

**CHAPTER 41
APPLICATIONS**

Authority

N.J.S.A. 5:12-63c, 69a, 70a through c, 70e, 89, 90, 91, 92, 93, 139 and 141.

Source and Effective Date

R.2010 d.197, effective August 18, 2010.
See: 42 N.J.R. 1017(a), 42 N.J.R. 2275(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 41, Applications, expires on August 18, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 41, Applications, 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 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 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 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. 306(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, 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 Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983.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, Applications, 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Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989.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, 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, Applications, 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 new rules by R.1993 d.429, effective September 7, 1993. See: 25 N.J.R. 2655(a), 25 N.J.R. 4120(a).

Subchapter 11, Agreements To Do Business with Casino Licenses, was in part repealed and in part recodified to N.J.A.C. 19:43-10 by R.1994 d.220, effective May 2, 1994. See: 26 N.J.R. 339(b), 26 N.J.R. 1847(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1995 d.242, effective April 13, 1995. See: 27 N.J.R. 647(a), 27 N.J.R. 2011(a).

Subchapter 6, Statements of Compliance, was repealed by R.1996 d.352, effective August 5, 1996. See: 28 N.J.R. 2350(a), 28 N.J.R. 3817(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.2000 d.196, effective April 13, 2000, and Subchapter 3, Persons Required To Be Qualified, was repealed by R.2000 d.196, effective May 15, 2000. See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

Chapter 41, Applications, was readopted as R.2005 d.148, effective April 15, 2005. See: 37 N.J.R. 427(b), 37 N.J.R. 1754(a).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from April 15, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 42 N.J.R. 1017(a).

Chapter 41, Applications, was readopted as R.2010 d.197, effective August 18, 2010. 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;

Amended by R.2003 d.117, effective March 17, 2003.

See: 34 N.J.R. 3941(a), 35 N.J.R. 1428(a).

In (a)1xiii, deleted "or keno shift supervisor".

Amended by R.2005 d.216, effective July 5, 2005.

See: 36 N.J.R. 3242(a), 37 N.J.R. 2561(a).

In (a)2ix inserted "or as an MIS security officer" following "Function as an MIS department manager".

Administrative correction.

See: 42 N.J.R. 521(b).

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).

Case Notes

Casino key employee license; rehabilitation. Application of Tufi for a Casino Key Employee License, 95 N.J.A.R.2d (CCC) 18.

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 limitation, 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)7 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, including a keno supervisor as required by N.J.A.C. 19:45-1.12(j)2;

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 casino computer systems or develop, maintain, install or operate casino computer systems or related software;

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, inventory, or assign for distribution coupons that are considered in the calculation of gross revenue as defined in N.J.A.C. 19:40-1.2, provided, however, that:

- i. Employees whose duties and responsibilities are limited to the nondiscretionary distribution of coupons to patrons shall not be required to obtain a license; and
- ii. Notwithstanding (a)27 below, any person who supervises an employee exempted from licensure by (a)17i above shall be required to obtain a casino employee license;

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).

Amended by R.1998 d.18, effective January 5, 1998.

See: 29 N.J.R. 3432(b), 30 N.J.R. 112(b).

Amended by R.2002 d.207, effective July 1, 2002.

See: 34 N.J.R. 1249(a), 34 N.J.R. 2336(b).

In (a), rewrote 17.

Amended by R.2003 d.117, effective March 17, 2003.

See: 34 N.J.R. 3941(a), 35 N.J.R. 1428(a).

In (a), rewrote 10.

Amended by R.2005 d.216, effective July 5, 2005.

See: 36 N.J.R. 3242(a), 37 N.J.R. 2561(a).

In (a)14 substituted "casino" for "gaming-related" throughout, and substituted "computer systems or related software" for "computer software systems".

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 license and registrant requirements; authorization to work in the United States

(a) No natural person shall be employed by a casino licensee in any capacity unless he or she is a citizen of the United States or can demonstrate that he or she holds a current and valid work authorization issued by the United States Department of Justice, Immigration and Naturalization Service and is not restricted from working in the capacity for which employment is sought. "Authorization to work in the United States" may be demonstrated by the presentation of a permanent resident alien card, a temporary employment authorization card or any other such documentation submitted by an applicant which the Commission determines to provide sufficient evidence of such authorization.

(b) 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.

(c) No natural person shall perform the functions of a casino service employee registrant pursuant to N.J.S.A. 5:12-11.1 unless he or she has attained the age required for such employment by the laws of the state in which he or she will be employed.

(d) No natural person under 18 years of age shall perform the functions of a casino service employee in any casino alcoholic beverage location, as set forth in N.J.A.C. 19:50-1.4, unless such employment is otherwise authorized by N.J.A.C. 13:2-14.

Amended by R.1979 d.379, effective October 19, 1979.

See: 11 N.J.R. 418(b), 11 N.J.R. 599(e).

Amended by R.1990 d.209, effective April 16, 1990 (operative June 18, 1990).

See: 22 N.J.R. 22(b), 22 N.J.R. 1271(c).

In (a): revised to include language "or the management of an approved hotel ..." and "holds a current and valid ...". Clarified text to specify positions that require a casino key employee license.

In (a)3: changed "supervisors" to "credit executives."

In (a)4: changed "cashiers" to "casino cashier supervisors."

In (b): revised language to specify positions that require a casino employee license. Added "restricted" to define casino. Renumbered (b)5-9 as (b).

Deleted (b)5, "Bartenders" and (b)7, "waitresses."

In new (b)5, added "and waitresses ... areas."

Renumbered (b)6-9 as (b)5-7.

In (c): revised text to specify requirements for those positions requiring a casino hotel employee registration. In (h): added new text to specify procedures regarding renewal of license credentials.

Notice of Receipt of Petition for Rulemaking.

See: 22 N.J.R. 1635(b).

Amended by R.1990 d.448, effective September 4, 1990.

See: 22 N.J.R. 1911(a), 22 N.J.R. 2752(b).

In (f): deleted phrase, "... shall be numerically controlled ..." regarding the license holder.

Administrative Correction in (a) to correct spelling of employee.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Casino simulcasting added.

Amended by R.1993 d.84, effective February 16, 1993.

See: 24 N.J.R. 4335(b), 25 N.J.R. 712(a).

Repealed (d) through (h), regarding display of license credentials and lost or destroyed credentials.

Amended by R.1994 d.171, effective April 4, 1994.

See: 26 N.J.R. 339(a), 26 N.J.R. 1538(b).

Amended by R.1995 d.285, effective June 5, 1995.

See: 26 N.J.R. 2218(a), 27 N.J.R. 2254(a).

Amended by R.1995 d.467, effective August 21, 1995.

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

Substantially amended the section.

Amended by R.2000 d.62, effective February 22, 2000.

See: 31 N.J.R. 3940(a), 32 N.J.R. 717(b).

Substituted "perform the functions of" for "be employed as" following "shall" and changed N.J.S.A. reference in the second sentence, and added a third sentence.

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

Inserted a new (a); added paragraph identifiers (b) through (d); in (b) through (d), deleted references to citizen of United States.

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.

19:41-1.3A Credentials

The credential issued to casino key employees, casino employees and casino service employees shall contain the inscription "State of New Jersey Casino Control Commission," the seal of the State of New Jersey, a picture of the licensee or registrant, a license or registration number, the type of license or registration and an expiration date. Credentials shall also include the signature of the licensee or registrant and the following information: name, address, date of birth, sex, height, weight, hair color and eye color and indicate whether the licensee or registrant requires work authorization from the United States Department of Justice, Immigration and Naturalization Service.

New Rule R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

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

(a) While engaged in the performance of his or her duties on the premises of the casino hotel, each casino key employee, casino employee and casino service employee shall have the license credential issued to him or her by the Commission on his or her person at all times, and each casino key employee and casino employee shall wear in a conspicuous manner any access badge required pursuant to (b) below or, if no access badge is required, his or her license credential while present in a restricted area.

(b) Except as otherwise provided in the approved internal controls of a casino licensee submitted pursuant to N.J.A.C. 19:45-1.12A, each casino key employee and casino employee of a casino licensee shall wear in a conspicuous manner a badge or similar form of identification (an "access badge") for purposes of identifying the restricted areas in the employer's establishment to which that employee may obtain access in the course of the performance of his or her normal duties.

(c) No casino licensee shall permit a casino key employee or casino employee to perform his or her duties on the premises of the casino hotel unless the employee is wearing an access badge required by N.J.A.C. 19:45-1.12A and (b) above or, if no access badge is required, his or her license credential in accordance with (a) above.

(d) Notwithstanding (a) through (c) above, the Chairman may, upon written request by a casino licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section. The Chairman may delegate the authority to make such determinations to the Director of the Division of Licensing.

(e) Each casino licensee shall provide each casino employee and casino key employee with the access badge required pursuant to (b) above.

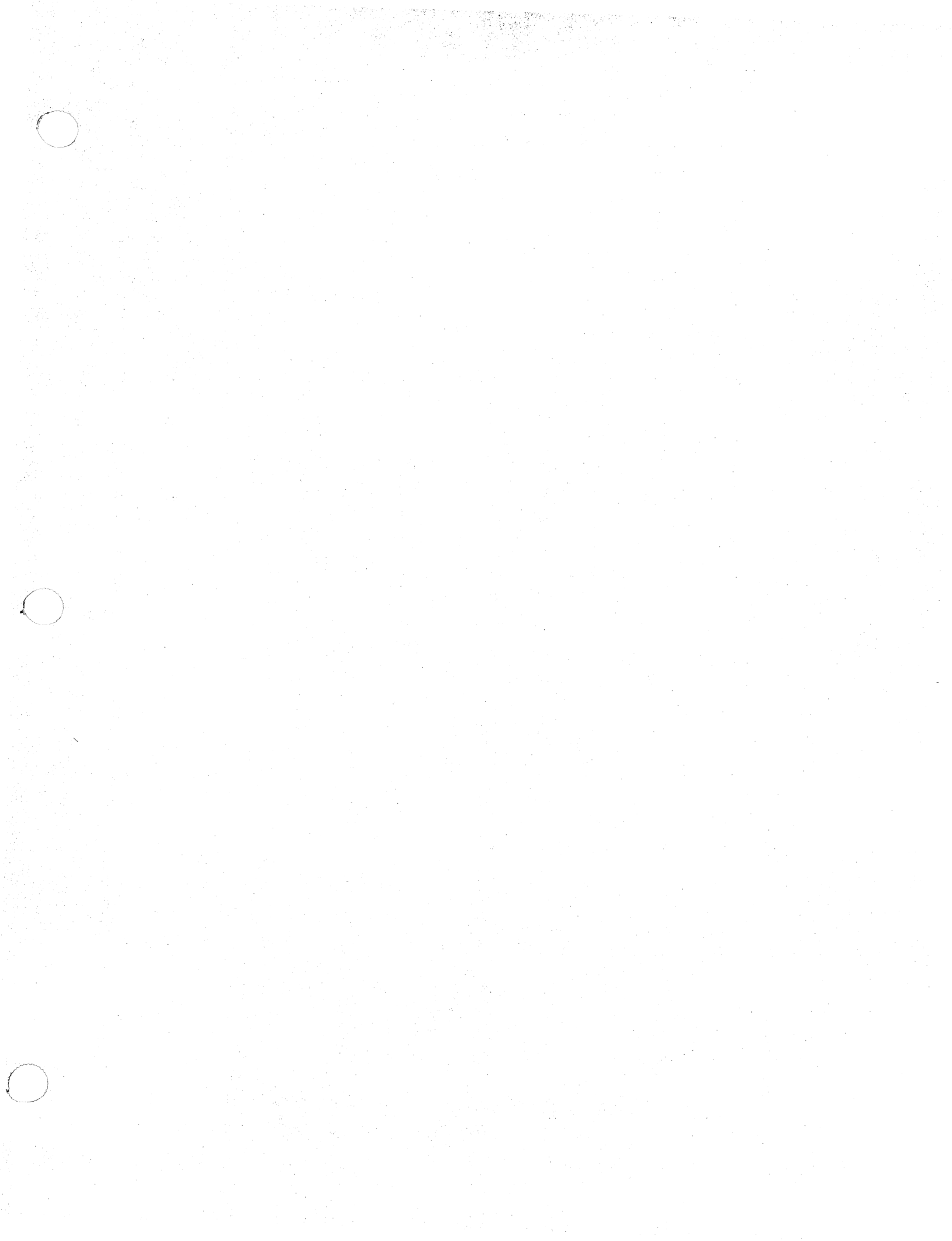
(f) A temporary license credential may be issued by the casino security department of a casino licensee to a casino key employee or casino employee who does not have the license credential or access badge on his or her person, or whose license credential or access badge has been stolen, lost or destroyed, to enable the employee to enter a public or restricted area to perform his or her duties, if the casino security department:

1. Verifies that the employee is listed in the casino licensee's current employee status report;
2. Verifies that the employee holds a valid license;
3. Verifies that the employee is authorized to obtain access to the public and restricted areas in which he or she will be working while in possession of the temporary license credential;
4. Confirms the above employment, access and licensure information with the supervisor of the employee;
5. Verifies that fewer than 12 temporary license credentials have been issued to the particular employee in the past 12 months; and
6. Immediately notifies the Commission inspection booth in writing that a temporary license credential has been issued, which notice shall include:
 - i. The name, license number and position title of the employee to whom the temporary credential was issued;
 - ii. A list of the public and restricted areas to which the employee may obtain access;
 - iii. The date and time that the temporary credential was issued; and
 - iv. The name and license number of the casino security department employee issuing the temporary credential.

(g) A temporary license credential issued pursuant to (f) above shall:

1. Contain the following information:
 - i. The name and license number of the employee to whom it was issued, and the public and restricted areas, identified in a manner approved by the Commission, to which the employee is permitted access;
 - ii. A conspicuous statement printed on the face thereof which provides that the credential is void 24 hours after the time of its issuance;
 - iii. The date and time it was issued; and
 - iv. The name and license number of the casino security department employee who issued it;

2. Be void 24 hours after the time of its issuance;
3. Be sequentially numbered; and



4. Be stored in the offices of the casino security department adjacent to the casino floor (the "security podium") and distributed by that department in accordance with the casino licensee's internal controls submitted to and approved by the Commission in accordance with N.J.A.C. 19:43-9.1(a)8.

(h) No more than 12 temporary license credentials shall be issued to an employee in a 12-month period.

(i) Any holder of a Commission license credential or an access badge shall promptly report the loss or destruction of:

1. A Commission license credential to the Commission through its Division of Licensing; and
2. An access badge to the casino security department of the casino licensee by which such holder is employed.

(j) As soon as possible following the loss or destruction of a license credential or an access badge, the person to whom the license credential or access badge was originally issued shall apply to:

1. The Commission for a replacement license credential; and
2. The department of the casino licensee responsible for the issuance of replacement access badges in accordance with the casino licensee's internal controls for a replacement access badge.

Repealed by R.1978 d.176, effective May 25, 1978.

See: 10 N.J.R. 211(b), 10 N.J.R. 306(b).

Section was "Labor organization registrations".

New Rule, R.1993 d.84, effective February 16, 1993.

See: 24 N.J.R. 4335(b), 25 N.J.R. 712(a).

Amended by R.1993 d.163, effective April 19, 1993 (operative July 1, 1993).

See: 25 N.J.R. 276(a), 25 N.J.R. 1778(a).

Deleted subsection (i) from rule text.

Amended by R.1994 d.265, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Amended by R.1995 d.591, effective November 20, 1995.

See: 27 N.J.R. 3146(a), 27 N.J.R. 4729(a).

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

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

Amended by R.1996 d.560, effective December 2, 1996.

See: 28 N.J.R. 3899(a), 28 N.J.R. 5080(b).

Amended by R.1999 d.72, effective March 1, 1999.

See: 30 N.J.R. 1396(a), 31 N.J.R. 672(a).

Rewrote (a) through (c).

Case Notes

Good character, honesty and integrity for licensure as casino employee was established notwithstanding previous egregious defiance of regulatory system. Application of Tran, 95 N.J.A.R.2d (CCC) 5.

Casino key employee license of attorney in good standing was granted notwithstanding prior impropriety of casino hotel employee registration. Application of I.avigna, 95 N.J.A.R.2d (CCC) 1.

19:41-1.5 Scope and applicability of employee licensing and registration requirements

(a) In determining whether a natural person who will provide services to a casino licensee or applicant must hold

a license or registration as an employee or, alternatively, be registered as a vendor or junket enterprise pursuant to N.J.A.C. 19:43-10.4, it shall be presumed that any such person will be required to hold the appropriate license or registration as an employee if the provision of services by such person is characterized by any of the following indicia of an employment relationship:

1. The natural person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one or more employees of the casino licensee or applicant;

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

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

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

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

6. The natural person has an employee license or registration application pending before the Commission or will submit such an application during the time the services are being rendered, the cost of which has been or will be paid for or reimbursed by the casino licensee or applicant.

(b) A casino licensee or applicant which, or a natural person who, is a party to a contractual agreement for the provision of services to the casino licensee or applicant by such natural person as an enterprise subject to the vendor or junket registration or casino service industry licensure requirements of the Act and the rules of the Commission may request, in accordance with the provisions of N.J.A.C. 19:40-3.7, 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 26 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.

SUBCHAPTERS 2. THROUGH 3. (RESERVED)

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 (Reserved)

Repealed by R.2000 d.196, effective May 15, 2000.

See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

Section was "Casino hotel alcoholic beverage license standards".

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 Multi-Jurisdictional Personal History Disclosure Form

(a) A Multi-Jurisdictional Personal History Disclosure Form (PHD-MJ) 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, including information regarding passports;
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 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. Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;

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

vi. 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

vii. 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. Any exclusion or barring from any casino or gambling/gaming related entity in any jurisdiction;

20. 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

21. 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, insolvency or liquidation 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 business entity in which the applicant was an owner, director or officer which has been placed under some form of governmental administration or monitoring;

viii. 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;

ix. Any repossessions of real or personal property;

x. Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;

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

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

xiii. Positions held, assets held, or interest received in any estate or trust;

xiv. 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;

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

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

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

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

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

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

xxi. 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

xxii. 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-MJ 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; and
2. A signed, dated and notarized certification of truth.

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.1998 d.112, effective March 2, 1998.

See: 29 N.J.R. 4079(a), 30 N.J.R. 866(a).

In (a), inserted the language "or Gaming Enterprise Qualifier Disclosure Form (Gaming QDF)"; and in (b), added a reference to Gaming QDF.

Amended by R.2001 d.187, effective June 4, 2001.

See: 33 N.J.R. 996(a), 33 N.J.R. 1925(a).

Rewrote (a); in (b), substituted "MJ" for "1A" in the introductory paragraph.

Amended by R.2003 d.482, effective December 15, 2003.

See: 35 N.J.R. 3747(a), 35 N.J.R. 5552(a).

In (a), deleted "or Gaming Enterprise Qualifier Disclosure Form (Gaming QDF)" in the introductory paragraph; in (b), deleted "or Gaming QDF" in the introductory paragraph and deleted 3.

19:41-5.2A New Jersey Supplemental Form and Gaming Enterprise New Jersey Supplemental Form

(a) A New Jersey Supplemental Form or Gaming Enterprise New Jersey Supplemental 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;
5. Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
6. The casino licensee or applicant, gaming 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;
7. Citizenship and, if applicable, resident alien status, including any employment authorization;

8. Any interest in any business entity which is licensed by the Commission or is an applicant therefore;

9. Information regarding any administrative, civil or criminal charge, offense, arrest or conviction which has been expunged or sealed;

10. 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. Made or been charged with bribes or kickbacks to any government official;
- ii. Held a foreign bank account or has had authority to control disbursements from a foreign bank account;
- iii. 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;
- iv. Donated or used funds or property for the use or benefit of or in opposing any government, political party, candidate or committee;
- v. 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; or

vi. 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;

11. Copies of Federal and foreign tax returns and related information; and

12. 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.2001 d.187, effective June 4, 2001.

See: 33 N.J.R. 996(a), 33 N.J.R. 1925(a).

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

Rewrote (a)7.

Amended by R.2003 d.482, effective December 15, 2003.

See: 35 N.J.R. 3747(a), 35 N.J.R. 5552(a).

In (a), inserted "or Gaming Enterprise New Jersey Supplemental Form" preceding "shall be in a format" in the introductory paragraph and inserted "gaming enterprise licensee or applicant," preceding "or holding company" in 6.

19:41-5.3 Personal History Disclosure Form 1B (Basic Key Form) and Junket Enterprise Qualifier Disclosure Form

(a) A Personal History Disclosure Form (Basic Key Form or PHD-1B) or Junket Enterprise Qualifier Disclosure

Form (JE/QDF) shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Name, including any aliases or nicknames;
2. 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, including any employment authorization;
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 or JE/QDF 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).

Amended by R.1998 d.112, effective March 2, 1998.

See: 29 N.J.R. 4079(a), 30 N.J.R. 866(a).

In (a), inserted the language "or Junket Enterprise Qualifier Disclosure Form (JE/QDF)"; and in (b), added a reference to JE/QDF. Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

Rewrote (a)6.

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 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, including any employment authorization;
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).
Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).
See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).
Rewrote (a)6.

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. 552a;
6. Citizenship, and, if applicable, resident alien status, including any employment authorization;
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).
Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).
See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).
Rewrote (a)6.

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. 552a;
6. The casino licensee or applicant, or holding company, as applicable, with which the applicant is associated, and the nature of the applicant's position with or interest in such entity;
7. Telephone number at current place of employment;
8. Financial data, as follows:
 - i. All assets and liabilities of the applicant and the applicant's spouse and dependent children, as indicated on the net worth statement and supporting schedules in a format prescribed by the Commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities,

real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;

ii. Bank accounts and safe deposit boxes; and

iii. Copies of Federal tax returns and related information.

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

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

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

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

4. Business owned;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19:41-5.5B 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).

19:41-5.5C Application to Downgrade Employee License

(a) An Application to Downgrade Employee License shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Name;
2. Date of birth;
3. Physical description;
4. Current address; and
5. Current license number.

New Rule, R.1999 d.360, effective October 18, 1999.
See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(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 \$50,000, 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 \$25,000 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, administrative 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 \$50,000, except for claims covered by insurance;

iv. Any judgment, order, 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; and

v. Any judgment, order, consent decree or consent order entered against the corporation pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

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 corporation or any holding or intermediary company;

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).

Amended by R.1996 d.437, effective September 16, 1996.

See: 28 N.J.R. 3242(c), 28 N.J.R. 4234(b).

Administrative change.

See: 28 N.J.R. 4600(a).

Amended by R.1999 d.222, effective July 19, 1999.

See: 31 N.J.R. 1169(a), 31 N.J.R. 1945(a).

In (a)22, inserted a reference to administrative proceedings in the introductory paragraph, inserted a reference to orders in iv, and added v.

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 \$50,000, 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 \$25,000 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, administrative 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 \$50,000, except for claims covered by insurance;

iv. Any judgment, order, 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; and

v. Any judgment, order, consent decree or consent order entered against the partnership or any partner pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

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 appli-

cation 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).

Amended by R.1996 d.437, effective September 16, 1996.

See: 28 N.J.R. 3242(c), 28 N.J.R. 4234(b).

Amended by R.1999 d.222, effective July 19, 1999.

See: 31 N.J.R. 1169(a), 31 N.J.R. 1945(a).

In (a)16, inserted a reference to administrative proceedings in the introductory paragraph, inserted a reference to orders in iv, and added v.

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, administrative 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;

iii. Any judgment, order, 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

iv. Any judgment, order, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

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, inside director, trustee, partner or sole proprietor;

ii. Each enterprise or a natural person that directly holds any beneficial or ownership interest of five percent or more 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; and

14. A copy of a business registration certificate or other proof of valid business registration with the Division of Revenue in the New Jersey Department of the Treasury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by R.1999 d.222, effective July 19, 1999.

See: 31 N.J.R. 1169(a), 31 N.J.R. 1945(a).

In (a)12, inserted a reference to administrative proceedings in the introductory paragraph, inserted a reference to orders in iii, and added iv.

Amended by R.2002 d.299, effective September 16, 2002.

See: 34 N.J.R. 1771(a), 34 N.J.R. 3286(a).

In (a), inserted "inside" preceding "director" in 13i, rewrote 13ii and added 14.

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

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

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

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

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

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

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

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

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

8. The following financial information:

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

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

9. Civil, criminal, administrative 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;

iii. Any judgment, order, 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

iv. Any judgment, order, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

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

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

ii. Each enterprise or natural person that directly holds any beneficial or ownership interest of five percent or more of the holding company completing the application; and

iii. Each natural person who indirectly holds any beneficial or ownership interest of 10 percent or more of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by R.1999 d.222, effective July 19, 1999.

See: 31 N.J.R. 1169(a), 31 N.J.R. 1945(a).

In (a)9, inserted a reference to administrative proceedings in the introductory paragraph, inserted a reference to orders in iii, and added iv.

Amended by R.2002 d.299, effective September 16, 2002.

See: 34 N.J.R. 1771(a), 34 N.J.R. 3286(a).

In (a)10, inserted "inside" preceding "director" in i, rewrote ii and added iii.

19:41-5.9 Qualifier Disclosure Form

(a) A Qualifier Disclosure Form (QDF) shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Name, including any aliases or nicknames;

2. Telephone number, address and residence history;

3. Position held with the casino service industry license applicant or holding company;

4. Date and place of birth;

5. Physical characteristics;
6. Employment history;
7. Information regarding any license, permit, approval, registration or other authorization to participate in a lawful gambling operation held by or applied for by the applicant in this State or any other jurisdiction; and
8. Arrests, charges or offenses committed by the applicant.

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

1. An original photograph of the applicant taken within the previous 12 months;
2. A signed, dated and notarized certification of truth; and
3. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or the Division.

19:41-5.10 Qualifier Renewal Disclosure Form

(a) A Qualifier Renewal Disclosure Form (QRDF) shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Name, including any aliases or nicknames;
2. Telephone number, address and residence history;
3. Position held with the casino service industry license applicant;
4. Date and place of birth;
5. Physical characteristics;
6. Arrests, charges or offenses committed by the applicant since the date on which the applicant last filed a Qualifier Disclosure Form (QDF) or QRDF; and
7. Citizenship and, if applicable, resident alien status, including any employment authorization.

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

1. A signed, dated and notarized certification of truth; and
2. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments,

selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or the Division.

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).
Added (a)7.

19:41-5.11 Vendor Registration Form

(a) A Vendor Registration Form (VRF) shall be in a format prescribed by the Commission and may require the following information regarding the enterprise:

1. Any official or trade name used;
2. Business address;
3. Telephone number;
4. The nature of the business and the type of goods or services being provided to the casino industry or hub facility;
5. Federal Employer Identification Number;
6. State and date of incorporation;
7. Whether the enterprise is minority- or women-owned and controlled and the enterprise certification number, if any, which information is voluntarily provided;
8. Form of business;
9. The date on which a formal offer and acceptance of the agreement to conduct business with a casino licensee or applicant or hub facility occurred;
10. Names and addresses of all subsidiaries;
11. The name, address and percentage of ownership of each entity directly owning more than five percent of the enterprise;
12. The names of each of the following:
 - i. Any individual who entered into the agreement with or will deal directly with the casino licensee or applicant or hub facility, including sales representatives; the immediate supervisors of such persons; and all persons responsible for the office out of which such supervisors work;
 - ii. Any officer, partner, or director who will be significantly involved in the conduct of the enterprise's business with the casino licensee or applicant or hub facility;



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

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

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

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

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

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

- i. Name;
- ii. Residence;
- iii. Date of birth;
- iv. Sex and race, which information is voluntarily provided;
- v. Position with the enterprise; and
- vi. Any gaming licenses or registrations currently held or pending in the State.

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

19:41-5.11A (Reserved)

New Rule, R.1995 d.496, effective September 5, 1995.
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).
Repealed by R.2009 d.268, effective September 8, 2009.
See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

Section was "Notice of Intent to Conduct Enterprise Business".

19:41-5.12 Junket Enterprise Registration Form

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

1. Any official or trade name used;
2. Business address;
3. Telephone number;
4. Federal Employer Identification Number;
5. State and date of incorporation;
6. Whether the enterprise is minority- or women-owned and controlled and the enterprise certification number, if any, which information is voluntarily provided;

7. Form of business;

8. Names and addresses of all subsidiaries;

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

10. The names of each of the following:

i. Any individual who entered into the agreement with the casino licensee or applicant and any individual who will deal directly with the casino licensee or applicant, including junket representatives; the immediate supervisors of such persons; and all persons responsible for the office out of which such supervisors work;

ii. Any officer, partner, or director who will be significantly involved in the conduct of the enterprise's business with the casino licensee or applicant;

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

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

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

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

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

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

- i. Name;
- ii. Residence;
- iii. Date of birth;
- iv. Sex and race, which information is voluntarily provided;
- v. Position with the enterprise; and
- vi. Any gaming licenses or registrations currently held or pending in the State; and

3. A Junket Enterprise Transmittal Form, which may include the following:

i. The anticipated date of arrival for the first junket involving the junket enterprise; and

ii. A certification of truth, which shall be dated and signed by an authorized agent of the casino licensee or

applicant, and shall indicate such person's position or title.

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

19:41-5.13 Labor Organization Registration Statement

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

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

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

1. A notarized affidavit of truth, which shall be dated and signed by the registrant's president or chief executive officer, treasurer and secretary;

2. A certification of truth, dated and signed by the registrant's attorney of record;

3. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the registrant as requested by the Commission or the Division;

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

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

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

19:41-5.14 Labor Organization Individual Disclosure Form

(a) A Labor Organization Individual Disclosure Form shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

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

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

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

i. Convictions for crimes or disorderly persons offenses; and

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

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

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

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

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

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

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

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

19:41-5.15 Business Entity Disclosure Form—Gaming

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

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

2. Current and former business addresses;

3. Business telephone number;

4. Whether the application is for initial licensure or renewal and, if renewal, the license number and expiration date of the current license;

5. If the license applicant is other than the enterprise filing this form, the reason for filing and the nature of the filing enterprise's relationship to the license applicant;

6. Business form and, as appropriate, a copy of the certificate of incorporation, charter, by-laws, partnership agreement, trust agreement or other documentation relating to the legal organization of the enterprise;

7. A description of the present and any former business engaged in by the enterprise and any holding, intermediary or subsidiary company;

8. A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the enterprise, if any, or which the enterprise plans to issue;

9. The name, address, date of birth (if appropriate), number and percentage of shares held by each person or entity having a beneficial interest in any non-voting stock;

10. The name, home address, date of birth, current title or position and, if applicable, percentage of ownership for the following persons:

i. Each officer, director or trustee;

ii. Each partner whether general, limited or otherwise;

iii. Each natural person or entity that directly holds any beneficial or ownership interest of five percent or more of the entity completing the form;

iv. Each sales representative or other person who will regularly solicit business from a casino licensee;

v. Each management person who supervises a regional or local office which employs sales representatives or other persons who regularly solicit business from a casino hotel;

vi. Any other person not otherwise specified in (a)10i through v above who has signed or will sign any agreement with a casino licensee; and

vii. Each natural person who indirectly holds any beneficial or ownership interest of 10 percent or more of an applicant for a junket enterprise license;

11. A flow chart which illustrates the ownership of any other enterprise which holds an interest in the filing enterprise;

12. The name, last known address, date of birth, position, dates the position was held, and reason for leaving for any former officers or directors who held such office during the preceding 10 years;

13. The annual compensation of each partner, officer, director and trustee;

14. The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in (a)13 above, currently expected to receive annual compensation of more than \$100,000;

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

16. If the enterprise is a partnership, a description of the interest held by each partner including the amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner and percentage of ownership of each partner;

17. A description of the nature, type, terms, covenants, and priorities of all outstanding debt and the name, address and date of birth of each debtholder or security holder, type and class of debt instrument held, original debt amount and current debt balance;

18. A description of the nature, type, terms and conditions of all securities options;

19. The following information for each account held in the name of the enterprise or its nominee or which is otherwise under the direct or indirect control of the enterprise:

- i. Name and address of the financial institution;
- ii. Type of account;
- iii. Account numbers; and
- iv. Dates held;

20. A description of all contracts of \$100,000 or more in value, including employment contracts of more than one year duration, and contracts pursuant to which the enterprise has received \$100,000 or more in goods or services in the past six months;

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

22. Information regarding any transaction during the past five years involving a change in the beneficial ownership of the enterprise's securities on the part of an officer or director who owned more than 10 percent of any class of equity security;

23. A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the enterprise or its subsidiaries have been involved as follows:

- i. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;
- ii. Any criminal proceeding in which the enterprise or its subsidiaries has been a party or has been named as an unindicted co-conspirator;
- iii. Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;

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

v. Any judgment, order, consent decree or consent order entered against the enterprise pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

24. For the enterprise 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 enterprise or any holding, intermediary or subsidiary company;

25. Whether the enterprise 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;

26. Whether the enterprise has ever applied for a license, permit or authorization to participate in any lawful gaming operation in this State or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;

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

28. Whether the enterprise has:

- i. Donated or loaned its funds or property for the use or benefit of or in opposing any government, political party, candidate or committee, either foreign or domestic;
- 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 its books or records, or maintained any account in the name of a nominee;

29. The names and addresses of any current or former directors, officers, employees or third parties who would have knowledge or information concerning (a) 27 and 28 above;

30. A copy of each of the following:

- i. Annual reports for the past 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, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto;

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

vi. Any current report prepared due to a change in control of the enterprise, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the enterprise's certifying accountant or any other material event, or, if the enterprise is registered with the SEC, a copy of the most recently filed Form 8K;

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

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

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

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

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

33. A copy of a business registration certificate or other proof of valid business registration with the Division of Revenue in the New Jersey Department of the Treasury.

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

1. An Affidavit of Truth;

2. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the enterprise as requested by the Commission and Division; and

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

New Rule. R.1995 d.370, effective July 17, 1995.

See: 27 N.J.R. 1533(b), 27 N.J.R. 2704(a).

Amended by R.1999 d.222, effective July 19, 1999.

See: 31 N.J.R. 1169(a), 31 N.J.R. 1945(a).

In (a)23, inserted a reference to administrative proceedings in the introductory paragraph, inserted a reference to orders in iv, and added v.

Amended by R.2002 d.299, effective September 16, 2002.

See: 34 N.J.R. 1771(a), 34 N.J.R. 3286(a).

In (a)10, rewrote ii and iii and added vii; in (a)14, substituted "\$100,000" for "\$50,000"; in (a)20, substituted "\$100,000" for "\$25,000" throughout; in (a)23iii, substituted "\$100,000" for "\$50,000"; added (a)33.

19:41-5.16 Casino Hotel Alcoholic Beverage license application form

(a) A Casino Hotel Alcoholic Beverage (CHAB) application form shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. Any official or trade name used by the applicant;
2. The permanent address and telephone number of the applicant;
3. The Atlantic City address and telephone number of the applicant;
4. The name, address and telephone number of a person to be contacted in reference to the application;
5. The name, address and telephone number of the attorney of record;
6. Federal Employer Identification Number;
7. The date an application for the issuance or renewal of a non-gaming related casino service industry license was filed.
8. A description of the primary use and hours of operation for each location within the facility where alcoholic beverages are to be served;
9. The address of any off-premises facility that will be used for the storage of alcoholic beverages and a copy of the license for the facility issued by the New Jersey Division of Alcoholic Beverage Control, or a copy of the application for such license if a license has not been issued;
10. A description of where the casino hotel alcoholic beverage license will be displayed;

11. The name, address and telephone number of any officer, director, shareholder, owner, partner, holding company, subsidiary, employee or individual connected with the business or enterprise who has any direct or indirect interest in the manufacture, wholesale, importation or distribution of alcoholic beverages in New Jersey and the percentage of that interest;

12. The names of all parties to any lease agreement between the applicant and a casino licensee;

13. A listing of prospective employees containing the information in N.J.A.C. 19:50-2.3(c), which listing is to be filed 21 days before the business or enterprise commences operations; and

14. An architectural blueprint drawn to one-eighth inch scale or such other scale approved by the Commission.

(b) In addition to the information in (a) above, a completed CHAB form 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.

New Rule, R.1998 d.51, effective January 20, 1998.
See: 29 N.J.R. 4413(b), 30 N.J.R. 381(a).

19:41-5.17 Casino Hotel Alcoholic Beverage (CHAB) license renewal application form

(a) A Casino Hotel Alcoholic Beverage Renewal Application form shall be in a format prescribed by the Commission and may require the licensee to provide the following information:

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

2. The permanent address and telephone number of the applicant;

3. The Atlantic City address of the business or enterprise;

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

5. The name, address and telephone number of the attorney of record;

6. Federal Employer Identification Number;

7. Vendor Identification Number, casino service industry license number and the date of expiration of such license;

8. A description of the primary use and hours of operation for each location within the facility where alcoholic beverages are served;

9. The address of any off-premises facility that is or will be used for the storage of alcoholic beverages and a copy of the license for the facility issued by the New Jersey Division of Alcoholic Beverage Control, or a copy of the application for such license if a license has not yet been issued;

10. A description of where the CHAB license is displayed;

11. The name, address and telephone number of any officer, director, shareholder, owner, partner, holding company, subsidiary, employee or individual connected with the business or enterprise who has any direct or indirect interest in the manufacture, wholesale, importation or distribution of alcoholic beverages in New Jersey and the percentage of that interest;

12. The names of all parties to any lease agreement between the CHAB licensee and a casino licensee;

13. A current listing of all employees of the licensee pursuant to N.J.A.C. 19:50-2.3;

14. A listing of all alcoholic beverage enterprises, including wholesale distributors, suppliers and manufacturers, with which the licensee conducted business during the previous license term;

15. A detailed description of any changes made during the previous license term to any authorized casino hotel alcoholic beverage locations, organizational structure or lease agreement;

16. The expiration date of the current lease;

17. A detailed description of any other written or verbal agreements in effect between the CHAB licensee and any casino licensee;

18. The total amount of compensation paid pursuant to any agreement with a casino licensee;

19. The total amount of alcoholic beverage sales for the period commencing from the date the most recent CHAB license was granted and ending within 30 days of the date on which the CHAB license renewal application is filed.

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

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

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

- ii. If the licensee is a partnership, each partner;
- iii. If the licensee is a limited partnership, each general partner;
- iv. If the licensee is a sole proprietorship, the sole proprietor; or
- v. If the licensee is any other business form, any authorized officer.

New Rule. R.1998 d.51, effective January 20, 1998.
See: 29 N.J.R. 4413(b), 30 N.J.R. 381(a).

19:41-5.18 Casino Hotel Alcoholic Beverage Permit Application Form

(a) A Casino Hotel Alcoholic Beverage (CHAB) Permit Application Form shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. The type of permit requested;
2. The name and address of the organization or business applying for the permit;
3. The name, address, and telephone number of a person to be contacted in reference to the permit;
4. Documentation to prove eligibility for a permit, which may include the following:
 - i. Federal or State tax exemption number;
 - ii. A copy of the applicant's certificate of incorporation;
 - iii. A copy of the applicant's charter, constitution or by-laws; or
 - iv. Any other information the Commission may deem appropriate.
5. The name of the CHAB licensed facility and the room location where the event will take place;
6. The dates and times when the permit will be in effect;
7. A description of the circumstances, events or purpose for which the permit is requested;
8. A description of the activities that will involve the sale, service, delivery or storage of alcoholic beverages;
9. A listing of the alcoholic beverages required for the event and a description of how they will be purchased;
10. A description of any fees charged and how the proceeds will be used;
11. A description of the measures to be taken to ensure that persons under the legal age do not consume alcohol;
12. A summary of what will take place during the event;

13. An acknowledgement of the conditions and terms of the permit, signed and dated by a representative of the applicant; and

14. A certification and agreement signed and dated by a representative of the CHAB licensee where the event will be held.

New Rule. R.1999 d.14, effective January 19, 1999.
See: 30 N.J.R. 3768(a), 31 N.J.R. 142(a).

SUBCHAPTER 6. (RESERVED)

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 or her qualifications, including United States citizenship, lawful status granted by the United States Department of Justice, Immigration and Naturalization Service or authorization to work in the United States, in accordance with the Act and regulations of the Commission. No application shall be granted to any applicant who fails to so prove his or her qualifications. The loss of United States citizenship, lawful status from the United States Department of Justice, Immigration and Naturalization Service, or authorization to work in the United States shall be a basis for denial or revocation of licensure, registration or any other approval issued by the Commission.

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).
See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).
Rewrote the section.

Case Notes

Burden of proof on applicant to show licensure qualification. In re: Martin, 90 N.J. 295 (1982).

19:41-7.1A Application for the issuance of employee licenses or registrations and natural person qualification

(a) An application for the initial issuance of an employee license or registration or for individual qualification shall include the following:

1. A completed original and one photocopy of the appropriate Personal History Disclosure (PHD) Form or Qualifier Disclosure Form (QDF), as follows:

- i. An applicant for a casino key employee license 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 subsections 92a and b of the Act by virtue of his or her position with a casino service industry enterprise or gaming school shall file a Multi-Jurisdictional Personal History Disclosure Form and Gaming Enterprise New Jersey Supplemental Form as set forth in N.J.A.C. 19:41-5.2 and 5.2A, respectively;
 - 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;
 - 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 or affiliate shall file a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 19:41-5.14; and
 - ix. 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 JE/QDF as set forth in N.J.A.C. 19:41-5.3.
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 disclosure form;
 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) A casino key employee licensee or casino employee licensee may downgrade his or her current license at renewal in accordance with N.J.A.C. 19:41-14.4.

(d) Except as provided in (e) or (f) below, no application shall be accepted for filing unless the applicant is eligible for employment pursuant to N.J.A.C. 19:41-1.3 and such application includes all 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 disclosure form.

(e) The Commission may accept an application for a casino key employee license or casino employee license from an applicant who is at least 17 years and six months of age, provided that the application is accompanied by a signed and dated certification by the applicant stating that he or she will not commence casino employment until he or she is 18 years of age. Such certification shall also be signed by the applicant's parent or legal guardian unless the applicant presents proof that he or she is married, has entered military service, has a child or has been previously declared by a court or administrative agency to be emancipated.

(f) 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)i, amended N.J.A.C. reference; and, in (a)iii, deleted reference to gaming school employee license.
 Amended by R.1998 d.112, effective March 2, 1998.
 See: 29 N.J.R. 4079(a), 30 N.J.R. 866(a).

In (a)1, added a reference to Gaming QDF in iv, and added ix; and in (a)3 and (c), substituted "disclosure form" for "PHD Form or QDF".

Amended by R.1999 d.360, effective October 18, 1999.
 See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

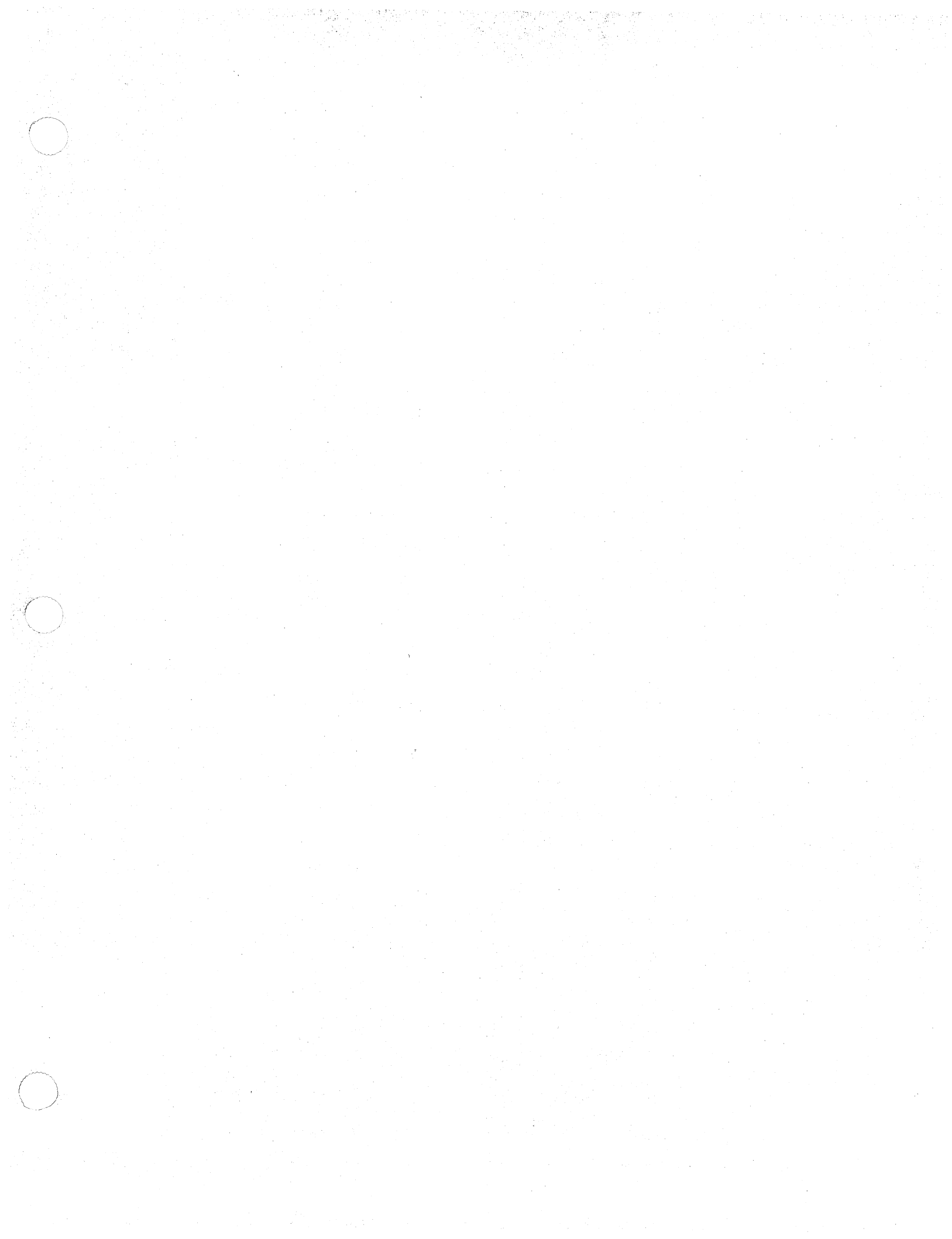
Inserted a new (c); recodified former (c) and (d) as (d) and (e); and in the new (d), substituted a reference to (e) for a reference to (d).
 Amended by R.2000 d.62, effective February 22, 2000.
 See: 31 N.J.R. 3940(a), 32 N.J.R. 717(b).

Rewrote (d); inserted a new (c); and recodified former (e) as (f).
 Amended by R.2003 d.482, effective December 15, 2003.
 See: 35 N.J.R. 3747(a), 35 N.J.R. 5552(a).

Rewrote (a)1vi.

**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).

19:41-7.1C Duration of employee licenses and registrations

(a) A casino key employee license shall be issued for an initial term of three years and may be renewed for a term of five years.

(b) A temporary casino key employee license shall be issued for a term not to exceed nine months.

(c) A casino employee license shall be issued for an initial term of four years and may be renewed for a term of five years.

(d) A temporary casino employee license shall be issued for a term of six months and may be renewed at the discretion of the Commission for one additional six month period.

(e) Casino service employee registrations shall be issued for an indefinite term.

(f) Notwithstanding (a) through (e) above, a casino key employee license, a temporary casino key employee license, a casino employee license, a temporary casino employee license or a casino service employee registration may be given a conditional expiration date to coincide with any employment authorization issued by the United States Department of Justice, Immigration and Naturalization Service which is less than the term of the license or registration.

(g) A license or registration issued with a conditional expiration date pursuant to (f) above may be extended upon the presentation of proof of United States citizenship, or upon proof of authorization to work in the United States in accordance with N.J.A.C. 19:41-1.3(a). However, a casino employee license or a casino key employee license shall not be extended beyond the term of the license.

(h) Unless extended pursuant to (g) above, a casino key employee license, a casino employee license or a casino service employee registration with a conditional expiration date shall expire on that date.

New Rule R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).
Amended by R.2009 d.268, effective September 8, 2009.
See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

In (a), substituted "three" for "two" and "five" for "four"; and in (c), substituted "four" for "three" and "five" for "four".

19:41-7.2 Duty to disclose and cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, registrant and person required to be qualified to provide all information, documentation and assurances pertaining to qualifications required or requested by the Commission or Division and to cooperate with the Commission and Division in the performance of their duties. Any refusal by any such person to comply with a formal request for information, evidence or testimony shall be a basis for denial, revocation or disqualification. No application shall be granted to any applicant who fails to provide information, documentation and assurances required by the Act or requested by the Commission or who fails to reveal any fact material to qualification.

Case Notes

Christine Paul v. Division of Gaming Enforcement, 2 N.J.A.R. 341 (1979). Patsy N. Marino v. Division of Gaming Enforcement, 2 N.J.A.R. 176 (1980). Bradford Woodard v. Division of Gaming Enforcement, 2 N.J.A.R. 231 (1980). In re Antonio Tufi, OAL Dkt. CCC 4660-70 (August 8, 1980), modified, CCC Dkt. 79-EA-149 (November 25, 1980), affirmed, N.J. App. Div., February 10, 1982, A-1541 80T1. Barbara A. Callabrese D'Ascenso v. Division of Gaming Enforcement, 2 N.J.A.R. 92 (1980).

19:41-7.2A Identification

(a) Each natural person who seeks to apply for a license or registration under the Act, obtain a license credential, or to modify his or her credential in any manner or 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 identification card issued by the INS containing a photograph or fingerprints and identifying information such as name, date of birth, sex, height, color of eyes and address; 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 valid casino employee or casino key employee license, an expired casino employee or casino key employee license issued after 1998, or a valid casino service employee registration; or

vii. An unexpired foreign passport with an authorization issued by the INS.

(c) Any person required to establish his or her identity pursuant to (a) above who is not a United States citizen shall also be required to demonstrate that he or she is authorized to work in the United States in accordance with N.J.A.C. 19:41-1.3(a).

(d) 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.

(e) 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).

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

Rewrote the section.

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 Duty to submit English translation of documents in foreign language

Any registrant, applicant, qualifier or licensee that submits a document which is in a language other than English to the Commission or the Division with an application or in response to a Commission or Division request for information shall, at the request of the Commissioner or Division, also submit an English translation of the non-English language document, except that the Commission or Division may permit the submission of an English summary in lieu of a complete translation. The translation or summary shall be printed or typed and shall include the signature, printed or typed name, address and telephone number of the person performing the translation or summary.

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".

New Rule, R.2001 d.400, effective November 5, 2001.

See: 33 N.J.R. 2257(b), 33 N.J.R. 3760(a).

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) Unless otherwise specified by Commission rules, an applicant for any license or registration required by the Act shall file an original and one copy of each application and all 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).

Amended by R.1998 d.112, effective March 2, 1998.

See: 29 N.J.R. 4079(a), 30 N.J.R. 866(a).

Rewrote (a).

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 continuing 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 new or changed facts or circumstances whenever any material or significant new or changed facts or circumstances 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.

Amended by R.1999 d.222, effective July 19, 1999.

See: 31 N.J.R. 1169(a), 31 N.J.R. 1945(a).

Inserted "continuing" preceding "duty" and inserted references to new facts and circumstances throughout the first sentence.

19:41-8.6 Withdrawal

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

(b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:

1. The application matter has been transmitted to the Office of Administrative Law; or
2. The application matter has been assigned to any other hearing examiner authorized by law to hear such matter; or
3. The Commission has made a determination to hear the application matter directly.

(c) Notwithstanding the foregoing, the Commission may accept and consider a written notice of withdrawal after the time specified herein if the Division consents to the withdrawal and if the Commission is satisfied that there exists extraordinary circumstances justifying withdrawal.

Amended by R.1980 d.159, effective April 15, 1980.
See: 12 N.J.R. 164(b), 12 N.J.R. 295(a).

19:41-8.7 Mootness

Any application submitted to the Commission shall constitute a request by the applicant for a determination as to his qualifications in accordance with the Act and regulations of the Commission and a consent by the applicant to the making of such a determination by the Commission, in its discretion, when the application thereafter becomes moot for any reason whatsoever.

19:41-8.8 Restriction on application and employment after denial or revocation

(a) Any natural person whose license, registration, qualification or approval is denied or revoked by the Commission for failure to satisfy the affirmative qualification criteria of the Act or due to a Commission finding that such person is disqualified pursuant to N.J.S.A. 5:12-86 or both, may not, except as otherwise provided by N.J.A.C. 19:41-8.9, 8.10 or 8.11, reapply for a 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 of denial or revocation. Notwithstanding the foregoing:

1. If the denial or revocation was based upon conviction of a disqualifying offense pursuant to N.J.S.A. 5:12-86c and reapplication is to be evaluated under the standards of N.J.S.A. 5:12-89, reapplication is permitted after the lapse of 10 years from the date of conviction;
2. If the denial or revocation was based on acts constituting a disqualifying offense pursuant to N.J.S.A. 5:12-86c and 86g and reapplication is to be evaluated under the standards of N.J.S.A. 5:12-89, reapplication is permitted after the lapse of 10 years from the date of the conduct in question; and
3. If the Commission approves an agreement resolving an application for or a complaint seeking the revocation

of a license, registration, qualification or approval which results in denial or revocation but permits reapplication or employment by a casino licensee after a stated period of less than five years, eligibility for reapplication or employment by a casino licensee shall be governed by the terms of the agreement and not by the provisions of this section.

(b) Any natural person whose license, registration, qualification or approval is denied or revoked by the Commission on the basis of any of the statutory or regulatory provisions in (b)1 through 5 below may reapply for a license, registration, qualification or approval upon satisfaction of the relevant requirements specified below. If the denial or revocation is based upon two or more statutory or regulatory provisions, the Commission shall permit reapplication only upon compliance with the requirements of this subsection as to each such provision. Any person seeking to reapply pursuant to this subsection shall file a certified petition stating with particularity how the specified requirements have been satisfied.

1. Failure to demonstrate financial stability pursuant to N.J.S.A. 5:12-89b(1) or 90b: Reapplication is permitted upon achieving financial stability.
2. Failure to satisfy the residency requirement set forth in N.J.S.A. 5:12-89b(4) or 90b: Reapplication is permitted upon establishment of a New Jersey residence, or upon a Commission finding that such residency will be established before the processing of said reapplication has been completed, or upon a Commission finding that the residency requirement should be waived pursuant to N.J.S.A. 5:12-89b(4) or 90c.
3. Failure to satisfy the age requirement set forth in N.J.A.C. 19:41-1.3: Reapplication is permitted upon attaining the requisite age or upon a Commission finding that such age will be attained before the processing of said reapplication has been completed.
4. Pending charges for a disqualifying offense pursuant to N.J.S.A. 5:12-86c and 86d: Reapplication is permitted upon disposition of the pending charges provided the charges do not result in conviction of a disqualifying offense pursuant to N.J.S.A. 5:12-86c.
5. Any statutory or regulatory provision which is subsequently repealed or modified: Reapplication is permitted upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or revocation and justifies the conclusion that the prior decision should no longer bar reapplication.

New Rule, R.1980 d.160, effective April 15, 1980.

See: 12 N.J.R. 165(a), 12 N.J.R. 295(b).

Amended by R.1991 d.382, effective August 5, 1991.

See: 23 N.J.R. 1301(a), 23 N.J.R. 2322(a).

Rule text revised throughout to provide that petitions for reapplication are to be considered and determined by the full Commission.

Deleted (c)3, recodifying (c)4 and (c)3; deleted (g)1 and 2 codification.

Amended by R.1993 d.572, effective November 15, 1993.

See: 25 N.J.R. 3685(b), 25 N.J.R. 5360(a).

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

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

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

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

Case Notes

Cited as justification for statutory bar; early reapplication; post-disqualification occurrences relevant only to petition for early reapplication. In the Matter of the Hotel and Restaurant Employees and Bartenders International Union Local 54, 203 N.J.Super. 297 (App.Div. 1985), certiorari denied 102 N.J. 352 (1985).

19:41-8.9 Petition for early reapplication

(a) Any natural person who is barred from reapplication for five years pursuant to N.J.A.C. 19:41-8.8 may petition for permission to reapply at an earlier date by filing a Request to Determine Employment or Reapplication Eligibility Form as set forth in N.J.A.C. 19:41-5.5B at any time after one year has elapsed from the date of denial or revocation or at such earlier date as the Commission may order.

(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 for early reapplication if it finds that the facts and circumstances presented would be reasonably likely to result in licensure, registration, qualification or approval if considered in the context of a plenary hearing. Factors to be considered by the Commission may include, where appropriate, evidence which would support:

1. A finding of rehabilitation pursuant to N.J.S.A. 5:12-90h or 91d; or

2. A waiver of disqualification pursuant to N.J.S.A. 5:12-91e.

(d) A petition filed pursuant to this section shall specify the type of credential sought.

(e) Notwithstanding (d) above:

1. A petition for permission to reapply for a casino employee license shall be deemed to include a request to reapply for a casino service employee registration and a request for permission to obtain employment in a position which does not require a license or registration; and

2. A petition to reapply for a casino service employee registration shall be deemed to include a request for permission to obtain employment in a position which does not require a license or registration.

(f) If the Commission denies a petition for early reapplication for any license, registration, qualification or approval, the petitioner shall be restricted from reapplying for such credential pursuant to this section for a period of two years from the date that permission to reapply is denied.

(g) If the Commission denies a petition for early reapplication or a petition for permission to obtain employment in a position which does not require a license or registration that was filed pursuant to a settlement agreement in accordance with N.J.A.C. 19:41-8.8(a)3, the petitioner shall be restricted from filing another petition for early reapplication for a casino employee license or a casino service employee registration for two years from the date that the petition is denied, notwithstanding any provision of the settlement agreement which may permit the filing of a petition for reapplication at an earlier date.

New Rule, R.1996 d.69, effective February 5, 1996.

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

Administrative Correction.

See: 28 N.J.R. 3329(c).

Amended by R.2002 d.281, effective September 3, 2002.

See: 34 N.J.R. 1604(a), 34 N.J.R. 3126(b).

Added (g).

Cross References

Conditions for granting early reapplication petitions, see N.J.A.C. 19:42-2.11A.

19:41-8.10 Petition for permission to obtain employment not requiring a license or registration

(a) Any natural person who is barred from employment by a casino licensee for five years pursuant to N.J.S.A. 5:12-106c may petition for permission to obtain employment in a position which does not require a license or registration 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 denial or revocation or at such earlier date as the Commission may order.

(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 not requiring a license or registration filed pursuant to this section or a request for permission to obtain employment in a position that does not require a license or registration filed pursuant to N.J.A.C. 19:41-8.9(e), the petitioner shall be restricted from filing another petition pursuant to this section for a period of one year from the date that the petition or request is denied.

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.

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); 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". The Commission also may accept credit cards and debit cards for payment of any fee or civil penalty that does not exceed \$5,000. No check, credit card or debit card so presented shall be deemed payment until the Commission shall be satisfied that the appropriate funds have been credited to the Commission's account.

(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.

Amended by R.2004 d.356, effective September 20, 2004.

See: 36 N.J.R. 2623(a), 36 N.J.R. 4325(a).

Rewrote (c).

19:41-9.4 Casino license fees

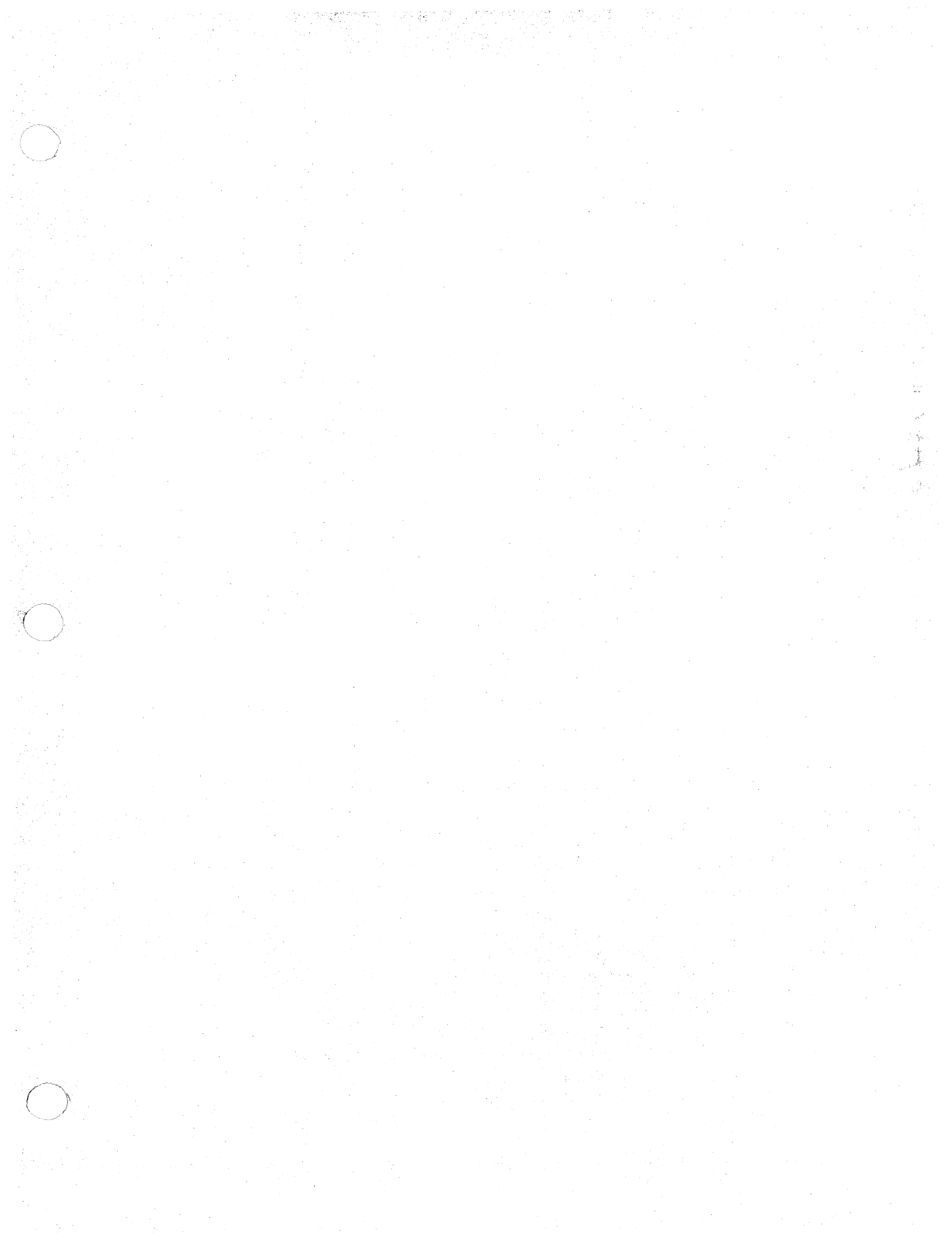
(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. "Casino license" means a plenary casino license issued under Section 87 of the Act;

2. "Licensed casino facility" means a casino hotel facility as to which a casino license has been issued to authorized gaming operations;

3. "Casino operator" means a casino licensee is designated as the primary obligor for payment of gross revenues taxes in accordance with N.J.A.C. 19:54-1.2;

4. "Initial license fee" or "Issuance fee" means the total fee which is required by the Act and these regulations to be paid prior to consideration or issuance of a plenary casino license to an unlicensed applicant and which is based upon the cost of investigating and considering the application;



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

(b) No application for the issuance or renewal of a casino license shall be accepted for filing by the Chairman unless a nonrefundable deposit of \$100,000 shall first have been paid in full. Such deposit shall be applied to the initial license fee or renewal fee if the application is approved.

(c) No casino license shall be issued unless the applicant shall first have paid in full an issuance fee of not less than \$200,000.

(d) No casino license shall be renewed unless the applicant shall first have paid in full a renewal fee of not less than \$200,000.

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

1. Prior to the start of each fiscal year, the Commission shall determine the hourly fee rates to be paid by licensees and applicants pursuant to this subchapter. These rates shall be based upon the hourly costs of services provided by Commission professional staff, Commission inspection staff and Division professional staff during the fiscal year, as estimated from the projected fiscal year budget for the Commission and the Division.

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

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

(f) A licensed casino facility shall be required to pay, as a component of the renewal fee for any casino license necessary to casino or casino simulcasting operations therein and as a condition of any such casino license renewal, a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share for each licensed casino facility shall be the amount which bears the same proportion to the total liability of all licensees as the proportion which that licensed casino facility's average daily authorized casino room and casino simulcasting facility square footage bears to the total average daily

authorized casino room and casino simulcasting facility square footage for all licensed casino facilities. For purposes of this calculation any part of a calendar day shall be considered a full day. Any days during which a necessary casino license or operation certificate for a licensed casino facility has been suspended shall also be counted in determining the share of such facility. Further, the operation of the facility by a conservator or trustee shall be deemed continued operation by the casino operator for these purposes. The obligation to pay the assessed share of a licensed casino facility shall be that of the casino operator; provided, however, that if a change of casino operators occurs during the fiscal year, each such operator shall be liable for an amount of the share apportioned according to the time during which each operator functioned. Any share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Commission, through its Division of Financial Evaluation, may estimate from time to time during the fiscal year the share for each licensed casino facility incurred to that time and require payment of such estimated share on a monthly or other periodic basis during the fiscal year.

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

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

Added (f).

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

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

(e) Substantially amended.

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

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

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

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

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

Deleted old (e)1 and substituted new.

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

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

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

In (e): deleted specific hourly rates and added "... hourly rates to be set by the Commission in accordance with this subsection ..." Added new (e)1-3, recodifying existing (e)1-2 as part of subsection (e).

Public Notice: hourly fee rates.

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

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

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

Public Notice: hourly fee.

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

Public Notice: hourly fee.

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

Public Notice: hourly fee rates.

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

Amended by R.2000 d.196, effective May 15, 2000.

See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

In (d), substituted a reference to four-year license renewals for a reference to two-year license renewals.

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

Public Notice: Hourly Fee Rates.

See: 39 N.J.R. 1535(b).

Amended by R.2009 d.268, effective September 8, 2009.

See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

In (d), deleted "\$100,000 for each one-year license renewal, and not less than" preceding and "for each four-year license renewal" following "\$200,000".

Case Notes

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

19:41-9.5 Fees for testing of gaming and simulcast wagering equipment and related devices and software

(a) Any person seeking to have prototype gaming or simulcast wagering equipment or related devices or software approved pursuant to N.J.A.C. 19:46-1.20(a)1 and, if applicable, 1.28 shall be required to pay the following fee:

1. An initial minimum charge of \$500.00, which shall be credited to the total fee;
2. Payment for the efforts of the Commission and the Division on matters directly related to the examination, testing and consideration of the prototype at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and
3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division for matters directly related to the examination, testing and consideration of the prototype.

New Rule, R.1999 d.173, effective June 7, 1999.
See: 30 N.J.R. 2164(a), 31 N.J.R. 1502(a).
Public Notice: Hourly fee rates.
See: 32 N.J.R. 4481(a).
Public Notice: Hourly fee rates.
See: 34 N.J.R. 316(a).
Public Notice: Hourly Fee Rates.
See: 39 N.J.R. 1535(b).

19:41-9.6 Slot machine fees

In addition to any other tax or fee imposed by the Act or the regulations of the Commission and as required by Section 140 of the Act, each casino operator shall pay an annual license fee of \$500.00 upon every slot machine maintained for use in or in use in the licensed casino establishment. The annual slot machine license fee shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and a pro rata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

Amended by R.1984 d.272, effective July 2, 1984.
See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).
Subsection (b) amended.
Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).
See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).
Added text to (b) "at the rate ..."; deleted text in (b) "at the rate of \$40.00 per hour".
Amended by R.1992 d.118, effective March 16, 1992.
See: 23 N.J.R. 3729(a), 24 N.J.R. 970(c).
Deleted existing subsection (c) on permits for out-of-state slot machine manufacturers and distributors. Deleted \$500.00 permit fee.

Amended by R.1992 d.256, effective June 15, 1992.
See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b): Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e)."
Public Notice: Hourly fee rate \$68, effective March 1, 1993.
See: 25 N.J.R. 1012(a).
Amended by R.1999 d.173, effective June 7, 1999.
See: 30 N.J.R. 2164(a), 31 N.J.R. 1502(a).
Deleted former (a) designation; and deleted a former (b).

19:41-9.7 Casino hotel alcoholic beverage licenses

(a) Under Section 103 of the Act no business may expose for sale, solicit or promote the sale of, possess with intent to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel unless said business possesses an appropriate casino hotel alcoholic beverage license.

(b) The fee for the issuance or renewal of a casino hotel alcoholic beverage license for a casino licensee conducting alcoholic beverage activity in a casino hotel shall be assessed as follows:

1. Payment for the efforts of the Commission and the Division on matters directly related to the casino hotel alcoholic beverage license or application at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and
2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the casino hotel alcoholic beverage license or application.

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

(d) The fee for the issuance or renewal of a restricted brewery authorization shall be assessed as follows:

1. For a casino licensee, in accordance with (b) above; and
2. For a casino service industry licensee which is not affiliated with any casino licensee, a fee of \$1,000.

(e) The fee for the issuance of any permit or approval required by the Act or Title 33 of the Revised Statutes for an alcoholic beverage activity which is not included within a casino hotel alcoholic beverage license shall be assessed:

1. For a casino licensee, in accordance with (b) above;
2. For all other persons, at a rate of \$50.00 per day.

Amended by R.1983 d.80, effective March 21, 1983.
See: 14 N.J.R. 1364(a), 15 N.J.R. 449(c).
Added \$5,000 fee to be assessed for each location within the casino hotel. All storage areas to be deemed a licensable location. Fee to be pro rated for after acquired licenses.

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

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

Deleted old text.

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

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

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

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

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

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

Public Notice: Hourly fee rates.

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

Public Notice: Hourly fee rates.

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

Public Notice: Hourly fee rates.

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

Amended by R.1997 d.460, effective November 3, 1997.

See: 29 N.J.R. 3706(a), 29 N.J.R. 4715(b).

Inserted new (d), and recodified existing (d) as (e).

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

Public Notice: Hourly Fee Rates.

See: 39 N.J.R. 1535(b).

19:41-9.8 Gaming related casino service industry enterprise license fee

(a) In accordance with subsections 92a and b of the Act, all casino service industry enterprises offering goods and services which directly relate to casino, simulcast wagering or gaming activity, including gaming equipment manufacturers, suppliers and repairers, and casino security services, shall meet the standards established for casino key employees in order to be licensed. Such a license shall be issued for an initial term of three years and for a term of five years for all subsequent renewals.

(b) In order to recover the cost of the investigation and consideration of license applications by enterprises engaged in these industries, the initial license application and issuance fee for a subsection 92a casino service industry enterprise license shall be assessed as follows:

1. A minimum application charge of \$5,000 shall be due at the time of application;
2. An additional application charge of \$5,000 shall be due when the total number of hours of Commission and Division professional staff time expended on matters directly related to the applicant exceeds 333 hours;
3. An additional application charge of \$5,000 shall be due when the total number of hours of Commission and Division professional staff time expended on matters directly related to the applicant exceeds 667 hours;
4. An additional application charge, at an hourly rate to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e), shall be due and payable upon demand by the Commission for each hour of Commission and Division professional staff time that is expended on matters directly

related to the applicant that is in excess of 1,000 total hours; and

5. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division for matters directly related to the processing and investigation of the application.

(c) In order to recover costs for monitoring compliance with the Act and the regulations and for assuring the continued fitness of enterprises engaged in gaming related casino service industries, the application and issuance fee for the renewal of a subsection 92a casino service industry enterprise license shall be assessed in accordance with (b) above.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92a casino service industry enterprise license may request an installment plan for payment of the application fee. The Division of Financial Evaluation shall propose a payment plan for the applicant which shall include, if the applicant chooses to accept the payment plan, an additional fee of \$100.00 for the cost of processing the payment plan.

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

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

Section substantially amended.

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

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

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

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

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

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

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

Amended by R.2006 d.252, effective July 3, 2006.

See: 38 N.J.R. 1418(a), 38 N.J.R. 2888(a).

In (a), removed "schools teaching gaming and dealing techniques," and substituted "three" for "two" and "five" for "four"; in (b)1, added "shall be due at the time of application"; rewrote (b)2; inserted present (b)3 and (b)4; recodified former (b)3 as (b)5; and rewrote (d).

Case Notes

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

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

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

(b) The initial application and issuance fee for a non-gaming related casino service industry enterprise license shall be \$3,000.

(c) The application and issuance fee for the renewal of a non-gaming related casino service industry enterprise license shall be \$3,500.

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

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

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

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

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

Section substantially amended.

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

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

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

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

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

Amended by R.2009 d.268, effective September 8, 2009.

See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

In (a), substituted "four-year" for "three year" and "five-year" for "four year"; in (b), deleted "three year" preceding "non-gaming" and substituted "\$3,000" for "\$2,000"; and in (c), deleted "four year" preceding "non-gaming" and substituted "\$3,500" for "\$2,500".

Case Notes

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

19:41-9.9A Junket enterprise license fees

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

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

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

(d) Any enterprise required to apply for the issuance or renewal of a junket enterprise license may request an installment plan for payment of the application fee in accordance with the following schedule:

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

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

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

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

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

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

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

Section substantially amended.

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

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

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

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

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

Stylistic changes.

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

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

Added (d).

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

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

Amended by R.2009 d.268, effective September 8, 2009.

See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

In (a), substituted "four-year" for "three year" and "five-year" for "four year"; in (b), deleted "three year" preceding "junket"; and in (c), deleted "four year" preceding "junket".

19:41-9.10 Labor organization registration fee

Under section 93 of the Act, each labor organization seeking to represent employees licensed or registered under the Act and employed by a casino hotel or a casino licensee shall register with the Commission biennially. The fee for each biennial registration of a labor organization shall be \$250.00.

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

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

Fee increased from \$100 to \$250.

Amended by R.2009 d.268, effective September 8, 2009.

See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

Substituted "biennially" for "annually" and "biennial" for "annual".

19:41-9.11 Casino key employee license fees

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

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

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

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

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

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

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

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

(b) and (c) substantially amended.

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

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

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

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

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

Deleted old (b)2 and substituted new.

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

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

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

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

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

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

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

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

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

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

(b) The initial application and issuance fee for a junket representative license shall be \$350.00. The application and issuance fee for the renewal of a junket representative license shall be \$250.00.

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

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

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

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

Deleted old (b)2 and inserted new.

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

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

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

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

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

Reference to employment by casino licensee added.

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

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

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

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

Amended by R.1995 d.307, effective June 19, 1995.

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

Corrected citations; and rewrote (b).

Amended by R.2009 d.268, effective September 8, 2009.

See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

In (a), deleted "such" following "5:12-94d," inserted "junket representative" and "shall be renewable" and substituted "four" for "three" and "additional five-year periods" for "a term of four years for all subsequent renewals"; and in (b), inserted "initial application and" and "ap-

plication and issuance fee for the", and substituted "a junket representative license" for "an initial three year licensee" and "of a junket representative" for "fee for a four year".

19:41-9.12 (Reserved)

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

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

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

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

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

(b)2 and 3 amended.

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

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

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

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

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

Deleted old (b)2 and substituted new.

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

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

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

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

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

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

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

Repealed by R.1997 d.1, effective January 6, 1997.

See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

Section was "Gaming school resident director license fees".

19:41-9.13 (Reserved)

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

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

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

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

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

Repealed by R.1997 d.1, effective January 6, 1997.

See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

Section was "Gaming school instructor, principal employee and sales representative license fees".

19:41-9.14 Casino employee license fees

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

(b) Under subsection 94d of the Act, a casino employee license shall be issued for an initial term of four years and shall be renewable for additional five-year periods. The initial application and issuance fee for a casino employee license shall be \$350.00. The application and issuance fee for the renewal of a casino employee license shall be \$250.00.

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

1. An applicant for the issuance of a casino employee license may submit an initial payment of \$275.00 upon filing of the application and a subsequent payment of

\$85.00 within 30 days from the date that the license is granted or denied or the application is withdrawn, or upon the prior issuance of the license.

(d) The Commission may waive the fee in (b) above for an applicant for initial licensure if:

1. The applicant chooses to have such application filed on his or her behalf by or through an agency funded by State or Federal funds, the purpose of which agency is the administration or operation of job training or retraining programs; and

2. Such agency certifies to the Commission that its job training or retraining programs would customarily absorb the initial license fee on behalf of the applicant.

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

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

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

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

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

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

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

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

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

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

Amended by R.2009 d.268, effective September 8, 2009.

See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

Rewrote (b).

19:41-9.15 Casino service employee registration fee

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

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

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

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

Changed registration requirements.

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

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

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

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

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

Administrative correction.

See: 41 N.J.R. 1102(b).

19:41-9.16 (Reserved)

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

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

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

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

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

(a) Substantially amended.

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

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

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

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

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

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

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

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

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

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

Section was "Employee license position additions and deletions".

19:41-9.17 Miscellaneous administrative fees

(a) Lost licenses shall be replaced for a fee of \$6.00.

(b) Requests to change a name or address on a license shall require a fee of \$6.00.

(c) A processing fee of \$15.00 shall be imposed upon any applicant for a casino service industry enterprise license or junket enterprise license which submits a check in payment of an application fee which is dishonored and returned by a bank after deposit.

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

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

Deleted the word "application".

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

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

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

19:41-9.18 (Reserved)

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

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

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

19:41-9.19 Obligation to pay fees; nonrefundable nature of fees; credits

(a) Any fee obligation arising in accordance with the Act and this subchapter shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license. In accordance with N.J.S.A. 5:12-82c(10), each party to an agreement to lease the casino hotel or the land thereunder, to jointly own a casino hotel or the land thereunder, or to manage a casino, shall also be liable for any amounts chargeable to the casino operator except as otherwise provided in the Act.

(b) Except as otherwise provided in (e) below, amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable.

(c) Payments made by a casino licensee for its estimated share under N.J.A.C. 19:41-9.4(f) which exceed its actual share as finally determined by the Commission for the fiscal year shall be credited toward the payment of additional fees by that casino licensee.

(d) Any surplus which exists in the Casino Control Fund as of the close of a fiscal year which is not due to excess payments of estimated shares collected pursuant to N.J.A.C. 19:41-9.4(f) shall be credited toward the payment of additional fees by casino licensees. The share for each casino licensee shall be the amount which is in the same proportion to the total surplus subject to this subsection as the proportion of the total amount of fees incurred or paid by the casino licensee with respect to the fiscal year is to the total amount of all fees incurred or paid by all casino licensees with respect to the fiscal year.

(e) Any former casino licensee which would be entitled to a credit toward the payment of additional fees pursuant to (c) or (d) above and which ceases to hold any license and which does not owe and will not accrue additional fee or other obligations to the State under the Act may claim a refund of any amount to which it is found to be entitled to a credit.

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

Added (b).

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

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

Amended by R.1996 d.353, effective August 5, 1996.

See: 28 N.J.R. 2351(a), 28 N.J.R. 3817(c).

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

(a) Whenever the Commission or Division is authorized by law to provide services to any State, county or municipal department, board, bureau, commission, authority or agency, and to receive compensation for the performance of such services, the Commission shall assess fees for the cost and expense of providing these services as follows:

1. Payment for the efforts of the Commission and the Division on matters directly related to other governmental bodies at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and
2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the performance of the services which are being provided.

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

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

Old rule recodified to 19:41-9.21.

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

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

Deleted old (a)1 and substituted new.

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

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

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

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

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

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

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

Recodified from 9.20.

SUBCHAPTERS 10 THROUGH 11. (RESERVED)

SUBCHAPTER 12. LABOR ORGANIZATIONS REGISTRATION

19:41-12.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Notes

“Agent” definition applied. In the Matter of the Hotel and Restaurant Employees and Bartenders International Union Local 54, 203 N.J.Super. 297 (App.Div.1985), certiorari denied 102 N.J. 352 (1985).

19:41-12.2 Registration required

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

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).
Amended by R.2009 d.268, effective September 8, 2009.
See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).
Substituted “biennially” for “annually”.

19:41-12.3 Registration exemption; standards and findings

(a) The Commission may in its discretion exempt any labor organization, union or affiliate from registration in accordance with the requirements of N.J.S.A. 5:12-93a.

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

Amended by R.1995 d.283, effective June 5, 1995.
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).
Amended by R.2009 d.268, effective September 8, 2009.
See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).
In (a), deleted a comma following “union” and deleted “annual” preceding “registration”.

19:41-12.4 Initial filing of registration statement

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

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

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

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

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

1. A Labor Organization Registration Statement as set forth in N.J.A.C. 19:41-5.13; and
2. The information required by N.J.A.C. 19:41-12.9(d) for each officer, agent and principal employee.

New Rule, R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Amended by R.1996 d.159, effective March 18, 1996 (operative July 1, 1996).

See: 28 N.J.R. 74(b), 28 N.J.R. 1558(c).

19:41-12.5 Duration of registration; renewal

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

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

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

"120" days was "90".

Amended by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

Amended by R.2009 d.268, effective September 8, 2009.

See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

Substituted "biennially" for "annually".

19:41-12.6 Continuing duty to disclose

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

Amended by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.7 Federal reports exception

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

Amended by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

19:41-12.8 (Reserved)

Repealed by R.1995 d.283, effective June 5, 1995.

See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).

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

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

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

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

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

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

1. An original and one copy of a Labor Organization Individual Disclosure Form; and
2. Either a certification by the Division that the applicant has been fingerprinted or fingerprint impression cards in accordance with N.J.A.C. 19:41-7.7.

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

Amended by R.1995 d.283, effective June 5, 1995.
 See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).
 Amended by R.1996 d.159, effective March 18, 1996 (operative July 1, 1996).
 See: 28 N.J.R. 74(b), 28 N.J.R. 1558(c).
 Amended by R.2009 d.268, effective September 8, 2009.
 See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).
 In the introductory paragraph of (d), deleted "annually" preceding "file" and inserted "biennially".

19:41-12.10 (Reserved)

Repealed by R.1995 d.283, effective June 5, 1995.
 See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).
 Section was "Waiver of disqualification criteria".

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

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

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

19:41-12.12 Failure to comply; consequences

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

1. A labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.4 and 12.5 or fails to provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission;
2. Any officer, agent or principal employee of such labor organization, union or affiliate has been found disqualified by the Commission in accordance with the provisions of the Act or the rules of the Commission;
3. The labor organization, union, affiliate or any officer or agent thereof holds a prohibited interest in a casino hotel, casino, or casino simulcasting facility, or casino licensee; or
4. An officer, agent or principal employee of a labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.9 or fails to provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission.

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

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. APPLICATIONS FOR THE RENEWAL OF EMPLOYEE LICENSES

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

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

(b) Except as otherwise provided by N.J.A.C. 19:41-14.4 and 14.5(d), no applicant for the renewal of an employee license may, after the expiration date of that license, be employed on the basis of that license by a casino licensee in any position which requires the possession of a current and valid employee license.

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

19:41-14.2 Time for filing

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

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

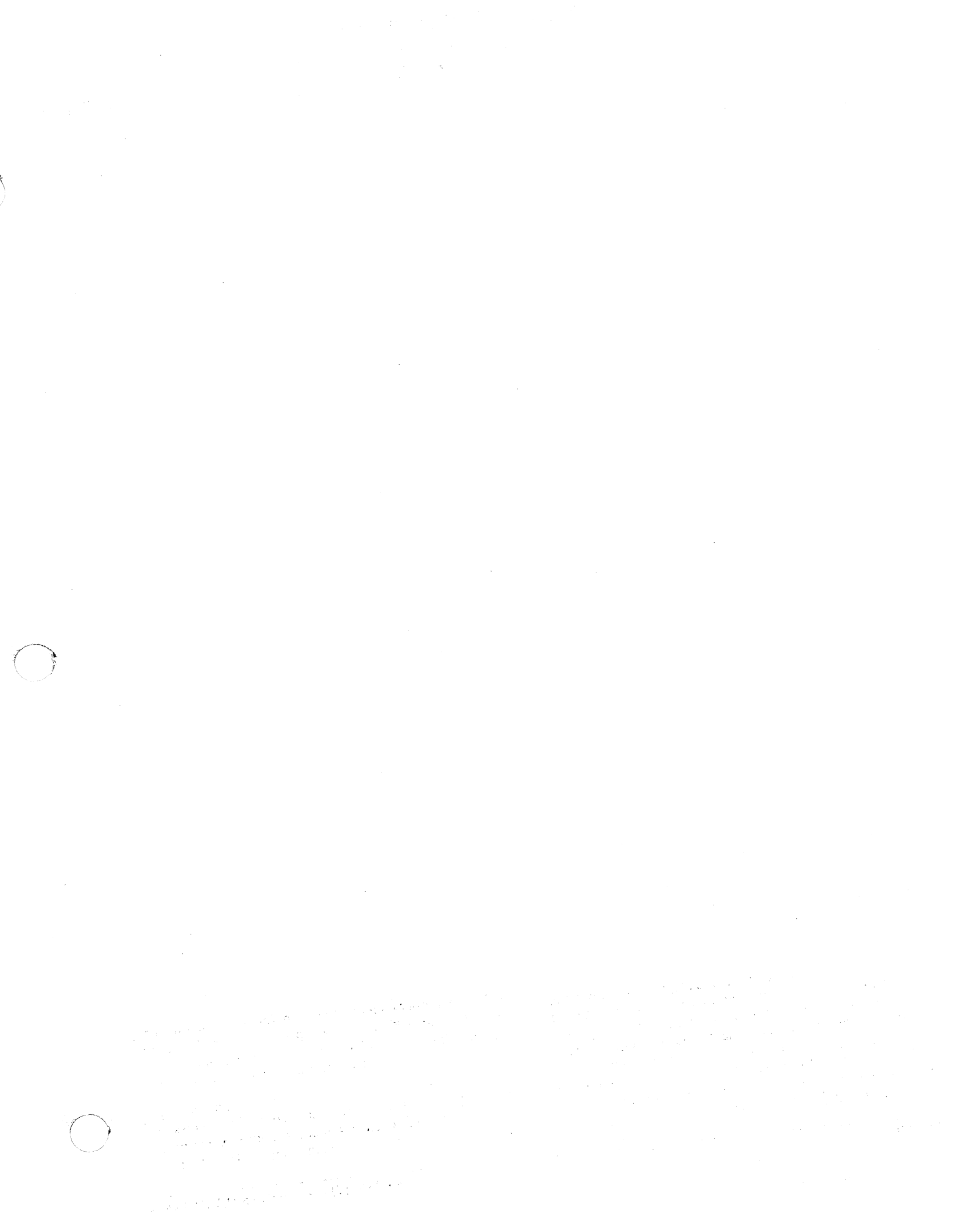
(b) No application shall be considered filed in accordance with (a) above unless:

1. The application contains all application materials required by N.J.A.C. 19:41-14.3; and

2. All application materials have been completed in accordance with the requirements of the Act, the Commission's regulations and any instructions included with the materials.

(c) Any applicant for the renewal of an employee license who files an incomplete renewal application within the filing deadline specified in (a) above shall be promptly notified by the Commission of any deficiency in the renewal application.

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



(d) Failure of a licensee to file a complete renewal application with the Commission in accordance with (a) through (c) above shall be deemed a failure to apply for renewal of the license and shall result in the termination of the license on its stated expiration date.

1. Any licensee whose current license will be terminated pursuant to this section may, prior to the expiration date of the current license, apply for a new license of the same type by filing the appropriate renewal application materials identified in N.J.A.C. 19:41-14.3 and paying the initial license application fee required by N.J.A.C. 19:41-9, or may apply for a downgraded license in accordance with N.J.A.C. 19:41-14.4. After the expiration date of the current license, the former licensee shall be required to file a complete application for the issuance of a new license. Under either circumstance, the filing of the application for a new license shall not affect the termination of the former license on its stated expiration date.

2. Any person whose license expires due to his or her failure to file a complete and timely renewal application in accordance with this section shall not be eligible to receive a temporary license of the same rank until one year after the expiration date of the former license, except as follows:

i. Upon the filing of a signed and dated certification by such person that, at the time of the filing deadline for renewal, he or she was not working in a position which required such license; or

ii. Upon the written petition of such person and for good cause shown, the Commission may permit application for such temporary license in accordance with N.J.S.A. 5:12-89e or 90g, as applicable, at an earlier date.

(e) Any licensee whose license has been suspended by the Commission must continue to file renewal applications during the suspension period in order to remain eligible to return to work immediately should the license be reinstated. The suspended licensee shall be required to file complete renewal applications in accordance with the requirements of this section as if the suspended license were renewed pursuant to the terms of N.J.S.A. 5:12-94 and (a) above; provided, however, the suspended licensee shall only be required to pay one license renewal fee during the suspension period. Failure of a suspended licensee to file a renewal application in accordance with the requirements of this subsection shall be deemed a failure to apply for renewal of the license but shall not affect the validity of any ongoing proceeding concerning the former licensee's qualification for licensure.

Amended by R.1995 d.622, effective December 4, 1995.

See: 27 N.J.R. 3595(a), 27 N.J.R. 4911(a).

Amended by R.1999 d.360, effective October 18, 1999.

See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

In (d), inserted ", or may apply for a downgraded license in accordance with N.J.A.C. 19:41-14.4" at the end of the first sentence in 1, and rewrote 2.

19:41-14.3 Contents of renewal application

(a) An application for the renewal of an employee license shall include:

1. A completed Employee License Renewal Application form signed by the applicant and notarized by a person authorized to administer oaths. This form shall contain all relevant information since the applicant's initial application for licensure or most recent application concerning the following:

i. Any changes in the name, address or the telephone number of the applicant;

ii. The name and address of the applicant's present employer and the name of his or her supervisor;

iii. The applicant's employment history with casino licensees;

iv. A history of any disciplinary action taken by employers against the applicant;

v. A history of all action taken by any jurisdiction against any license, work permit, or certificate held by the applicant to work in casino gaming;

vi. All criminal arrests, charges, custodial confinements, indictments and convictions of the applicant; and

vii. All civil litigation in which the applicant is named as a defendant or respondent.

2. A Release Authorization signed by the applicant and notarized by a person authorized to administer oaths in the State of New Jersey, which Release Authorization shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions, and all governmental agencies, to release any and all information pertaining to the applicant as requested by the Division or Commission;

3. Either a certification by the Division that the applicant has been fingerprinted or fingerprint impression cards in accordance with N.J.A.C. 19:41-7.7;

4. Payment of the appropriate license renewal fee due in accordance with N.J.A.C. 19:41-9; and

5. The documents required for identification by N.J.A.C. 19:41-7.2A.

(b) In addition to the materials identified in (a) above, an application for the renewal of a casino key employee license shall include:

1. A Personal Financial Statement certified and signed by the applicant containing a detailed, itemized list of the applicant's assets and liabilities in a form required by the Commission; and

2. Copies of any Federal income tax returns filed by the applicant with the Internal Revenue Service since the applicant's initial license was granted or most recent

application for renewal was filed, whichever occurred later.

(c) In addition to the materials identified in (a) above, an application for the renewal of a junket representative license shall include, in a form required by the Commission, designation of an agent to receive service of process in this State and an affirmation that the applicant submits to the jurisdiction of this State.

Amended by R.1993 d.163, effective April 19, 1993 (operative July 1, 1993).

See: 25 N.J.R. 276(a), 25 N.J.R. 1778(a).

In (a)1: added requirement that form be notarized.

In (a)2: added requirement that Release Authorization be notarized.

Amended by R.1995 d.307, effective June 19, 1995.

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

In (b), following "director license", deleted "or a junket representative license".

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.1996 d.159, effective March 18, 1996 (operative July 1, 1996).

See: 28 N.J.R. 74(b), 28 N.J.R. 1558(c).

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

Rewrote (a).

19:41-14.4 Downgrade of license at renewal

(a) An applicant for the renewal of a casino key employee license may, in lieu of renewing his or her current license, apply to downgrade his or her current license at renewal to a casino employee license by filing an Application to Downgrade Employee License as set forth in N.J.A.C. 19:41-5.5C and a complete renewal application in accordance with N.J.A.C. 19:41-14.2 and 14.3.

(b) An applicant for renewal of a casino key employee license or casino employee license may, in lieu of renewing his or her current license, apply to downgrade his or her current license at renewal to a casino service employee registration by complying with the requirements of N.J.A.C. 19:41-7.1B and filing an Application to Downgrade Employee License as set forth in N.J.A.C. 19:41-5.5C, including the fee required by N.J.A.C. 19:41-9.15.

(c) Any applicant who has filed a complete and timely renewal application may, no later than the last day of the month which is two months prior to the month in which the current license term expires, apply to downgrade his or her license pursuant to (a) or (b) above. Such applicant shall not be entitled to a refund of any license renewal fee previously paid for his or her current license (see N.J.A.C. 19:41-9.19).

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

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

Amended by R.1999 d.360, effective October 18, 1999.

See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

Rewrote the section.

19:41-14.5 Processing

(a) Upon the receipt of a complete renewal application within the time period required by N.J.A.C. 19:41-14.2, the renewal application shall be transmitted to the Division which shall conduct such investigation as it deems necessary to determine the continued qualification of the applicant.

(b) The Commission shall consider each complete and timely application for the renewal of an employee license no sooner than one month prior to, but no later than, the expiration date of the current license. If the Division does not file an investigative report on a complete and timely application for renewal of an employee license, the Commission may grant the renewal of the license unless the Division requests, in writing, no later than 40 days prior to the expiration date of the current license, that such application for renewal not be considered until an investigative report has been submitted by the Division.

(c) Nothing in this section shall be deemed to be inconsistent with the authority of the Division pursuant to N.J.S.A. 5:12-94 to request the Commission to reconsider the status of any license at any time.

(d) If an applicant for renewal requests a hearing in accordance with the provisions of N.J.A.C. 19:42-3, or the Commission finds that the Division has requested that consideration of an application be delayed until an investigative report is submitted, the Commission shall provide the applicant with a document permitting the applicant to remain employed under his or her existing license credential until such application has been finally determined by the Commission; provided, however, nothing herein shall be deemed to relieve an applicant for renewal of the obligation to file any subsequent application for renewal which is due pursuant to N.J.A.C. 19:41-14.2 during the course of the hearing process.

(e) The Commission shall notify an applicant in writing when a renewal application is granted, and the applicant shall appear in person at the Commission's Casino Employee License Information Unit in Atlantic City within 30 days of the notice to obtain his or her new license credential. Should the applicant fail to appear as required by this subsection, the Commission may notify casino licensees that the applicant can no longer be employed in the licensed position after the expiration of the applicant's current license credential until the applicant appears as required and receives his or her new license credential.

19:41-14.6 (Reserved)

Repealed by R.2003 d.18, effective January 6, 2003 (Operative January 20, 2003).

See: 34 N.J.R. 3174(a), 34 N.J.R. 273(a).

Section was "Duration of renewed licenses".

19:41-14.7 (Reserved)

Repealed by R.2009 d.268, effective September 8, 2009.
See: 41 N.J.R. 2227(a), 41 N.J.R. 3314(a).

Section was "Transitional rules governing certain renewals".

19:41-14.8 Renewal of license after expiration of license term; relation to previous license term

(a) The term of any employee license which is renewed by the Commission after the date on which the previous license term would normally have expired in accordance with the

requirements of N.J.S.A. 5:12-94 shall relate back to and begin on the day following the expiration date of the previous license term.

(b) Notwithstanding (a) above, the term of any employee license which has been suspended by the Commission and which is reinstated and renewed by the Commission after the date on which the previous license term would normally have expired in accordance with the requirements of N.J.S.A. 5:12-94 shall begin on the day following the date of the Commission vote reinstating and renewing the license.