

## **SUBCHAPTER 8. APPLICATION**

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### **19:41-8.1 Receipt**

All application papers, unless otherwise directed by the Chair, shall initially be submitted to and received by the Chair, or such members of the Commission staff as the Chair may designate, who shall cause to be endorsed thereon the date of such receipt.

As amended, effective: 09/18/89

### **19:41-8.2 Filing**

(a) The Chair, or such members of the Commission staff as the Chair may designate, shall determine the date of filing as to each application received and shall cause to be endorsed thereon the date of such filing. No application shall be deemed filed until the applicant shall satisfy the Chair or his or her

designee:

1. That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification and copies;
2. That all appropriate application, registration, business enterprise disclosure and personal history disclosure forms have been properly completed and presented;
3. That all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly presented;
4. That all other information, documentation, assurances and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and
5. That all required fees have been properly paid and all required bonds have been properly furnished.

As amended, effective: 09/18/89

### **19:41-8.3 Processing**

(a) Upon a determination that all prerequisites for filing have been met the Chair, or such members of the Commission staff as the Chair shall designate, shall:

1. Accept the application for filing and cause same to be docketed by the executive secretary of the Commission;
2. Notify the applicant or his attorney, if any, in writing, of the fact that the application has been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof and of the further fact that such acceptance for filing and docketing of the application shall constitute no evidence whatsoever that any requirement of the act or of the regulations of the Commission have been satisfied;
3. Direct the staff of the Commission to analyze, obtain and evaluate such information of either a factual nature or otherwise as may be

necessary to determine the qualifications of the applicant and any other matter relating to the application;

4. Request the Division to promptly and in reasonable order conduct such investigation and provide such information as may be necessary to determine the qualifications of the applicant and any other matter relating to the application;

5. Have the authority to, in his or her discretion and at the expense of the applicant, publish once a week for two weeks successively in the official newspaper of the Commission and any other newspapers the Chair may designate, a notice of the fact that an application has been filed identifying the applicant, containing a concise statement as to the nature of the applicant's proposed activity or employment and including the further statement that "Objections to licensure or registration of this applicant, if any, should be made immediately in writing to the Chair of the Casino Control Commission".

As amended, effective: 09/18/89

#### **19:41-8.4 Public inspection of information**

No information in the possession of the Commission or Division relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the regulations of the Commission.

#### **19:41-8.5 Amendment**

It shall be the continuing duty of each applicant to promptly file with the Chair, or such members of the Commission staff as the Chair shall designate, a written amendment to his or her application explaining any new or changed facts or circumstances whenever any material or significant new or changed facts or circumstances occur with respect to any matter set forth in the

application or other papers relating thereto. Any applicant may be permitted by the Chair or his or her designee to file any other amendment to his application at any time prior to final action thereon by the Commission.

As amended, effective: 09/18/89

As amended, effective: 07/19/99

### **19:41-8.6 Withdrawal**

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

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

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

(c) Notwithstanding the foregoing, the Commission may accept and

consider a written notice of withdrawal after the time specified herein if the Division consents to the withdrawal and if the Commission is satisfied that there exists extraordinary circumstances justifying withdrawal.

As amended, effective: 04/15/80

#### **19:41-8.7 Mootness**

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

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

(a) Any natural person whose license, registration, qualification or approval is denied or revoked by the Commission for failure to satisfy the affirmative qualification criteria of the Act or due to a Commission finding that such person is disqualified pursuant to N.J.S.A. 5:12-86 or both, may not, except as otherwise provided by N.J.A.C. 19:41-8.9, 8.10 or 8.11, reapply for a license, registration, qualification or approval or, pursuant to N.J.S.A. 5:12-106c, be employed by a casino licensee in a position that does not require a license or registration, until five years have elapsed from the date of denial or revocation. Notwithstanding the foregoing:

1. If the denial or revocation was based upon conviction of a disqualifying offense pursuant to N.J.S.A. 5:12-86c and reapplication is to be evaluated under the standards of N.J.S.A. 5:12-89, reapplication is permitted after the lapse of 10 years from the date of conviction;

2. If the denial or revocation was based on acts constituting a

disqualifying offense pursuant to N.J.S.A. 5:12-86c and 86g and reapplication is to be evaluated under the standards of N.J.S.A. 5:12-89, reapplication is permitted after the lapse of 10 years from the date of the conduct in question; and

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

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

1. Failure to demonstrate financial stability pursuant to N.J.S.A. 5:12-89b(1) or 90b: Reapplication is permitted upon achieving financial stability.

2. Failure to satisfy the residency requirement set forth in N.J.S.A. 5:12-89b(4) or 90b: Reapplication is permitted upon establishment of a New Jersey residence, or upon a Commission finding that such residency will be established before the processing of said reapplication has been completed, or upon a Commission finding that the residency requirement should be waived pursuant to N.J.S.A. 89b(4) or 90c.

3. Failure to satisfy the age requirement set forth in N.J.A.C. 19:41-1.3: Reapplication is permitted upon attaining the requisite age or upon a Commission finding that such age will be attained before the processing of said reapplication has been completed.

4. Pending charges for a disqualifying offense pursuant to N.J.S.A. 5:12-86c and 86d: Reapplication is permitted upon disposition of the pending charges provided the charges do not result in conviction of a disqualifying offense pursuant to N.J.S.A. 5:12-86c.

5. Any statutory or regulatory provision which is subsequently repealed or modified: Reapplication is permitted upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or revocation and justifies the conclusion that the prior decision should no longer bar reapplication.

Effective: 04/15/80

As amended, effective: 08/05/91

As amended, effective: 11/15/93

As amended, effective: 06/19/95

As amended, effective: 02/05/96

### **19:41-8.9 Petition for early reapplication**

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

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

(c) The Commission may grant a petition for early reapplication if it finds

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

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

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

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

(e) Notwithstanding (d) above:

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

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

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

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

As adopted, effective: 02/05/96  
As amended, effective: 09/03/02

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

(a) Any natural person who is barred from employment by a casino licensee for five years pursuant to N.J.S.A. 5:12-106c may petition for permission to obtain employment in a position which does not require a license or registration by filing a Request to Determine Employment or Reapplication Eligibility Form as set forth in N.J.A.C. 19:41-5.5B. Such petition may be filed at any time after one year has elapsed from the date of denial or revocation or at such earlier date as the Commission may order.

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

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

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

As adopted, effective: 02/05/96  
As amended, effective: 09/03/02

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

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

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

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

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

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

As adopted, effective: 02/05/96

As amended, effective: 09/03/02

