designate, who shall cause to be endorsed thereon the date of such receipt.

Amended by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Referenced members designated by Chair.

19:41-8.2 Filing

(a) The Chair, or such members of the Commission staff as the Chair may designate, shall determine the date of filing as to each application received and shall cause to be endorsed thereon the date of such filing. No application shall be deemed filed until the applicant shall satisfy the Chair or his or her designee:

1. That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification and copies;

2. That all appropriate application, registration, business enterprise disclosure and personal history disclosure forms have been properly completed and presented;

3. That all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly presented;

4. That all other information, documentation, assurances and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and

5. That all required fees have been properly paid and all required bonds have been properly furnished.

Amended by R.1989 d.495, effective September 18, 1989.
See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Reference to members designated by Chair added.

Case Notes

Rejection of application challenged on grounds of constitutionality of Casino Control Act and forms generated therefrom. In re: Martin, 90 N.J. 295 (1982).

19:41-8.3 Processing

(a) Upon a determination that all prerequisites for filing have been met the Chair, or such members of the Commission staff as the Chair shall designate, shall:

1. Accept the application for filing and cause same to be docketed by the executive secretary of the Commission;

2. Notify the applicant or his attorney, if any, in writing, of the fact that the application has been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof and of the further fact that such acceptance for filing and docketing of the application shall constitute no evidence whatsoever that any requirement of the act or of the regulations of the Commission have been satisfied;

3. Direct the staff of the Commission to analyze, obtain and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant and any other matter relating to the application;

4. Request the Division to promptly and in reasonable order conduct such investigation and provide such information as may be necessary to determine the qualifications of the applicant and any other matter relating to the application;

5. Have the authority to, in his or her discretion and at the expense of the applicant, publish once a week for two weeks successively in the official newspaper of the Commission and any other newspapers the Chair may designate, a notice of the fact that an application has been filed identifying the applicant, containing a concise statement as to the nature of the applicant's proposed activity or employment and including the further statement that "Objections to licensure or registration of this applicant, if any, should be made immediately in writing to the Chair of the Casino Control Commission".

Amended by R.1989 d.495, effective September 18, 1989.
See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Reference to members designated by Chair added.

Case Notes

Rejection of application challenged on grounds of constitutionality of Casino Control Act and forms generated therefrom. In re: Martin, 90 N.J. 295 (1982).

19:41-8.4 Public inspection of information

No information in the possession of the Commission or Division relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the regulations of the Commission.

19:41-8.5 Amendment

It shall be the duty of each applicant to promptly file with the Chair, or such members of the Commission staff as the Chair shall designate, a written amendment to his or her application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Chair or his or her designee to file any other amendment to his application at any time prior to final action thereon by the Commission.

Amended by R.1989 d.495, effective September 18, 1989.
See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Reference to members designated by Chair added.

19:41-8.6 Withdrawal

(a) Except as otherwise provided in (b) below, a written notice of withdrawal of application may be filed by an applicant at any time prior to final Commission action thereon. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and the policies of the Act. The Commission shall have the authority to direct that any applicant so permitted to withdraw his application shall not be eligible to apply again for licensure, registration or approval until after the expiration of one year from the date of such withdrawal. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.

(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 Reapplication by natural person after denial or revocation

(a) Any natural person whose licensure, 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 section 86 of the Act, or both, may not, except as otherwise provided by this section, reapply for licensure, registration, qualification or approval 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 section 86c of the Act and reapplication is to be evaluated under the standards of section 89 of the Act, 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 section 86c disqualifying offense pursuant to section 86g and reapplication is to be evaluated under the standards of section 89 of the Act, 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 licensure, registration, qualification or approval which results in denial or revocation but permits reapplication after a stated period of less than five years, eligibility for reapplication shall be determined as specified in the agreement and not by the provisions of this section.

(b) Any natural person whose licensure, registration, qualification or approval is denied or revoked by the Commission on the basis of any of the statutory or regulatory provisions specified in (b)1 through 5 below may reapply for licensure, registration, qualification or approval upon satisfaction of the relevant requirements stated below. If the

denial or revocation was 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 the satisfaction of the specified requirements.

1. Lack of financial stability pursuant to sections 89b(1) or 90b of the Act: Reapplication is permitted upon said person achieving status of financial stability.

2. Failure to satisfy residency requirement pursuant to sections 89b(4) or 90b of the Act: Reapplication is permitted upon said person actually establishing residency as required, or upon a Commission finding that such residency will be obtained prior to the completion of the processing of said reapplication, or upon a Commission finding that the residency requirements should be waived pursuant to sections 89b(4) or 90c of the Act.

3. Failure to satisfy age requirement pursuant to N.J.A.C. 19:41-1.3: Reapplication is permitted upon said person attaining the requisite age or upon a Commission finding that such age will be attained prior to the completion of the processing of said reapplication.

4. Pending charges for a section 86c disqualifying offense pursuant to section 86d of the Act: Reapplication is permitted upon the disposition of pending charges.

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.

(c) This regulation applies with equal force and effect to the denial or revocation of any application by a natural person for licensure, registration, qualification or approval, and to any denial or revocation of any reapplication for licensure, registration, qualification or approval which was filed after compliance with this section.

(d) Any natural person who is barred from reapplication for five years by (a) above may request permission to reapply at an earlier date by filing a petition in accordance with this subsection.

1. A petition for early reapplication may be filed at any time after one year has elapsed since the date of denial or revocation or at such earlier date as the Commission may specify in its order; provided, however, that no person shall, within the five-year period of restriction, file more than one such petition for each type of license, registration, qualification or approval authorized by the Act or regulations.

2. Such petition shall be certified and shall include written argument for the relief sought. The petition shall

state with particularity the grounds upon which denial or revocation was based, and significant facts and circumstances arising since the denial or revocation which warrant early reapplication.

3. Upon receipt of such petition, the Commission shall offer the Division an opportunity to state its position in writing. Based upon the petition and any written submission from the Division, the Commission may deny the petition or, if it finds that the facts and circumstances presented are reasonably likely to result in licensure, registration, qualification or approval if considered in a plenary hearing, grant the petition. Factors that may be considered by the Commission may include, where appropriate, evidence which would support:

- i. A finding of rehabilitation pursuant to sections 90h and 91d; or
- ii. A waiver of disqualification pursuant to section 91e of the Act.

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).

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).

SUBCHAPTER 9. FEES

19:41-9.1. General description of fees and policy

(a) Under the Act, the Commission and Division are required to be financed exclusively from fees charged each fiscal year to applicants, licensees and registrants. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. Section 139 of the Act requires the Commission to establish, by regulation, fees for the issuance and renewal of casino licenses. The statutory basis for the casino license issuance fee is the cost of investigation and consideration of the application. The statutory basis for the casino license renewal fee is the cost of maintaining the control and regulatory activities of the Commission and the Division. In contrast, section 141 of the Act requires the Commission to establish, by regulation, issuance and renewal fees for all non-casino licenses, but indicates no cost basis for establishing such fees.

(b) The differing treatment of these categories reflects a legislative recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the agencies in implementing that process. Moreover, the experience of the Commission and the Division reveals that the actual cost of investigating and considering applications for individual employee licenses and casino service industry licenses frequently exceeds the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these regulations is designed to respond to these policies and problems.

(c) To the extent fairly possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to that applicant or licensee. However, since individual employees and casino service industry enterprises cannot always be expected to cover the full amount expended, there will be an amount of the annual combined budgets of the agencies which will not be recoverable through specified fees for particular services. This amount cannot be predicted with precision because of the necessarily variable allocation of Commission and Division efforts.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from casino license renewal fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise uncollected expenditures of the agencies should be allocated among the licensed casino facilities.

(e) In the event that the Casino Control Fund has a surplus as of the close of a fiscal year, other than a surplus due to estimated payments against an expected deficiency, the surplus should be credited to the extent possible to the individual licensees who made the surplus payments. Since, as noted in (c) above, fees charged to persons other than casino licensees are no more than and frequently less than the actual cost of the investigatory and regulatory services actually attributable to them and since the casino licensees, through various hourly and other charges, contribute the overwhelming majority of all fees generated by the agencies, any surplus in the Casino Control Fund may be attributable to payments made by the casino licensees. Further, since it is not feasible to ascertain precisely the source of the surplus due to the variety of charges levied against the casino licensees and the numerous variables affecting the revenues and expenditures of the agencies, it is reasonable and equitable to distribute the surplus by granting credit to the casino licensees against future fee obligations and to allocate the credit among the licensees in proportion to the relative amount of total fees incurred or paid by each casino licensee with respect to the fiscal year.

Amended by R.1981 d.367, effective October 8, 1981.
See: 13 N.J.R. 531(b); 13 N.J.R. 709(a).

Added subsection (d).
Amended by R.1985 d.583, effective November 18, 1985.
See: 17 N.J.R. 2242(a), 17 N.J.R. 2788(a).

(e) added.
Amended by R.1993 d.253, effective June 7, 1993 (operative July 1, 1993).
See: 25 N.J.R. 1080(a), 25 N.J.R. 2506(c).

Case Notes

Citation. Atlantic City Casino Hotel Assn. v. Casino Control Commission, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.2 Fiscal year

For purposes of this subchapter, a fiscal year shall be the period commencing on July 1 and ending the subsequent June 30.

19:41-9.3 Payment of fees and civil penalties

(a) No application shall be accepted for filing by the Commission or processed by the Commission or the Division except upon proper and timely payment of all required fees and civil penalties in accordance with the Act and the regulations of the Commission. Any portion of a fee which is incurred or determined after the filing of the application or which is estimated in accordance with this subchapter, and any civil penalty imposed by the Commission, shall be payable upon demand made by the Commission through its Division of Financial Evaluation. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee or civil penalty unless the Commission finds cause to permit an extension of time in which to remit the demanded amount.

(b) Any fee or civil penalty required to be paid in accordance with this subchapter or pursuant to an order of the Commission shall be paid before the Commission shall consider the application for issuance or renewal of licensure, unless the Commission 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," and presented to the Commission at its offices. No check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn.

(d) Unless otherwise directed by the Commission, 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 regulations of the Commission.

(e) A required fee or civil penalty shall be considered paid only if the Commission 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 therefor shall constitute cause for the Commission to dismiss administratively any application submitted by such person, or to suspend administratively any license or registration held by such person, including a license or registration that has been issued, or an application that has been submitted, before the debt arose.

Amended by R.1992 d.35, effective January 21, 1992.
See: 23 N.J.R. 3249(a), 24 N.J.R. 298(a).

Revised text.

19:41-9.4 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. 19:54-1.2;

4. "Initial license fee" or "Issuance fee" means the total fee which is required by the Act and these regulations 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;

5. "License renewal fee" means the total fee which is required by the Act and these regulations to be paid prior to the renewal of a plenary casino license under Section 88 of the Act and which is based upon the cost of investigating and considering the application and of maintaining control and regulatory activities of the Commission and the Division.

(b) No application for the issuance or renewal of a casino license shall be accepted for filing by the Chairman 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 renewal 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) No casino license shall be renewed unless the applicant shall first have paid in full a renewal fee of not less than \$100,000 for each one-year license renewal, and not less than \$200,000 for each two-year license renewal.

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

1. Prior to the start of each fiscal year, the Commission 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 Commission professional staff, Commission inspection staff and Division professional staff during the fiscal year, as estimated from the projected fiscal year budget for the Commission and the Division.

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

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

(f) A licensed casino facility shall be required to pay, as a component of the renewal fee for any casino license necessary to casino or casino simulcasting operations therein and as a condition of any such casino license renewal, 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 Commission, through its Division of Financial Evaluation, 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.

Amended by R.1981 d.367, effective October 8, 1981.

See: 13 N.J.R. 531(b), 13 N.J.R. 709(a).

Added (f).

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(e) Substantially amended.

Amended by R.1985 d.583, effective November 18, 1985.

See: 17 N.J.R. 2242(a), 17 N.J.R. 2788(a).

Added text to (f) "Any share calculated . . . such estimated share."

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Deleted old (e)1 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (d): added text setting forth \$200,000 renewal fee for each two-year license renewal; added "one-year license" renewal in sentence setting forth \$100,000 renewal fee.

In (e): deleted specific hourly rates and added " . . . hourly rates to be set by the Commission in accordance with this subsection . . ."

Added new (e)1-3, recodifying existing (e)1-2 as part of subsection (e).

Public Notice: hourly fee rates.

See: 25 N.J.R. 1012(a).

Amended by R.1993 d.253, effective June 7, 1993 (operative July 1, 1993).

See: 25 N.J.R. 1080(a), 25 N.J.R. 2506(c).

Public Notice: hourly fee.

See: 25 N.J.R. 2775(c).

Public Notice: hourly fee.

See: 26 N.J.R. 2476(a).

Public Notice: hourly fee rates.

See: 26 N.J.R. 3216(c).

Case Notes

Assessment procedure consistent with Casino Control Act and necessary for its implementation. *Atlantic City Casino Hotel Assn. v. Casino Control Commission*, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.5 (Reserved)

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Deleted "per person per"; added "for each"; "obtained".

Amended by R.1985 d.667, effective January 6, 1986.

See: 17 N.J.R. 2604(b), 18 N.J.R. 98(a).

Annual fee changed from "\$50.00" to "\$2.00".

Repealed by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

Section was "Work permits."

Case Notes

Proposal to increase permit fee under former regulation improper as revenue raising rather than cost-related; delegation of taxing power discussed. *Atlantic City Casino Hotel Assn. v. Casino Control Commission*, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.6 Slot machine fees

(a) In addition to any other tax or fee imposed by the Act or the regulations of the Commission 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 on a pro rata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

(b) In accordance with Section 100(h) of the Act, no slot machine shall be used to conduct gaming unless it is identical to a model thereof which has been specifically tested by the Division and licensed for use by the Commission. Any person seeking to have a prototype slot machine so tested and licensed shall pay an initial minimum amount of \$500.00 which shall be applied to the total fee. Such person shall be required to pay for the efforts of the Commission and the Division on matters directly related to the examination, testing and consideration of the prototype slot machine at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e).

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Subsection (b) amended.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Added text to (b) "at the rate ..."; deleted text in (b) "at the rate of \$40.00 per hour".

Amended by R.1992 d.118, effective March 16, 1992.

See: 23 N.J.R. 3729(a), 24 N.J.R. 970(c).

Deleted existing subsection (c) on permits for out-of-state slot machine manufacturers and distributors. Deleted \$500.00 permit fee. Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b): Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e)."

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

19:41-9.7 Casino hotel alcoholic beverage licenses

(a) Under Section 103 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 renewal 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 Commission and the Division on matters directly related to the casino hotel alcoholic beverage license or application at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the casino hotel alcoholic beverage license or application.

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

(d) The fee for the issuance of any permit or approval required by the Act or Title 33 of the Revised Statutes for an 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;
2. For all other persons, at a rate of \$50.00 per day.

Amended by R.1983 d.80, effective March 21, 1983.

See: 14 N.J.R. 1364(a), 15 N.J.R. 449(c).

Added \$5,000 fee to be assessed for each location within the casino hotel. All storage areas to be deemed a licensable location. Fee to be pro rated for after acquired licenses.

New Rule, R.1987 d.109, effective February 17, 1987.

See: 18 N.J.R. 2379(a), 19 N.J.R. 381(a).

Deleted old text.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Added new (b)1 and deleted old (b)1; deleted (e).

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)1: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e)."

Public Notice: Hourly fee rates.

See: 25 N.J.R. 1012(a).

Public Notice: Hourly fee rates.

See: 25 N.J.R. 2775(c).

Public Notice: Hourly fee rates.

See: 26 N.J.R. 3216(c).

19:41-9.8 Gaming related 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, schools teaching gaming and dealing techniques, and casino security services, shall meet the standards established for casino key employees in order to be licensed. Such a license shall be issued for an initial term of two years and for a term of four years for all subsequent renewals.

(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 subsection 92a casino service industry enterprise license shall be assessed as follows:

1. A minimum application charge of \$5,000;
2. An additional application charge of \$5,000 if the efforts of the Commission and the Division on matters directly related to the applicant require more than 1,000 hours but less than 2,000 hours of time attributable to processing and investigation of the application, or \$10,000 if such efforts require 2,000 or more such hours; and
3. Payment for all unusual or out of pocket expenses incurred by the Commission or 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 regulations and for assuring the continued fitness of enterprises engaged in gaming related casino service industries, the application and issuance fee for the renewal of a subsection 92a casino service industry enterprise license shall be assessed in accordance with (b) above.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92a casino service industry enterprise license may request an installment plan for payment of the application fee in (b)1 above in accordance with the following schedule:

1. Upon filing of the application, an initial installment payment equal to one-fourth of the application fee and an additional fee of \$100.00 for the cost of processing such payment plan; and

2. Three subsequent installment payments each equal to one-fourth of the application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a), added biennial renewal provision. In (b), deleted \$3,000 fee and added \$5,000-\$10,000 fee structure. Revised (c) to reflect changes in (b); added (d).

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).

Case Notes

Validity upheld. Atlantic City Casino Hotel Assn. v. Casino Control Commission, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.9 Non-gaming related casino service industry license fee

(a) In accordance with subsection 92c of the Act, all casino service industry enterprises offering goods and services not directly related to gaming operations to casino licensees or applicants on a regular or continuing basis shall be licensed to the standards established by the Commission. Under subsection 94d of the Act, such license shall be issued for a three year period and shall be renewable for additional four year periods.

(b) The initial application and issuance fee for a three year non-gaming related casino service industry enterprise license shall be \$2,000.

(c) The application and issuance fee for the renewal of a four year non-gaming related casino service industry enterprise license shall be \$2,500.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92c casino service industry enterprise 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.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Fees raised from \$1,500 to \$3,000; added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Case Notes

Validity upheld. Atlantic City Casino Hotel Assn. v. Casino Control Commission, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.9A Junket enterprise license fees

(a) In accordance with subsection 102c of the Act, all qualifiers of junket enterprises shall meet the standards established for casino key employees in order for the junket enterprise to be licensed. Under subsection 94d of the Act, a junket enterprise license shall be issued for a three year period and shall be renewable for additional four year periods.

(b) The initial application and issuance fee for a three year junket enterprise license shall be \$3,000.

(c) The application and issuance fee for the renewal of a four year junket enterprise license shall be \$3,750.

(d) Any enterprise required to apply for the issuance or renewal of a junket enterprise 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.

New Rule, R.1983 d.112, effective March 29, 1983.

See: 15 N.J.R. 257(a), 15 N.J.R. 627(b).

Originally filed as an emergency adoption (R.1983 d.37) on January 27, 1983. Readopted as R.1983 d.112.

Amended by R.1984 d.272, effective July 2, 1984.
See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1988 d.200, effective May 2, 1988.

See: 20 N.J.R. 381(a), 20 N.J.R. 998(c).

Fees raised from \$1,500 to \$3,000.

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Stylistic changes.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

19:41-9.10 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 Commission annually. The fee for each annual registration of a labor organization shall be \$250.00.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Fee increased from \$100 to \$250.

19:41-9.11 Casino key employee license fees

(a) Under section 89 of the Act, no person may be employed as a casino key employee unless such person is the holder of a valid casino key employee license.

(b) The fee for the issuance of a casino key employee license shall be as follows:

1. A minimum application charge of \$750.00, which shall be credited to the total fee; and

2. Payment for the efforts of the Commission and the Division on matters directly related to the applicant at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

3. Payment for all unusual or out of pocket expenses incurred by the Commission and the Division on matters directly related to the applicant or licensee; provided, however, that the amount of the issuance fee shall not exceed \$4,000.

(c) The fee for the renewal of a casino key employee license shall be \$750.00.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(b) and (c) substantially amended.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

The establishment of the renewal fee for a casino key employee license is a flat fee of \$500.00.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Deleted old (b)2 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)2: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) . . ."

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (b)1 and (c), fees raised from \$500 to \$750. In (b)3, \$4,000 was \$3,000; "renewal" deleted from "issuance fee".

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

19:41-9.11A Junket representative license term and fees

(a) In accordance with N.J.S.A. 5:12-102b, all junket representatives employed by a casino licensee, an applicant for a casino license or an affiliate of a casino licensee shall meet the standards established for casino employees, except for residency, in order to be licensed. Pursuant to N.J.S.A. 5:12-94d, such a license shall be issued for an initial term of three years and for a term of four years for all subsequent renewals.

(b) The issuance fee for an initial three year licensee shall be \$350.00. The renewal fee for a four year license shall be \$250.00.

New Rule, R.1988 d.200, effective May 2, 1988.

See: 20 N.J.R. 381(a), 20 N.J.R. 998(c).

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Deleted old (b)2 and inserted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)2: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) . . ."

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Reference to employment by casino licensee added.

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

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.307, effective June 19, 1995.

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

Corrected citations; and rewrote (b).

19:41-9.12 Gaming school resident director license fees

(a) Under Section 92(b) of the Act, a gaming school resident director shall be qualified to the standards for a casino employee. The responsibilities and duties of a resident director require more thorough investigation and continued assurances of suitability than are routinely required of casino employees generally. Under Section 94(d) of the Act, a resident director license shall be issued for three years and be renewable for four year periods thereafter.

(b) The issuance fee or renewal fee for a four-year resident director license shall be as follows:

1. A minimum application charge of \$500.00 which shall be credited to the total fee; and

2. Payment for the efforts of the Commission and the Division on matters directly related to the applicant or licensee at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

3. Payment of any unusual or out of pocket expenses incurred by the Commission or the Division on matters directly related to the application; provided, however, that the amount of the issuance fee or renewal fee shall not exceed \$3,000.

Amended by R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

(a): "three" was "two". (b): "three" was "two"; (b)1: "\$1,500" was "\$1,000".

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(b)2 and 3 amended.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Application charge changed from \$1,500 to \$500.00.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Deleted old (b)2 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)2: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) ..."

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

19:41-9.13 Gaming school instructor, principal employee and sales representative license fees

(a) Under Section 92(b) of the Act, each gaming school instructor, principal employee and sales representative shall be qualified and licensed to the standards established for casino employees. Under Section 94(d) of the Act, a license for each such person shall be issued for three years and be renewable for four year periods thereafter.

(b) The issuance fee for a three year gaming school instructor license, gaming school principal employee license or gaming school sales representative license shall be \$220.00.

(c) The renewal fee for a four-year gaming school instructor license, gaming school principal employee license or gaming school sales representative license shall be \$200.00.

As amended, R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

(a): "three" was "two". (b): "three" was "two"; "\$220" was "\$160". (c): "three" was "two"; "\$180" was "\$120".

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

19:41-9.14 Casino employee license fees

(a) Under section 90 of the Act, no person may be employed as a casino employee unless such person is the holder of a valid casino employee license.

(b) Under subsection 94d of the Act, a casino employee license shall be issued for three years and be renewable for four year periods thereafter. The issuance fee for such a three year license shall be \$350.00. The renewal fee for such a four year license shall be \$250.00.

(c) Any person who applies for the issuance of a casino employee license pursuant to (b) above may pay the appropriate application fee in accordance with the following schedule upon payment of an additional fee of \$10.00 to cover the cost of processing the payment plan:

1. An applicant for the issuance of a casino employee license may submit an initial payment of \$275.00 upon filing of the application and a subsequent payment of \$85.00 within 30 days from the date that the license is granted or denied or the application is withdrawn, or upon the prior issuance of the license.

(d) The Commission may waive the fee in (b) 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 Commission that its job training or retraining programs would customarily absorb the initial license fee on behalf of the applicant.

Amended by R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

(b): "three" was "two"; "\$275.00" was "\$200.00"; "\$225.00" was "\$150.00".

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (b), \$350 was \$275; in (c), \$250 was \$195, and \$200 was \$180; added (d) and (e).

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).

19:41-9.15 Casino service employee registration fee

(a) Under section 91 of the Act, no person may be employed as a casino service employee unless such person is registered with the Commission. A casino service employee registration shall remain in effect unless revoked, suspended, limited, or otherwise restricted by the Commission in accordance with the provisions of the Act. The one time registration fee for a casino service employee shall be \$60.00.

(b) The Commission may waive the fee in (a) above in accordance with N.J.A.C. 19:41-9.14(e).

Amended by R.1982 d.162, effective June 7, 1982.

See: 14 N.J.R. 232(a), 14 N.J.R. 581(d).

Changed registration requirements.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a), \$60 was \$30; added (b).

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

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

19:41-9.16 (Reserved)

Amended by R.1982 d.57, effective March 1, 1982.

See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

Added \$80.00 additional fee for change from non-gaming to gaming related employee.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

(a) Substantially amended.

Amended by R.1989 d.47, effective January 17, 1989.

See: 20 N.J.R. 2647(a), 21 N.J.R. 175(a).

Added new (b); recodified old (b)-(d) as (c)-(e).

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a), \$75 was \$60, \$130 was \$55, and \$100 was \$80; other substantive revisions.

Amended by R.1994 d.217, effective May 2, 1994.

See: 26 N.J.R. 911(a), 26 N.J.R. 1847(a).

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

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

Section was "Employee license position additions and deletions".

19:41-9.17 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 or junket enterprise license which submits a check in payment of an application fee which is dishonored and returned by a bank after deposit.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Deleted the word "application".

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a) and (b), \$6 was \$4. Deleted old (c) and (d) regarding fees for copy of Casino Control Act and rules; added new (c).

19:41-9.18 (Reserved)

Repealed by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Section was "special assessment to operating casinos and casino license applicants".

19:41-9.19 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(9), 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.

(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. 19:41-9.4(f) which exceed its actual share as finally determined by the Commission 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. 19:41-9.4(f) 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.

As amended, R.1981 d.367, effective October 8, 1981.

See: 13 N.J.R. 531(b), 13 N.J.R. 709(a).

Added (b).

Amended by R.1985 d.583, effective November 18, 1985.

See: 17 N.J.R. 2242(a), 17 N.J.R. 2788(a).

19:41-9.20 Fees for services provided to other governmental bodies

(a) Whenever the Commission or Division is authorized by law to provide services to any State, county or municipal department, board, bureau, commission, authority or agen-

cy, and to receive compensation for the performance of such services, the Commission shall assess fees for the cost and expense of providing these services as follows:

1. Payment for the efforts of the Commission and the Division on matters directly related to other governmental bodies at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

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

New Rule, R.1985 d.583, effective November 18, 1985.

See: 17 N.J.R. 2242(a), 17 N.J.R. 2788(a).

Old rule recodified to 19:41-9.21.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Deleted old (a)1 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (a)1: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e) ..."

19:41-9.21 Powers and duties of Commission and Division

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

Amended by R.1985 d.583, effective November 18, 1985.

See: 17 N.J.R. 2422(a), 17 N.J.R. 2788(a).

Recodified from 9.20.

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. AGREEMENTS TO DO BUSINESS WITH CASINO LICENSEES

19:41-11.1 (Reserved)

Amended by R.1981 d.439, effective November 16, 1981.

See: 13 N.J.R. 626(a), 13 N.J.R. 847(e).

Changed catchline from "Application for approval" to "Presentation of the agreement".

Added vendor registration requirements and increased filing time from five to 10 days.

Petition for Rulemaking: Proposal to delete that portion of the rule that utilizes the formal offer and acceptance of the agreement as the trigger mechanism for the filing of a completed vendor registration form. Would propose to focus upon the date on which payment is rendered as a more readily identifiable event and would amend the rule to require the vendor registration form be filed within 10 days following the "tender of any monies to any enterprise".

See: 20 N.J.R. 824(a).

Amended by R.1991 d.531, effective November 4, 1991.

See: 23 N.J.R. 2486(b), 23 N.J.R. 3347(a).

In (c): extended filing time to 20 calendar days from 10; added new text as (c)1 and 2.

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Exception added at (d); termination specified.

Amended by R.1993 d.4, effective January 4, 1993.

See: 24 N.J.R. 3694(a), 25 N.J.R. 200(a).

In subsection (c): adds text requiring vendor registration for any enterprise that has entered an agreement which the Commission determines is governed by subsection 104(b) of the Act and by N.J.A.C. 19:41-11.1. Clarifies that a casino licensee or applicant is required to file a vendor registration form for each bus company with which the licensee maintains an agreement to provide the bus company's passengers with complimentary services or items upon arrival.

Recodified as 19:43-10.2 by R.1994 d.220, effective May 2, 1994.

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

Section was "Presentation of the agreement".

19:41-11.2 (Reserved)

Amended by R.1981 d.439, effective November 16, 1981.

See: 13 N.J.R. 626(a), 13 N.J.R. 847(e).

Added "exemption of persons providing goods or services in insignificant amounts". Changed "denial of application" to "disapproval of agreement".

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Requirement for Commission review of suitability of agreements made optional.

Recodified as 19:43-10.3 by R.1994 d.220, effective May 2, 1994.

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

Section was "Suitability of the agreement".

19:41-11.3 (Reserved)

As amended, R.1981 d.439, effective November 16, 1981.

See: 13 N.J.R. 626(a), 13 N.J.R. 847(e).

Replaced (g)1 and 2 with 1, 2 and 3. Added subsection (h).

Amended by R.1988 d.443, effective September 19, 1988.

See: 20 N.J.R. 1537(b), 20 N.J.R. 2399(a).

Added (h) and (j), renumbered old (h) to (i), deleted old (i); renumbered old (j) to (k).

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Requirement added for Commission review of agreements for junket enterprises, and any other enterprises likely to do business with casinos. Repealed by R.1994 d.220, effective May 2, 1994.

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

Section was "Casino service industry license applications".

19:41-11.4 (Reserved)

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Requirement for Commission review of agreements made optional; address changed.

Repealed by R.1994 d.220, effective May 2, 1994.

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

Section was "Competition within casino service industries".

SUBCHAPTER 12. LABOR ORGANIZATIONS REGISTRATION

19:41-12.1 Definitions

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

"Affiliates" means labor organizations chartered by the same parent body, or governed by the same constitution and bylaws, or labor organizations having the relation of parent and subordinate.

"Certified bargaining representative" means a labor organization which has been certified as the representative of employees under the National Labor Relations Act, as amended.

"Fiduciary to pension or welfare system" means a person is a fiduciary with respect to a pension or welfare system to the extent:

1. He exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management of disposition of its assets;
2. He renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so; or
3. He has any discretionary authority or discretionary responsibility in the administration of such plan.

"Labor organization" means any organization of any kind, any union, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or systems board, or joint council which is subordinate to a national or international labor organization.

"Labor organization agent" or "agent" means any person, whether compensated or not, who is authorized or allowed to represent a labor organization in any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or who undertakes on behalf of the labor organization to promote, facilitate or otherwise influence the relations between the labor organization and the casino licensee.

"Labor organization officer" or "officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary/treasurer or other executive functions of a labor organization, and any member of its executive board or similar governing body.

"Labor organization principal employee" or "principal employee" means any employee of a labor organization who, by reason of remuneration or of a management, supervisory or policy making position exercises any authority, discretion or influence with regard to any matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee.

"Officers and agents of pension or welfare systems" means all elected officials and key administrative personnel, whether elected or appointed, including administrators, trustees, and all other fiduciaries to the system.

"Pension or welfare system maintained by a labor organization" means any pension or welfare system created or established by a labor organization or one or more of the trustees or one or more members of the governing body of which is selected or appointed by the labor organization.

"Pension system" means any plan, fund or program which is maintained by a labor organization, or by a labor organization and an employer, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund or program provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

"Welfare system" means any plan, fund or program which is maintained by a labor organization or by a labor organization and an employer, to the extent that such plan, fund or program was established or is maintained for the purposes of providing for its participants, or their beneficiaries, through the purchase of insurance or otherwise, medical surgical, or hospital care or benefits, or benefits in the event of sickness, accident disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or any other such benefit other than pension on retirement or death, and insurance to provide such pensions.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Case Notes

"Agent" definition applied. 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).

19:41-12.2 Registration required

Each labor organization, union or affiliate representing or seeking to represent employees who are employed in a casino hotel, casino, or casino simulcasting facility by a casino licensee shall register with the Commission annually in accordance with N.J.S.A. 5:12-93 and the rules of the Commission.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.3 Registration exemption; standards and findings

(a) The Commission may in its discretion exempt any labor organization, union, or affiliate from annual registra-

tion in accordance with the requirements of N.J.S.A. 5:12-93a.

(b) The Commission may find that a labor organization which is an affiliate of a registered labor organization is exempt from the registration requirements of Section 93 of the Act based upon the information provided to the Commission by the registrant labor organization. Where the Commission bases an exemption finding on such information, the exemption shall be subject to revocation upon disclosure to the Commission either by the registrant, by the Division or otherwise of any information which indicates that the affiliate does not meet the standards for exemption.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.4 Initial filing of registration statement

(a) Within 30 days of the date on which it begins organizing activities directed at the employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or within such additional time as the Commission may, upon a showing of good cause, permit, a labor organization, union or affiliate shall file with the Commission an application for labor organization registration in accordance with N.J.A.C. 19:41-12.4A.

(b) For purposes of this section, organizing activities shall include, without limitation, soliciting membership by means of any direct personal contact, or any public notices such as the posting or distribution of fliers, posters or advertisements.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.4A Application for initial and renewal of labor organization registration

(a) An application for initial or renewal labor organization registration shall consist of the fee specified in N.J.A.C. 19:41-9.10 and a completed original and one copy of the following:

1. A Labor Organization Registration Statement as set forth in N.J.A.C. 19:41-5.13; and
2. Any Labor Organization Individual Disclosure Forms as set forth in N.J.A.C. 19:41-5.14 required pursuant to N.J.A.C. 19:41-12.9.

New Rule, R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.5 Duration of registration; renewal

An initial labor organization registration shall be for a period of one year from the date on which the initial Labor Organization Registration Statement is accepted for filing by the Commission. Subsequent Labor Organization Registration Statements shall be filed annually pursuant to N.J.A.C. 19:41-12.4A no later than 120 days prior to the expiration of the current registration period.

As amended, R.1981 d.367, eff. October 8, 1981.
See: 13 N.J.R. 531(b), 13 N.J.R. 709(a).

"120" days was "90".

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.6 Continuing duty to disclose

Every registered labor organization shall be under a continuing duty to promptly disclose any change in the information contained in the Labor Organization Registration Statement set forth in N.J.A.C. 19:41-5.13 or any information otherwise requested by the Commission or the Division.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.7 Federal reports exception

Notwithstanding the reporting requirements imposed by N.J.S.A. 5:12-93 and the rules of the Commission, no labor organization, union, affiliate or person shall be required to furnish any information which is included in a report filed by any labor organization, union, affiliate or person with the Secretary of Labor pursuant to 29 U.S.C. Section 431, et seq. (Labor-Management Reporting and Disclosure Act) or 29 U.S.C. Section 1001 et seq. (Employee Retirement Income Security Act) if a copy of such report, or if the portion thereof containing such information, is furnished to the Commission pursuant to the aforesaid Federal provisions.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.8 (Reserved)

Repealed by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Section was "Qualification of officers, agents and principal employees".

19:41-12.9 Officers, agents and principal employees; initial and renewal filing requirements

(a) Every officer, agent and principal employee of a labor organization, union or affiliate required to register with the Commission pursuant to N.J.S.A. 5:12-93 and the rules of the Commission shall file with the Commission a completed original and one copy of a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 19:41-5.14.

(b) Notwithstanding (a) above, a Labor Organization Individual Disclosure Form need not be filed by an officer of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee provided that the Commission or the Division may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register pursuant to N.J.S.A. 5:12-93.

(c) Each officer, agent or principal employee required to file a Labor Organization Individual Disclosure Form shall do so initially at the time the pertinent labor organization, union or affiliate applies or should apply for registration, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Commission may, upon a showing of good cause, permit.

(d) Each individual who has filed an initial Labor Organization Individual Disclosure Form shall annually file with the Commission an updated original and one copy of a Labor Organization Individual Disclosure Form at the time the pertinent labor organization files for renewal of its registration pursuant to N.J.A.C. 19:41-12.4A.

(e) Notwithstanding the requirements of N.J.S.A. 5:12-93 and this section, the Commission may waive any disqualification criterion of N.J.S.A. 5:12-86 with respect to any officer, agent or principal employee of a labor organization, union or affiliate in accordance with the standards set forth in N.J.S.A. 5:12-93b.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.10 (Reserved)

Repealed by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Section was "Waiver of disqualification criteria".

19:41-12.11 Interest in casino hotel or casino licensee prohibited

In accordance with N.J.S.A. 5:12-93c, neither a labor organization, union or affiliate nor its officers and agents not otherwise individually licensed under the Act and employed by a casino licensee may hold any financial interest whatsoever in the casino hotel, casino, casino simulcasting facility or casino licensee whose employees they represent.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.12 Failure to comply; consequences

(a) The Commission may impose any sanction permitted by the Act including the imposition of fines or the revocation of any registration, if:

1. A labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.4 and 12.5 or fails to provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission;

2. Any officer, agent or principal employee of such labor organization, union or affiliate has been found disqualified by the Commission in accordance with the provisions of the Act or the rules of the Commission;

3. The labor organization, union, affiliate or any officer or agent thereof holds a prohibited interest in a casino hotel, casino, or casino simulcasting facility, or casino licensee; or

4. An officer, agent or principal employee of a labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.9 or fails to provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission.

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. APPLICATIONS FOR THE RENEWAL OF EMPLOYEE LICENSES

19:41-14.1 Scope of subchapter; effect of expiration of license

(a) This subchapter shall govern applications for the renewal of casino key employee and casino employee licenses.

(b) Except as otherwise provided by N.J.A.C. 19:41-14.4 and 19:42-3.8, no applicant for the renewal of an employee license may, after the expiration date of that license, be employed on the basis of that license by a casino licensee or gaming school in any position which requires the possession of a current and valid employee license.

Amended by R.1995 d.282, effective June 5, 1995.
See: 27 N.J.R. 1171(a), 27 N.J.R. 2251(a).

19:41-14.2 Time for filing

(a) An application for the renewal of an employee license shall be mailed to each employee licensee at the address on file with the Commission at least seven months prior to the expiration date of his or her license. The completed application for renewal shall be filed with the Commission no later than the last day of the month which is five months prior to the month in which the current license term expires. The filing deadlines for employee license renewal applications are as follows:

If the Current License
Term Expires on the
Last Day of:

January
February
March
April

Then the Renewal Application
Must be Filed by the Last
Day of:

August of prior year
September of prior year
October of prior year
November of prior year

If the Current License Term Expires on the Last Day of:	Then the Renewal Application Must be Filed by the Last Day of:
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May	December of prior year
June	January of current year
July	February of current year
August	March of current year
September	April of current year
October	May of current year
November	June of current year
December	July of current year

(b) No application shall be considered filed in accordance with (a) above unless:

1. The application contains all application materials required by N.J.A.C. 19:41-14.3; and
2. All application materials have been completed in accordance with the requirements of the Act, the Commission's regulations and any instructions included with the materials.

(c) Any applicant for the renewal of an employee license who files an incomplete renewal application within the filing deadline specified in (a) above shall be promptly notified by the Commission of any deficiency in the renewal application. To qualify as an "incomplete renewal application" for purposes of this section, an application must include, at a minimum, the license renewal fee and an Employee License Renewal Application form (see N.J.A.C. 19:41-14.3). Any licensee filing an incomplete renewal application shall have until the filing deadline established in (a) above or 21 days from the date of service of the deficiency notice, whichever is later, to file a complete renewal application.

(d) Failure of a licensee to file a complete renewal application with the Commission in accordance with the requirements of (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. 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 casino key employee licensee whose license expires due to the failure of the licensee to file a complete and timely renewal application in accordance with the provisions of this section shall not be eligible to receive a temporary casino key employee license until one year after the expiration date of the former license.

(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.

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; and

3. 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 or a gaming school-resident director 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".

19:41-14.4 Modification 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 for a modification of his or her current license at renewal to a casino employee license.

(b) An application for modification of an employee license at renewal shall be in writing and shall be subject to the following requirements:

1. The applicant shall be required to file a complete application for the renewal of the modified license in accordance with the requirements of N.J.A.C. 19:41-14.2 and 14.3; and

2. The applicant shall be required to demonstrate that he or she satisfies the educational or experiential requirements for the modified license and any positions to be endorsed thereon.

(c) Notwithstanding (b)1 above, any applicant who has filed a complete and timely application for the renewal of his or her current employee license 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, file a written application for modification of his or her current license at renewal.

1. The application for modification shall include any information necessary to satisfy the requirement of (b)2 above.

2. If the application for modification is submitted by a casino key employee who requests renewal as a junket representative, the application shall also include the form and affirmation required by N.J.A.C. 19:41-14.3(c).

3. An applicant who files an application for modification of an employee license at renewal after the application deadline for the current license shall:

- i. 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); and

- ii. Be obligated to pay any expenses which have been incurred by the Commission and Division in processing the application for renewal of the current license which are in excess of the renewal deposit as of the date that the application for modification was received.

Amended by R.1995 d.282, effective June 5, 1995.

See: 27 N.J.R. 1171(a), 27 N.J.R. 2251(a).

19:41-14.5 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. 19:41-4.3, 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.