

New Rule, R.1996 d.69, effective February 5, 1996.  
 See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).  
 Amended by R.2002 d.281, effective September 3, 2002.  
 See: 34 N.J.R. 1604(a), 34 N.J.R. 3126(b).  
 Rewrote (d).

#### Cross References

Conditions for granting petitions for employment not requiring a license or registration, see N.J.A.C. 19:42-2.11A.

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

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

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

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

(d) If the Commission denies a petition for permission to obtain employment as a CHAB employee, the petitioner shall not, except as otherwise provided in (e) below, apply for any license, registration, qualification or approval or, pursuant to N.J.S.A. 5:12-106c, be employed by a casino licensee in a position that does not require a license or registration, until five years have elapsed from the date that the petition is denied.

(e) Any natural person who is barred from reapplication for five years pursuant to (d) above may file a petition for early reapplication pursuant to N.J.A.C. 19:41-8.9, a petition for permission to obtain employment in a position which does not require a license or registration pursuant to N.J.A.C. 19:41-8.10 or a petition for permission to obtain employment as a CHAB employee pursuant to this section after one year from the date that the petition is denied.

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 See: 34 N.J.R. 1604(a), 34 N.J.R. 3126(b).  
 Rewrote (d); added (e).

## 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 take the following administrative actions, as applicable, with regard to such person:

1. Dismiss any application submitted by such person;
2. Suspend any license or registration held by such person;
3. Suspend any permission granted to such person pursuant to N.J.A.C. 19:41-8.10 or 8.11;
4. Prohibit the filing of an application for any license or registration;
5. Prohibit employment by a casino licensee or applicant in a position that does not require a license or registration;
6. Prohibit the transaction of any direct or indirect business with a casino licensee or applicant;
7. Prohibit the holding of a position with any casino service industry licensee or applicant for which such person would be required to establish his or her qualification pursuant to N.J.A.C. 19:51-1.14;
8. Prohibit the holding of a principal employee position as defined in N.J.A.C. 19:41-5.11(a)12 or 5.12(a)10 with any vendor registrant or junket enterprise registrant; and
9. Prohibit the holding of a position with any casino licensee for which such person would be required to establish his or her qualification pursuant to N.J.A.C. 19:43-2.2.

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

Amended by R.1996 d.248, effective June 3, 1996.

See: 28 N.J.R. 1497(a), 28 N.J.R. 3007(a).

Amended by R.1999 d.151, effective May 17, 1999.

See: 31 N.J.R. 521(a), 31 N.J.R. 1359(b).

Rewrote (f); and in (g), inserted "or the Vendor or Junket Registration Form was filed" following "submitted" and made a corresponding language change.

#### 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;