

**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 Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983.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 Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989.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;

- x. Supervise the hard count or soft count room;
  - xi. Supervise the patron check collection unit;
  - xii. Function as a simulcast counter shift supervisor in accordance with N.J.A.C. 19:45-1.12(i)2; or
  - xiii. Function as a keno manager or keno supervisor;
2. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating casino or simulcast facility operations. Such positions shall include, without limitation, persons who:
- i. Function as an officer or comparable non-corporate employee of the casino licensee;
  - ii. Function as a casino manager in accordance with N.J.A.C. 19:45-1.11(b)4 and 1.12(b)9;
  - iii. Function as a slot department manager in accordance with N.J.A.C. 19:45-1.11(b)5 and 1.12(h)5;
  - iv. Function as a director of surveillance in accordance with N.J.A.C. 19:45-1.11(b)1;
  - v. Function as a director of security in accordance with N.J.A.C. 19:45-1.11(b)7;
  - vi. Function as a controller in accordance with N.J.A.C. 19:45-1.11(b)8;
  - vii. Function as a credit manager in accordance with N.J.A.C. 19:45-1.11(b)6;
  - viii. Function as an audit department executive in accordance with N.J.A.C. 19:45-1.11(b)2;
  - ix. Function as an MIS department manager in accordance with N.J.A.C. 19:45-1.11(b)3;
  - x. Function as a simulcast counter manager in accordance with N.J.A.C. 19:45-1.12(i)3;
  - xi. Manage a marketing department;
  - xii. Function as an assistant manager of a mandatory casino department;
  - xiii. Function as an equal opportunity officer in accordance with N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53-1.4; or
  - xiv. Manage casino administrative operations; or
3. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating the management of an approved hotel. Such positions shall include, without limitation, persons who:
- i. Manage the operation of the hotel;
  - ii. Manage the entertainment activities of the casino licensee;
  - iii. Manage the food and beverage operations of the casino licensee; and

- iv. Manage the human resource activities of the casino licensee.

(b) In addition to the persons required to hold a casino key employee license pursuant to (a) above, any natural person who will be employed in a position designated by the Commission, for reasons consistent with the policies of the Act, as a casino key employee in the jobs compendium of a casino licensee 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. Such positions shall include, without limitation, any employee of a casino licensee who:

- 1. Is required to be qualified pursuant to N.J.S.A. 5:12-85c;
- 2. Will provide legal representation for the casino licensee in matters before the Commission or provide legal counsel regarding compliance with the Act or the rules of the Commission;
- 3. Will purchase or contract for goods and services involving an annual expenditure of \$10,000 or more;
- 4. May authorize the issuance of patron credit;
- 5. May authorize the issuance of cash complimentary in the amount of \$10,000 or more in accordance with N.J.A.C. 19:45-1.9B;
- 6. Will serve as a compliance officer in accordance with N.J.A.C. 19:45-1.11; and
- 7. Will supervise an employee who is required to be licensed as a casino key employee.

New Rule, R.1995 d.467, effective August 21, 1995.  
See: 27 N.J.R. 2116(a), 27 N.J.R. 3222(a).  
Administrative Correction.  
See: 28 N.J.R. 1403(a).

#### Historical Note

A former N.J.A.C. 19:41-1.1, "Casino licenses" was repealed by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

#### 19:41-1.2 Persons required to obtain a casino employee license

(a) Any natural person who will be employed in the operation of a licensed casino or a simulcasting facility, or whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith, or regularly requires work in a restricted casino area shall be required to hold, prior to such employment, a current and valid casino employee license issued in accordance with N.J.S.A. 5:12-90 unless a casino key employee license is otherwise required by N.J.S.A. 5:12-9 and N.J.A.C. 19:41-1.1. Such positions shall include, without limitations, persons who:

- 1. Function as a dealer in accordance with N.J.A.C. 19:45-1.12(b)2;

2. Function as a boxperson in accordance with N.J.A.C. 19:45-1.12(b)4;

3. Function as a floorperson in accordance with N.J.A.C. 19:45-1.12(b)5;

4. Perform, under the supervision of an audit department executive, the duties and responsibilities of the internal audit department in accordance with N.J.A.C. 19:45-1.11(b)2, including, without limitation, the supervision of personnel in the internal audit department; the monitoring of compliance with regulations and internal controls; and the evaluation of the adequacy of accounting and administrative controls;

5. Perform, under the supervision of a controller, the duties and responsibilities of the casino accounting department in accordance with N.J.A.C. 19:45-1.11(b)8 including, without limitation, the supervision of personnel in the casino accounting department; overseeing the review, verification and recordation of casino revenue journal entries; and the processing or control of active accounting documents related to casino gaming activity;

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

7. Conduct surveillance investigations and operations in accordance with N.J.A.C. 19:45-1.11(b)1;

8. Repair and maintain slot machines and bill changers in accordance with N.J.A.C. 19:45-1.12(h)1;

9. Assist in the operation of slot machines and bill changers, including, without limitation, persons who participate in manual jackpot payouts and fill payout reserve containers, or supervise such persons in accordance with N.J.A.C. 19:45-1.12(h)3;

10. Participate in the operation of simulcast wagering or keno wagering;

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

12. Function as a junket representative as defined in N.J.S.A. 5:12-29.2 and N.J.A.C. 19:49-2.1;

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

14. Enter data in gaming-related computer systems or develop, maintain, install or operate gaming-related computer software systems;

15. Collect and record, pursuant to N.J.A.C. 19:45-1.29, patron checks and personal checks which are dishonored and returned by a bank;

16. Develop marketing programs to promote casino gaming including, without limitation, coupon redemption and other complimentary distribution programs;

17. Distribute, redeem, account for or inventory coupons which are considered in the calculation of gross revenue;

18. Process or maintain information on credit applications or the redemption of counterchecks;

19. Process coins, currency, gaming chips, gaming plaques, slot tokens or cash equivalents;

20. Repair or maintain the closed circuit television system equipment that is required by N.J.A.C. 19:45-1.10 as an employee of the surveillance department;

21. Are being trained to become a surveillance employee pursuant to N.J.A.C. 19:41-1.2A(b);

22. Provide physical security in a casino, casino simulcasting facility or restricted casino area;

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

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

25. Repair gaming equipment other than slot machines;

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

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

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

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

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

#### Historical Note

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

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

No natural person shall be employed as a casino key employee pursuant to N.J.S.A. 5:12-9 and N.J.A.C. 19:41-1.1 or as a casino employee pursuant to N.J.S.A. 5:12-7 and N.J.A.C. 19:41-1.2 unless he or she is 18 years of age or older, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States. No natural person shall be employed as a casino service employee registrant pursuant to N.J.S.A. 5:12-91 unless he or she has attained the age required for employment by the laws of the state in which he or she will be employed, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States.

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

ii. Bank accounts and safe deposit boxes; and

iii. Copies of Federal tax returns and related information.

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

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

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

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

4. Business owned;

5. Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;

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

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

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

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

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

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

i. Arrests, charges or convictions for any criminal or disorderly persons offenses committed by the applicant or any member of the applicant's immediate family;

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

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

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

v. Any citation or charge for a violation of a statute, regulation or code of any jurisdiction, other than a criminal, disorderly persons, petty disorderly persons or motor vehicle violation; and

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

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

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

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

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

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

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

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

2. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or the Division.

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

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

(a) A Request to Determine Employment or Reapplication Eligibility Form shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Name, including any aliases or nicknames;
2. Date of birth;
3. Current address;
4. A physical description;
5. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. §552a;
6. Arrests, convictions, charges or offenses committed;
7. Reasons for the denial or revocation of any casino employee license or registration; and
8. A written statement of the facts and circumstances which warrant the relief sought.

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

1. Letters of reference and supporting documentation;
2. A signed, dated and notarized certification of truth; and
3. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or Division; and
4. If the request is filed pursuant to N.J.A.C. 19:41-8.11:
  - i. The documents required for identification by N.J.A.C. 19:41-7.2A; and
  - ii. An offer of employment from a CHAB licensee.

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

**19:41-5.6 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;