

**CHAPTER 41
APPLICATIONS**

Authority

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

Source and Effective Date

R.1995 d.242, effective April 13, 1995.
See: 27 N.J.R. 647(a), 27 N.J.R. 2011(a).

Executive Order No. 66(1978) Expiration Date

Chapter 41, Applications, expires on April 13, 2000.

Chapter Historical Note

Chapter 41, Applications (Subchapters 1 through 10), was adopted as R.1977 d.475, effective December 15, 1977. See: 9 N.J.R. 545(b), 10 N.J.R. 4(d). Subchapter 11, Applications by Casino Licensees for Approval of Agreements, was adopted as R.1978 d.177, effective May 25, 1978. See: 10 N.J.R. 212(b), 10 N.J.R. 306(c). Subchapter 12, Labor Organization Registration, was adopted as R.1978 d.176, effective May 25, 1978. See: 10 N.J.R. 211(b), 10 N.J.R. 306(b). Subchapter 13, Casino License Conservatorship, was adopted as R.1979 d.207, effective May 24, 1979. See: 11 N.J.R. 213(b), 11 N.J.R. 360(b).

Pursuant to Executive Order No. 66(1978), Chapter 41 (except Subchapter 5), was readopted as R.1983 d.181, effective May 17, 1983. Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983. See: 15 N.J.R. 532(b), 15 N.J.R. 931(b).

Pursuant to Executive Order No. 66(1978), Chapter 41 was readopted as R.1988 d.255, effective May 12, 1988. See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a). Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989. See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b). Subchapter 2, Casino Hotel Facilities, and Subchapter 13, Casino License Conservatorship, were recodified as N.J.A.C. 19:43-6 and 19:43-13, respectively, by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a). Subchapter 14, Applications for the Renewal of Employee Licenses, was adopted as R.1993 d.34, effective January 19, 1993 (operative July 1, 1993). See: 24 N.J.R. 2133(a), 25 N.J.R. 345(b).

Pursuant to Executive Order No. 66(1978), Chapter 41 was readopted as R.1993 d.205 effective April 15, 1993. See: 25 N.J.R. 916(b), 25 N.J.R. 1999(a). Subchapter 5, Forms, was adopted as R.1993 d.429, effective September 7, 1993. See: 25 N.J.R. 2655(a), 25 N.J.R. 4120(a).

Pursuant to Executive Order No. 66(1978), Chapter 41 was readopted as R.1995 d.242. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. LICENSE AND REGISTRATION REQUIREMENTS

- 19:41-1.1 Persons required to obtain a casino key employee license
- 19:41-1.2 Persons required to obtain a casino employee license
- 19:41-1.3 Employee licensee and registrant age requirements; eligibility to work in the United States
- 19:41-1.4 Employee license credentials and access badges; display; temporary credentials; obligation to obtain renewed credentials
- 19:41-1.5 Scope and applicability of employee licensing and registration requirements
- 19:41-1.5A through 19:41-1.9 (Reserved)

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. PERSONS REQUIRED TO BE QUALIFIED

- 19:41-3.1 through 19:41-3.2 (Reserved)
- 19:41-3.3 Employee licenses
- 19:41-3.4 (Reserved)
- 19:41-3.5 Casino hotel alcoholic beverage licenses

SUBCHAPTER 4. STANDARDS FOR QUALIFICATION

- 19:41-4.1 Scope
- 19:41-4.2 (Reserved)
- 19:41-4.3 Employee standards
- 19:41-4.4 Section 86 standards
- 19:41-4.5 Casino hotel alcoholic beverage license standards

SUBCHAPTER 5. FORMS

- 19:41-5.1 Definitions
- 19:41-5.2 Personal History Disclosure Form 1A (Casino Key Employee/Qualifier Form) and Gaming Enterprise Qualifier Disclosure Form
- 19:41-5.3 Personal History Disclosure Form 1B (Basic Key Form) and Junket Enterprise Qualifier Disclosure Form
- 19:41-5.4 Personal History Disclosure Form 2A (Casino Employee License Application)
- 19:41-5.5 Personal History Disclosure Form 4A (Casino Service Employee Registration Application)
- 19:41-5.5A Key Standard Qualifier Renewal Form
- 19:41-5.5B Request to Determine Employment or Reapplication Eligibility Form
- 19:41-5.5C Application to Downgrade Employee License
- 19:41-5.6 Business Entity Disclosure Form—Corporate
- 19:41-5.6A Business Entity Disclosure Form—Partnership
- 19:41-5.7 Business Entity Disclosure Form 3
- 19:41-5.8 Business Entity Disclosure Form—Holding Company
- 19:41-5.9 Qualifier Disclosure Form
- 19:41-5.10 Qualifier Renewal Disclosure Form
- 19:41-5.11 Vendor Registration Form
- 19:41-5.11A Notice of Intent to Conduct Enterprise Business
- 19:41-5.12 Junket Enterprise Registration Form
- 19:41-5.13 Labor Organization Registration Statement
- 19:41-5.14 Labor Organization Individual Disclosure Form
- 19:41-5.15 Business Entity Disclosure Form—Gaming
- 19:41-5.16 Casino Hotel Alcoholic Beverage license application form
- 19:41-5.17 Casino Hotel Alcoholic Beverage (CHAB) license renewal application form
- 19:41-5.18 Casino Hotel Alcoholic Beverage Permit Application Form

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. INFORMATION

- 19:41-7.1 Affirmative responsibility to establish qualifications
- 19:41-7.1A Application for the issuance of employee licenses or registrations and natural person qualification
- 19:41-7.1B Application for casino service employee registration; filing requirements
- 19:41-7.2 Duty to disclose and cooperate
- 19:41-7.2A Identification
- 19:41-7.3 Duty to promptly furnish information
- 19:41-7.4 Consent to inspections, searches and seizures
- 19:41-7.5 Waiver of liability for disclosure of information
- 19:41-7.6 Consent to examination of accounts and records
- 19:41-7.7 Fingerprinting
- 19:41-7.8 Photographing
- 19:41-7.9 Handwriting exemplars
- 19:41-7.10 Oath or affirmation and attorney certification
- 19:41-7.11 Untrue information
- 19:41-7.12 Signatures

- 19:41-7.13 Form of signature
- 19:41-7.14 (Reserved)
- 19:41-7.15 Format of papers
- 19:41-7.16 Number of copies

SUBCHAPTER 8. APPLICATION

- 19:41-8.1 Receipt
- 19:41-8.2 Filing
- 19:41-8.3 Processing
- 19:41-8.4 Public inspection of information
- 19:41-8.5 Amendment
- 19:41-8.6 Withdrawal
- 19:41-8.7 Mootness
- 19:41-8.8 Restriction on application and employment after denial or revocation
- 19:41-8.9 Petition for early reapplication
- 19:41-8.10 Petition for permission to obtain employment not requiring a license or registration
- 19:41-8.11 Petition for permission to obtain employment as a CHAB employee

SUBCHAPTER 9. FEES

- 19:41-9.1 General description of fees and policy
- 19:41-9.2 Fiscal year
- 19:41-9.3 Payment of fees and civil penalties
- 19:41-9.4 Casino license fees
- 19:41-9.5 Fees for testing of gaming and simulcast wagering equipment and related devices and software
- 19:41-9.6 Slot machine fees
- 19:41-9.7 Casino hotel alcoholic beverage licenses
- 19:41-9.8 Gaming related casino service industry enterprise license fee
- 19:41-9.9 Non-gaming related casino service industry license fee
- 19:41-9.9A Junket enterprise license fees
- 19:41-9.10 Labor organization registration fee
- 19:41-9.11 Casino key employee license fees
- 19:41-9.11A Junket representative license term and fees
- 19:41-9.12 through 19:41-9.13 (Reserved)
- 19:41-9.14 Casino employee license fees
- 19:41-9.15 Casino hotel employee registration fees
- 19:41-9.16 (Reserved)
- 19:41-9.17 Miscellaneous administrative fees
- 19:41-9.18 (Reserved)
- 19:41-9.19 Obligation to pay fees; nonrefundable nature of fees; credits
- 19:41-9.20 Fees for services provided to other governmental bodies
- 19:41-9.21 Powers and duties of Commission and Division

SUBCHAPTER 10. (RESERVED)**SUBCHAPTER 11. AGREEMENTS TO DO BUSINESS WITH CASINO LICENSEES**

- 19:41-11.1 through 19:41-11.4 (Reserved)

SUBCHAPTER 12. LABOR ORGANIZATIONS REGISTRATION

- 19:41-12.1 Definitions
- 19:41-12.2 Registration required
- 19:41-12.3 Registration exemption; standards and findings
- 19:41-12.4 Initial filing of registration statement
- 19:41-12.4A Application for initial and renewal of labor organization registration
- 19:41-12.5 Duration of registration; renewal
- 19:41-12.6 Continuing duty to disclose
- 19:41-12.7 Federal reports exception
- 19:41-12.8 (Reserved)
- 19:41-12.9 Officers, agents and principal employees; initial and renewal filing requirements
- 19:41-12.10 (Reserved)
- 19:41-12.11 Interest in casino hotel or casino licensee prohibited
- 19:41-12.12 Failure to comply; consequences

SUBCHAPTER 13. (RESERVED)**SUBCHAPTER 14. APPLICATIONS FOR THE RENEWAL OF EMPLOYEE LICENSES**

- 19:41-14.1 Scope of subchapter; effect of expiration of license
- 19:41-14.2 Time for filing
- 19:41-14.3 Contents of renewal application
- 19:41-14.4 Downgrade of license at renewal
- 19:41-14.5 Processing
- 19:41-14.6 Duration of renewed licenses
- 19:41-14.7 Transitional rules governing certain renewals
- 19:41-14.8 Renewal of license after expiration of license term; relation to previous license term

SUBCHAPTER 1. LICENSE AND REGISTRATION REQUIREMENTS**19:41-1.1 Persons required to obtain a casino key employee license**

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

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

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

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

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

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

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

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

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

viii. Function as a cage manager in accordance with N.J.A.C. 19:45-1.11(b)7;

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

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

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;

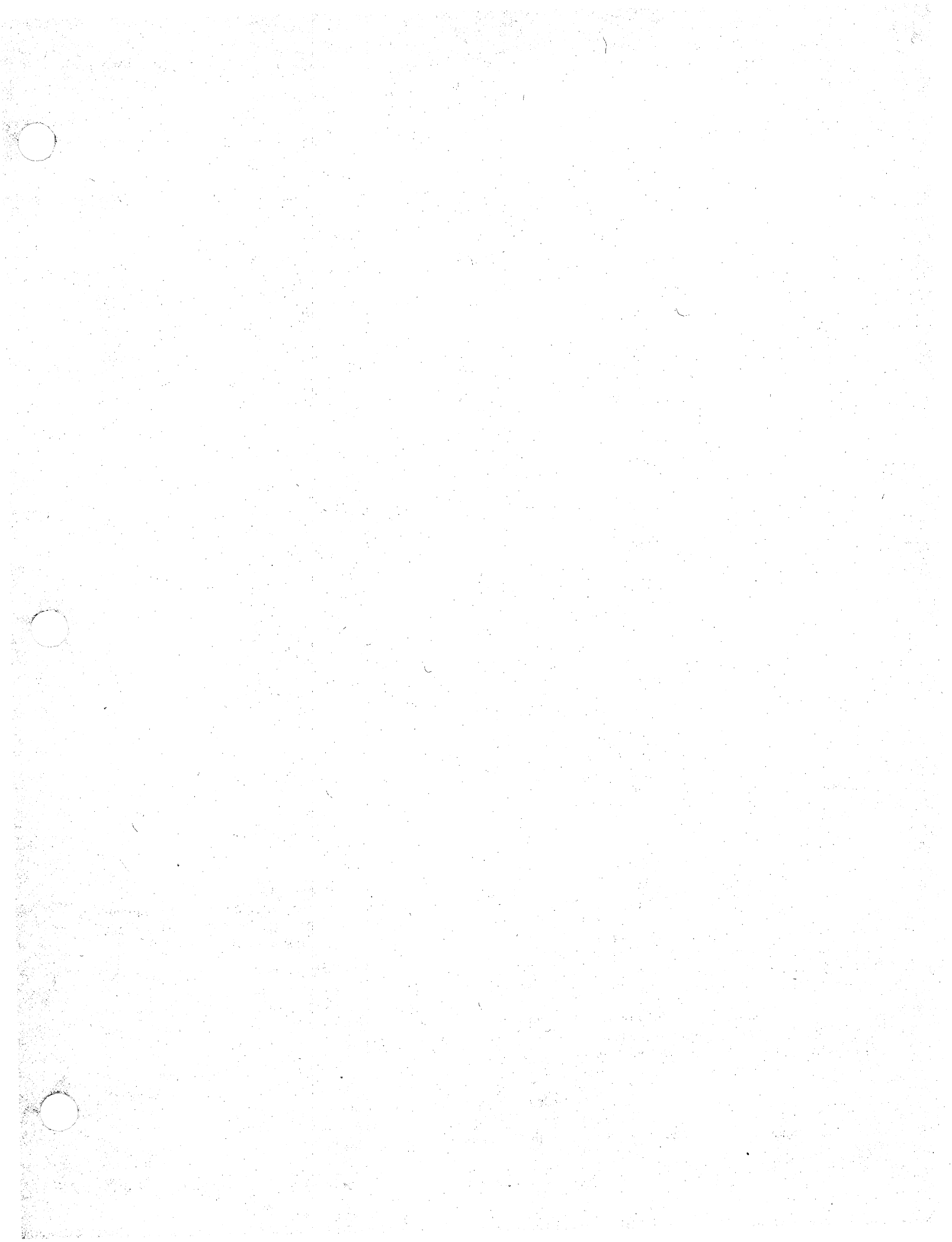
3. The natural person will be given the opportunity to participate in any benefit plans offered by the casino licensee or applicant to its employees, including, without limitation, health insurance plans, life insurance plans, pension plans or profit sharing plans;

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 dealing only one game did not constitute age discrimination. *Maidenbaum v. Bally's Park Place, Inc.*, D.N.J.1994, 870 F.Supp. 1254, affirmed, 67 F.3d 291.

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. PERSONS REQUIRED TO BE QUALIFIED

19:41-3.1 (Reserved)

Repealed by R.1992 d.500, effective December 21, 1992.
See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).
Section was "Casino licenses".

Case Notes

Compliance noted. In re: Application of Playboy-Elsinore Associates, 203 N.J.Super. 470 (App.Div.1985).

19:41-3.2 (Reserved)

Repealed by R.1992 d.412, effective October 19, 1992.
See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).
Section was "Casino service industry licenses".

19:41-3.3 Employee licenses

No employee license shall issue unless the individual qualifications of the natural person applying therefor shall have first been established in accordance with the standards of the Act and of the regulations of the Commission.

19:41-3.4 (Reserved)

Repealed by R.1978 d.176, effective May 25, 1978.
See: 10 N.J.R. 211(b), 10 N.J.R. 306(b).
Section was "Labor organization registrations".

19:41-3.5 Casino hotel alcoholic beverage licenses

No casino hotel alcoholic beverage license shall issue unless the individual qualifications of the person applying therefor shall have first been established in accordance with the standards of Section 103 of the Act and of the regulations of the Commission.

SUBCHAPTER 4. STANDARDS FOR QUALIFICATION

19:41-4.1 Scope

No license shall be issued unless each person required to qualify shall have first qualified in accordance with the

following standards applicable to the said person as set forth in the Act and the regulations of the Commission.

19:41-4.2 (Reserved)

Repealed by R.1992 d.500, effective December 21, 1992.
See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).
Section was "Casino license standards".

Case Notes

Good character, honesty and integrity. Application of Boardwalk Regency Corp. for a Casino License, 180 N.J.Super. 324, 434 A.2d 1111 (App. Div. 1981) modified 90 N.J. 361, 447 A.2d 1335.

19:41-4.3 Employee standards

(a) The employee standards set forth in Sections 89, 90 and 91 of the Act and the regulations of the Commission are as follows:

1. The financial stability, integrity and responsibility of the person;
2. The good character and reputation of the person for honesty and integrity; and
3. The age of the person.

Amended by R.1978 d.363, effective October 16, 1978.
See: 10 N.J.R. 407(e), 10 N.J.R. 522(c).
Amended by R.1982 d.63, effective March 15, 1982.
See: 14 N.J.R. 37(a), 14 N.J.R. 285(d).
Deleted (a)5 and 6.
Amended by R.1995 d.306, effective June 19, 1995.
See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Case Notes

Good character, honesty and integrity.

In re Seymour Alter, OAL Dkt. CCC 2085-79 (December 6, 1979), affirmed in part and reversed in part, CCC Dkt. 79-EA-60 (May 20, 1980), affirmed per curiam N.J. App. Div., June 24, 1981, A-4106-79T1 (Unreported). Patsy N. Marino v. Division of Gaming Enforcement, 2 N.J.A.R. 176 (1980). Bradford Woodard v. Division of Gaming Enforcement, 2 N.J.A.R. 231 (1980). In re Antonio Tufi, OAL Dkt. CCC 4660-79 (August 8, 1980), modified, CCC Dkt. 79-EA-149 (November 25, 1980), affirmed, N.J. App. Div., February 10, 1982, A-1541-80T1. Barbara A. Callabrese D'Ascenso v. Division of Gaming Enforcement, 2 N.J.A.R. 92 (1980).

Qualifications explicitly incorporate statutory requirements. In re: Martin, 90 N.J. 295 (1982).

19:41-4.4 Section 86 standards

The standards set forth in Section 86 of the Act are the proving of qualifications; the providing of information, documentation and assurances; the conviction of, current prosecution of or commission by the person of certain criminal offenses; the pursuit of certain described activities for financial gain or the association with persons engaged in the pursuit thereof; and, the defiance by the person of certain official investigatory bodies.

19:41-4.5 Casino hotel alcoholic beverage license standards

The casino hotel alcoholic beverage license standards set forth in Section 103 of the Act, the regulations of the Commission, Title 33 of the Revised Statutes and the rules, regulations and bulletins of the Division of Alcoholic Beverage Control are among other things, the age of the person and the conviction of the person of a crime involving moral turpitude.

SUBCHAPTER 5. FORMS

19:41-5.1 Definitions

The following words and terms shall have the following meanings when used in this subchapter, unless the context clearly indicates otherwise.

"Family" is defined at N.J.A.C. 19:40-1.2.

"Hub facility" is defined at N.J.A.C. 19:55-1.1.

"Immediate family" means a person's spouse and any children, whether by marriage, adoption or natural relationship.

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

19:41-5.2 Personal History Disclosure Form 1A (Casino Key Employee/Qualifier Form) and Gaming Enterprise Qualifier Disclosure Form

(a) A Personal History Disclosure Form 1A (Casino Key Employee/Qualifier Form or PHD-1A) or Gaming Enterprise Qualifier Disclosure Form (Gaming 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, information regarding resident alien status;
7. Marital history, dependents and other family data;

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 Historical Note

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).

SUBCHAPTER 7. INFORMATION

19:41-7.1 Affirmative responsibility to establish qualifications

It shall be the affirmative responsibility and continuing duty of each applicant, licensee and registrant to produce such information, documentation and assurances as may be required to establish by clear and convincing evidence his qualifications in accordance with the Act and regulations of the Commission. No application shall be granted to any applicant who fails to so prove his qualifications.

Case Notes

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

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

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

1. A completed original and one photocopy of the appropriate Personal History Disclosure (PHD) Form or Qualifier Disclosure Form (QDF), as follows:
 - i. An applicant for a casino key employee license 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 Gaming QDF as set forth in N.J.A.C. 19:41-5.2;

vii. An applicant required to qualify pursuant to subsection 92c of the Act by virtue of his or her position with a casino service industry enterprise shall file a QDF as set forth in N.J.A.C. 19:41-5.9. If such enterprise is required to be licensed pursuant to N.J.A.C. 19:51-1.2A(f), the applicant shall also provide two copies of his or her Federal tax returns and related documents;

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)1i, amended N.J.A.C. reference; and, in (a)1ii, 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 (e); and recodified former (e) as (f).

19:41-7.1B Application for casino service employee registration; filing requirements

(a) No casino service employee registration shall be issued by the Commission unless:

1. The applicant for registration has an offer of employment from a casino licensee or applicant; and

2. A petition requesting that the Commission issue the registration has been filed by the casino licensee or applicant pursuant to N.J.A.C. 19:43-9.5

(b) A completed application for casino service employee registration as set forth in N.J.A.C. 19:41-7.1A shall be filed as follows:

1. The applicant for registration may provide the casino licensee or applicant with his or her written authorization to file the application on his or her behalf pursuant to N.J.A.C. 19:43-9.5(a)4; or

2. The applicant for registration may submit the complete application directly to the Commission by mail or in person at the address specified in N.J.A.C. 19:40-3.5(b) and (c), provided that:

i. The application is accompanied by a written offer of employment from a casino licensee or applicant; and

ii. The applicant provides the casino licensee or applicant with a signed and dated certification stating that he or she has filed a completed application with the Commission.

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

See: 26 N.J.R. 1321(a), 26 N.J.R. 2474(a).

Amended by R.1995 d.306, effective June 19, 1995.
See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

19:41-7.2 Duty to disclose and cooperate

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

Case Notes

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

19:41-7.2A Identification

(a) Each natural person who seeks to apply for a license or registration under the Act or who seeks permission to obtain employment as a CHAB employee pursuant to N.J.A.C. 19:41-8.11 shall establish his or her identity to a reasonable certainty.

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

1. One of the following authentic documents:
 - i. A current United States passport;
 - ii. A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United

States Department of Justice, Immigration and Naturalization Service (INS); or

iii. A current INS alien registration card which contains a photograph and fingerprints; or

2. Any two of the following authentic documents:

i. A certified copy of a birth certificate issued by a state, county or municipal authority in the United States bearing an official seal;

ii. A current driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iii. A current identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iv. A current student identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;

v. A current identification card issued by a federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

vi. A current identification card issued by INS containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address; or

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

(c) Any natural person may request that the Commission change the name designated on his or her application, license or registration by establishing identity pursuant to (b) above or by providing a certificate of marriage, a divorce decree or court order from this or any other state, which evidences the requested name change.

(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 be restricted from filing another petition pursuant to this section for a period of two years 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).

SUBCHAPTER 9. FEES

19:41-9.1 General description of fees and policy

(a) Under the Act, the Commission and Division are required to be financed exclusively from fees charged each fiscal year to applicants, licensees and registrants. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. Section 139 of the Act requires the Commission to establish, by regulation, fees for the issuance and renewal of casino licenses. The statutory basis for the casino license issuance fee is the cost of investigation and consideration of the application. The statutory basis for the casino license renewal fee is the cost of maintaining the control and regulatory activities of the Commission and the Division. In contrast, section 141 of the Act requires the Commission to establish, by regulation, issuance and renewal fees for all non-casino licenses, but indicates no cost basis for establishing such fees.

(b) The differing treatment of these categories reflects a legislative recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the agencies in implementing that process. Moreover, the experience of the Commission and the Division reveals that the actual cost of investigating and considering applications for individual employee licenses and casino service industry licenses frequently exceeds the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these regulations is designed to respond to these policies and problems.

(c) To the extent fairly possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to that applicant or licensee. However, since individual employees and casino service industry enterprises cannot

always be expected to cover the full amount expended, there will be an amount of the annual combined budgets of the agencies which will not be recoverable through specified fees for particular services. This amount cannot be predicted with precision because of the necessarily variable allocation of Commission and Division efforts.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from casino license renewal fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise uncollected expenditures of the agencies should be allocated among the licensed casino facilities.

(e) In the event that the Casino Control Fund has a surplus as of the close of a fiscal year, other than a surplus due to estimated payments against an expected deficiency, the surplus should be credited to the extent possible to the individual licensees who made the surplus payments. Since, as noted in (c) above, fees charged to persons other than casino licensees are no more than and frequently less than the actual cost of the investigatory and regulatory services actually attributable to them and since the casino licensees, through various hourly and other charges, contribute the overwhelming majority of all fees generated by the agencies, any surplus in the Casino Control Fund may be attributable to payments made by the casino licensees. Further, since it is not feasible to ascertain precisely the source of the surplus due to the variety of charges levied against the casino licensees and the numerous variables affecting the revenues and expenditures of the agencies, it is reasonable and equitable to distribute the surplus by granting credit to the casino licensees against future fee obligations and to allocate the credit among the licensees in proportion to the relative amount of total fees incurred or paid by each casino licensee with respect to the fiscal year.

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

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

Added subsection (d).

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

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

(e) added.

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

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

Case Notes

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

19:41-9.2 Fiscal year

For purposes of this subchapter, a fiscal year shall be the period commencing on July 1 and ending the subsequent June 30.

19:41-9.3 Payment of fees and civil penalties

(a) No application shall be accepted for filing by the Commission or processed by the Commission or the Division except upon proper and timely payment of all required fees and civil penalties in accordance with the Act and the regulations of the Commission. Any portion of a fee which is incurred or determined after the filing of the application or which is estimated in accordance with this subchapter, and any civil penalty imposed by the Commission, shall be payable upon demand made by the Commission through its Division of Financial Evaluation. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee or civil penalty unless the Commission finds cause to permit an extension of time in which to remit the demanded amount.

(b) Any fee or civil penalty required to be paid in accordance with this subchapter or pursuant to an order of the Commission shall be paid before the Commission shall consider the application for issuance or renewal of licensure, unless the Commission finds cause to permit an extension of time in which to pay such fee or civil penalty.

(c) All fees and civil penalties shall be paid by check or money order made payable, in the case of fees, to the "Casino Control Fund" and, in the case of civil penalties, to the "Casino Revenue Fund," and presented to the Commission at its offices. No check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn.

(d) Unless otherwise directed by the Commission, all payments of fees or civil penalties received from licensees, registrants or applicants shall be credited against, in chronological order (the oldest shall be paid first), any outstanding debts for fees or civil penalties that the person owes pursuant to the Act and the regulations of the Commission.

(e) A required fee or civil penalty shall be considered paid only if the Commission is satisfied that the person obligated to pay the fee or civil penalty owes no other debts for fees or civil penalties.

(f) Any required fee or civil penalty that a person fails to pay despite demand therefor shall constitute cause for the Commission to take the following administrative actions, as applicable, with regard to such person:

1. Dismiss any application submitted by such person;
2. Suspend any license or registration held by such person;
3. Suspend any permission granted to such person pursuant to N.J.A.C. 19:41-8.10 or 8.11;
4. Prohibit the filing of an application for any license or registration;

5. Prohibit employment by a casino licensee or applicant in a position that does not require a license or registration;

6. Prohibit the transaction of any direct or indirect business with a casino licensee or applicant;

7. Prohibit the holding of a position with any casino service industry licensee or applicant for which such person would be required to establish his or her qualification pursuant to N.J.A.C. 19:51-1.14;

8. Prohibit the holding of a principal employee position as defined in N.J.A.C. 19:41-5.11(a)12 or 5.12(a)10 with any vendor registrant or junket enterprise registrant; and

9. Prohibit the holding of a position with any casino licensee for which such person would be required to establish his or her qualification pursuant to N.J.A.C. 19:43-2.2.

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

Amended by R.1992 d.35, effective January 21, 1992.
See: 23 N.J.R. 3249(a), 24 N.J.R. 298(a).

Revised text.

Amended by R.1996 d.248, effective June 3, 1996.
See: 28 N.J.R. 1497(a), 28 N.J.R. 3007(a).

Amended by R.1999 d.151, effective May 17, 1999.
See: 31 N.J.R. 521(a), 31 N.J.R. 1359(b).

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

19:41-9.4 Casino license fees

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

1. "Casino license" means a plenary casino license issued under Section 87 of the Act;
2. "Licensed casino facility" means a casino hotel facility as to which a casino license has been issued to authorized gaming operations;
3. "Casino operator" means a casino licensee is designated as the primary obligor for payment of gross revenues taxes in accordance with N.J.A.C. 19:54-1.2;
4. "Initial license fee" or "Issuance fee" means the total fee which is required by the Act and these regulations to be paid prior to consideration or issuance of a plenary casino license to an unlicensed applicant and which is based upon the cost of investigating and considering the application;

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 \$100,000 for each one-year license renewal, and not less than \$200,000 for each two-year license renewal.

(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).

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).

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), 20 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).

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, schools teaching gaming and dealing techniques, 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 two years and for a term of four 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;

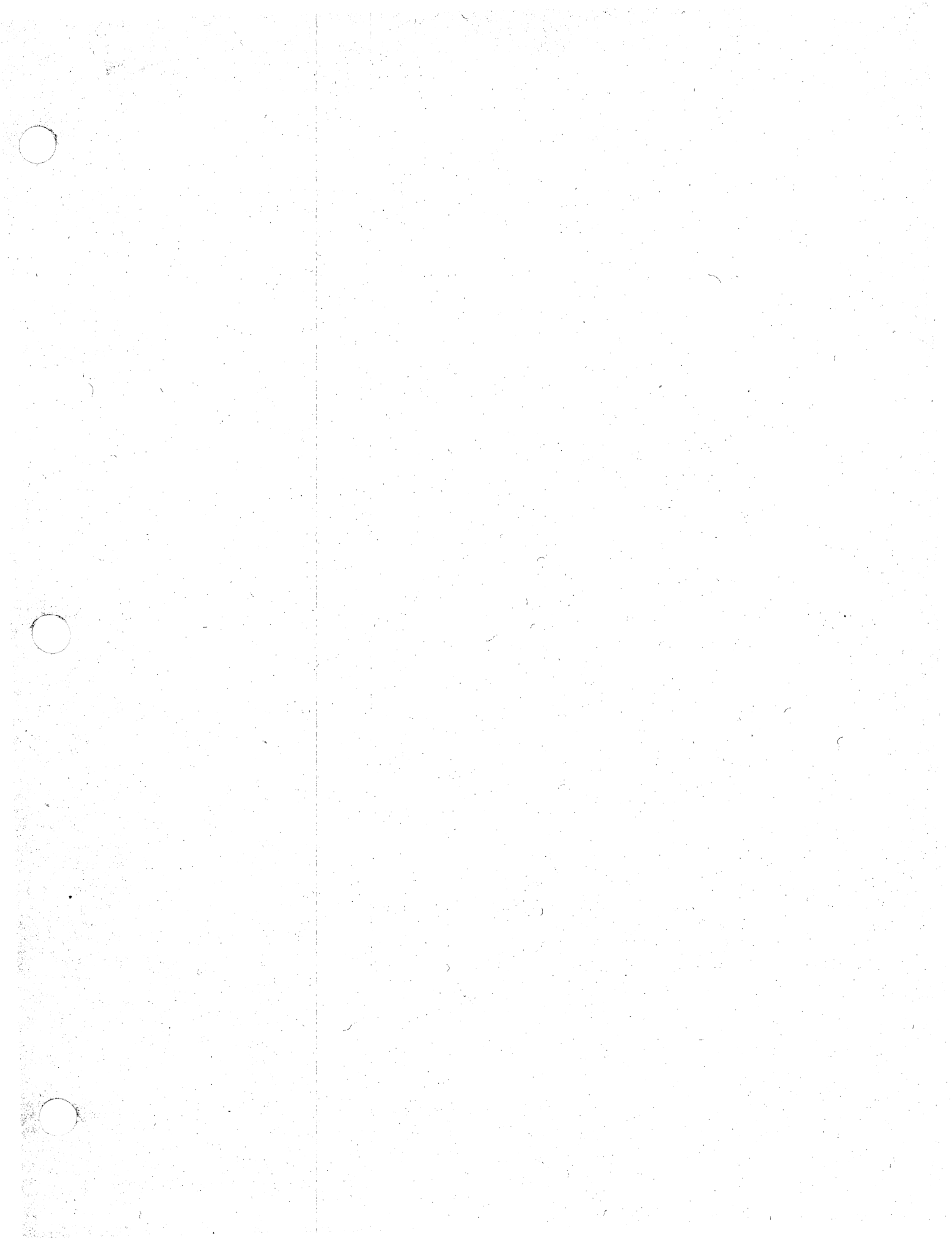
2. An additional application charge of \$5,000 if the efforts of the Commission and the Division on matters directly related to the applicant require more than 1,000 hours but less than 2,000 hours of time attributable to processing and investigation of the application, or \$10,000 if such efforts require 2,000 or more such hours; and

3. 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 in (b)1 above in accordance with the following schedule:

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



(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 three years and be renewable for four year periods thereafter. The issuance fee for such a three year license shall be \$350.00. The renewal fee for such a four year license shall be \$250.00.

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

1. An applicant for the issuance of a casino employee license may submit an initial payment of \$275.00 upon filing of the application and a subsequent payment of \$85.00 within 30 days from the date that the license is granted or denied or the application is withdrawn, or upon the prior issuance of the license.

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

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

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

Amended by R.1982 d.57, effective March 1, 1982.
 See: 14 N.J.R. 38(a), 14 N.J.R. 237(e).

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

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

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

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

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

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

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

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

19:41-9.15 Casino service employee registration fee

(a) Under section 91 of the Act, no person may be employed as a casino service employee unless such person is registered with the Commission. A casino service employee

registration shall remain in effect unless revoked, suspended, limited, or otherwise restricted by the Commission in accordance with the provisions of the Act. The one time registration fee for a casino service employee shall be \$60.00.

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

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

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

Changed registration requirements.

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

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

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

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

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

19:41-9.16 (Reserved)

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

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

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

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

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

(a) Substantially amended.

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

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

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

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

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

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

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

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

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

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

Section was "Employee license position additions and deletions".

19:41-9.17 Miscellaneous administrative fees

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

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

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

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

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

Deleted the word "application".

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

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

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

19:41-9.18 (Reserved)

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

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

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

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

(a) Any fee obligation arising in accordance with the Act and this subchapter shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license. In accordance with N.J.S.A. 5:12-82c(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.

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. AGREEMENTS TO DO BUSINESS WITH CASINO LICENSEES

19:41-11.1 (Reserved)

Amended by R.1981 d.439, effective November 16, 1981.

See: 13 N.J.R. 626(a), 13 N.J.R. 847(e).

Changed catchline from "Application for approval" to "Presentation of the agreement".

Added vendor registration requirements and increased filing time from five to 10 days.

Petition for Rulemaking: Proposal to delete that portion of the rule that utilizes the formal offer and acceptance of the agreement as the trigger mechanism for the filing of a completed vendor registration form. Would propose to focus upon the date on which payment is rendered as a more readily identifiable event and would amend the rule to require the vendor registration form be filed within 10 days following the "tender of any monies to any enterprise".

See: 20 N.J.R. 824(a).

Amended by R.1991 d.531, effective November 4, 1991.

See: 23 N.J.R. 2486(b), 23 N.J.R. 3347(a).

In (c): extended filing time to 20 calendar days from 10; added new text as (c)1 and 2.

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

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

Exception added at (d); termination specified.

Amended by R.1993 d.4, effective January 4, 1993.

See: 24 N.J.R. 3694(a), 25 N.J.R. 200(a).

In subsection (c): adds text requiring vendor registration for any enterprise that has entered an agreement which the Commission determines is governed by subsection 104(b) of the Act and by N.J.A.C. 19:41-11.1. Clarifies that a casino licensee or applicant is required to file a vendor registration form for each bus company with which the licensee maintains an agreement to provide the bus company's passengers with complimentary services or items upon arrival.

Recodified as 19:43-10.2 by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Section was "Presentation of the agreement".

19:41-11.2 (Reserved)

Amended by R.1981 d.439, effective November 16, 1981.

See: 13 N.J.R. 626(a), 13 N.J.R. 847(e).

Added "exemption of persons providing goods or services in insignificant amounts". Changed "denial of application" to "disapproval of agreement".

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

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

Requirement for Commission review of suitability of agreements made optional.

Recodified as 19:43-10.3 by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Section was "Suitability of the agreement".

19:41-11.3 (Reserved)

As amended, R.1981 d.439, effective November 16, 1981.

See: 13 N.J.R. 626(a), 13 N.J.R. 847(e).

Replaced (g)1 and 2 with 1, 2 and 3. Added subsection (h).

Amended by R.1988 d.443, effective September 19, 1988.

See: 20 N.J.R. 1537(b), 20 N.J.R. 2399(a).

Added (h) and (j), renumbered old (h) to (i), deleted old (i); renumbered old (j) to (k).

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

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

Requirement added for Commission review of agreements for junket enterprises, and any other enterprises likely to do business with casinos. Repealed by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Section was "Casino service industry license applications".

19:41-11.4 (Reserved)

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

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

Requirement for Commission review of agreements made optional; address changed.

Repealed by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Section was "Competition within casino service industries".

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 annually 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).

19:41-12.3 Registration exemption; standards and findings

(a) The Commission may in its discretion exempt any labor organization, union, or affiliate from annual 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).

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).