

**CHAPTER 41
APPLICATIONS**

Authority

N.J.S.A. 5:12-63c, 69a, 70a-c, 70e, 89,
90, 90b, 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 Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983.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 Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989.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 simulcasting operations. Such positions shall include, without limitation, persons who:

i. Function as a table games 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)7;

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 or function as a count room supervisor in accordance with N.J.A.C. 19:45-1.33 or 1.43;

(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. 19:40-3.7, 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).
Amended by R.1997 d.36, effective January 21, 1997.
See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).
In (b), amended N.J.A.C. reference.

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."

Case Notes

Casino's decision to terminate supervisors who had experience in dealing only one game did not constitute age discrimination. *Maidenbaum v. Bally's Park Place, Inc.*, D.N.J.1994, 870 F.Supp. 1254, affirmed, 67 F.3d 291.

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 Tuffi, 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:

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 personal 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 or an applicant required to qualify pursuant to N.J.S.A. 5:12-102c 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 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: 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).
Amended by R.1995 d.621, effective December 4, 1995.
See: 27 N.J.R. 319(a), 27 N.J.R. 4910(a).
Amended by R.1997 d.1, effective January 6, 1997.
See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).
In (a)1i, amended N.J.A.C. reference; and, in (a)1ii, deleted reference to gaming school employee license.

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 Tuffi, 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 or who seeks permission to obtain employment as a CHAB employee pursuant to N.J.A.C. 19:41-8.11 shall establish his or her identity to a reasonable certainty.

(b) A natural person may establish his or her identity pursuant to (a) above by providing either:

1. One of the following authentic documents:

i. A current 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).

Amended by R.1996 d.69, effective February 5, 1996.

See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

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

(a) Each applicant, licensee, registrant and natural person required to be qualified, except for an applicant required to be qualified pursuant to subsection 92c of the Act by virtue of his or her position with a casino service industry enterprise, shall be fingerprinted under the supervision of the Division without charge. The Commission may, for good cause shown, permit an applicant to alternatively submit

three sets of classifiable fingerprints on fingerprint impression cards provided by the Commission.

(b) Nothing in this section shall relieve a person who submits fingerprints pursuant to (a) above from the continuing duty imposed pursuant to N.J.A.C. 19:41-7.3 or N.J.S.A. 5:12-78.

Amended by 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.621, effective December 4, 1995.

See: 27 N.J.R. 319(a), 27 N.J.R. 4910(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.