

## 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 Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983.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 Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989.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 Persons required to obtain a casino key employee license

(a) Any natural person who will be employed by a casino licensee in a position that includes any responsibility or authority listed below, regardless of job title, shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89:

1. The supervision of specific areas of casino or simulating operations. Such positions shall include, without limitation, persons who:

i. Function as a casino shift manager in accordance with N.J.A.C. 19:45-1.12(b)8;

ii. Function as a pit boss in accordance with N.J.A.C. 19:45-1.12(b)6;

iii. Function as a poker shift supervisor in accordance with N.J.A.C. 19:45-1.12(b)7;

iv. Function as a slot shift manager in accordance with N.J.A.C. 19:45-1.12(h)4;

v. Supervise the repair and maintenance of slot machines and bill changers;

vi. Supervise surveillance investigations or the operation of the surveillance department during a shift;

vii. Supervise security investigations or the operation of the security department during a shift;

viii. Function as a cage manager in accordance with N.J.A.C. 19:45-1.11(b)8 or 9;

ix. Supervise the operation of the cashiers' cage, table games cage or slot machine cage during a shift. Persons who supervise the operation of a cashiers' cage, table games cage or slot machine cage, in a position directly subordinate to the cage shift manager, shall be required to obtain a key license where the organization of the cage operations, the size of the casino operation, the nature and volume of the transactions performed by the cage and the number and locations of cage operations indicate that such person exercises a comparable level of responsibility and authority;

iv. Copies of all annual financial statements, whether audited or unaudited, 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 enterprise or, if the enterprise is registered with the Securities Exchange Commission (SEC), a copy of the most recently filed Form 10Q;

vi. Any current report prepared due to a change in control of the enterprise, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the enterprise's certifying accountant or any other material event, or, if the enterprise is registered with the SEC, a copy of the most recently 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 within the last five years by independent auditors for the enterprise which pertain to the issuance of financial statements, managerial advisory services or internal control recommendations;

31. An organizational chart of the enterprise, including position descriptions and the name of the person holding each position; and

32. Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years.

(b) In addition to the information in (a) above, a completed BED-Gaming shall include the following documents, which shall be dated and signed by either the president, chief executive officer, partners, general partner, sole proprietor or other authorized person and notarized:

1. An Affidavit of Truth;

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 enterprise as requested by the Commission and Division; and

3. An acknowledgement of receipt of notice regarding confidentiality, consent to search and non-refundability of filing fees.

New Rule, R.1995 d.370, effective July 17, 1995.  
See: 27 N.J.R. 1533(b), 27 N.J.R. 2704(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 Personal History Disclosure (PHD) Form or Qualifier Disclosure Form (QDF), 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 subsection 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. Except as otherwise provided by N.J.A.C. 19:41-7.7, a certification by the Division that the applicant has been fingerprinted in accordance with that section; and

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

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

(c) 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 above upon the request of the Division.

New Rule, R.1994 d.280, effective June 6, 1994.

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 agency, 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.