

SUBCHAPTER 7. INFORMATION

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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.

As amended, effective: 01/06/03; Operative: 01/20/03

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.

As adopted, effective: 06/06/94
As amended, effective: 06/05/95
As amended, effective: 06/19/95
As amended, effective: 12/04/95
As amended, effective: 01/06/97
As amended, effective: 03/02/98
As amended, effective: 10/18/99
As amended, effective: 02/22/00

As amended, effective: 12/15/03

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

As adopted, effective: 06/06/94

As amended, effective: 06/19/95

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 the 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.

Adopted, effective: 01/06/03; Operative: 01/20/03

As amended, effective: 09/08/09

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.

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;
 - vii. An unexpired foreign passport with an authorization issued by 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.

As adopted, effective: 01/03/94; Operative: 02/01/94

As amended, effective: 09/19/94

As amended, effective: 02/05/96

As amended, effective: 01/06/03; Operative: 01/20/03

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.

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.

As amended, effective: 06/06/94

As amended, effective: 12/04/95

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.

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 Commission 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, typed or printed name, address and telephone number of the person performing the translation or summary.

As adopted, effective: 11/05/01

19:41-7.15 Format of papers

All application papers submitted to the Commission or Division shall be on paper approximately 8 1/2 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, effective: 09/11/79

As amended, effective: 03/02/98

