

CHAPTER 69J

PERSONS DOING BUSINESS WITH CASINO LICENSEES

SUBCHAPTER 1. GENERAL PROVISIONS

13:69J-1.1 Definitions

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

"Gaming equipment" means any mechanical, electrical, or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, big six wheels, slot machines, multi-player slot machine systems, slot tokens, prize tokens, cards, dice, chips, plaques, match play coupons, card dealing shoes, drop boxes, and other devices, machines, equipment, items, or articles determined by the Division to be so utilized in gaming as to require licensing of the manufacturers, distributors, or servicers, or as to require Division approval in order to contribute to the integrity of the gaming industry or to facilitate the operation of the Division. "Gaming equipment" shall also include a computer network of both interstate and intrastate interoperable packet switched data networks and the hardware, software, or systems associated therewith, used in connection with Internet gaming or the conduct of any game conducted through the Internet.

"Gaming equipment distributor" means any person who distributes, sells, supplies or markets gaming equipment.

"Gaming equipment industry" means gaming equipment manufacturers, gaming equipment distributors and gaming equipment servicers.

"Gaming equipment manufacturer" means any person who manufactures, produces or assembles gaming equipment.

"Gaming equipment servicer or repairer" means any person who provides maintenance, service or repair of gaming equipment or devices, machines, equipment, items, or articles governed by N.J.A.C. 13:69J-1.2(b) in any manner which has the capacity to affect the outcome of the play of an authorized game or simulcast wagering or the calculation, storage, collection, or control of gross revenue.

"Gaming school" means any person, including a governmental agency, that offers or proposes to offer any course in a specific subject area of gaming or dealing techniques.

"Governmental agency" means any office, department, division, bureau, board, commission, agency, authority, institution, or like governmental entity of the State of New Jersey or a political subdivision thereof or of any other state or political entity of the United States.

"Inside director" means a director of a casino service industry enterprise applicant or licensee or holding or intermediary enterprise company thereof who is also an officer or employee of the applicant or licensee or the holding or intermediary company of which he or she is director.

"Outside directors" means any director other than an inside director.

"Sales representative" means any person owning an interest in, employed by or representing a casino service industry enterprise licensed in accordance with sections 92a and b of the Act, who solicits the goods and services or business thereof.

"Security business" or "casino security service" means any non-governmental enterprise providing physical security services to a casino, a casino licensee, to an approved hotel or to any premises located within a casino hotel complex.

(b) The following words and terms, when used in this chapter, shall have the meanings set forth in the relevant provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq., except that any reference contained therein to an applicant for or holder of a casino license shall instead be read to refer to an applicant for or holder of a casino service industry enterprise license:

"Holding company" (as defined at N.J.S.A. 5:12-26).

"Independent software contractor" (as defined at N.J.S.A. 5:12-27.a).

"Intermediary company" (as defined at N.J.S.A. 5:12-28).

13:69J-1.2 Casino service industry enterprise license requirements

(a) No enterprise shall provide goods or services directly related to casino, simulcast wagering, gaming activity, or Internet wagering activity to, or otherwise transact business directly related to casino, simulcast wagering, gaming activity, or Internet wagering activity with, a casino applicant or licensee, its employees or agents unless licensed in accordance with N.J.S.A. 5:12-92.a(1) or (2).

(b) In determining whether an enterprise shall be licensed pursuant to this section, the Division shall consider, without limitation, whether the enterprise satisfies one or more of the following criteria:

1. Whether the enterprise manufactures, supplies, or distributes devices, machines, equipment, items, or articles that:
 - i. Are specifically designed for use in the operation of a casino or casino simulcasting facility;
 - ii. Are needed to conduct an authorized game or simulcast wagering;
 - iii. Have the capacity to affect the outcome of the play of an authorized game or simulcast wagering;
 - iv. Have the capacity to affect the calculation, storage, collection, or control of gross revenue; or

- v. Directly relate to Internet gaming activity including the supplying of software or systems;
2. Whether the enterprise is a gaming equipment servicer or repairer;
3. Whether the enterprise provides services directly related to the operation, regulation, or management of a casino or casino simulcasting facility;
4. Whether the enterprise manages, controls, or administers Internet games or wagers associated with such games; or
5. Whether the enterprise provides such other goods or services determined by the Division to be so utilized in or incident to gaming, casino or simulcast wagering activity as to require licensing in order to contribute to the public confidence and trust in the credibility and integrity of the gaming industry in New Jersey.

(c) Enterprises required to be licensed in accordance with N.J.S.A. 5:12-92.a(1) and (2) and (a) above shall include, without limitation, the following:

1. Manufacturers, suppliers, distributors, servicers and repairers of roulette wheels, big six wheels, slot machines, multi-player slot machine systems, cards, dice, gaming chips, gaming plaques, slot

tokens, prize tokens, dealing shoes, drop boxes, computerized gaming monitoring systems, totalisators, pari-mutuel machines, self-service pari-mutuel machines, and credit voucher machines;

2. Casino credit reporting services, casino simulcasting hub facilities, and suppliers of casino security services; and
3. Companies providing Internet gaming software or systems, vendors who manage, control, or administer games and associated wagers conducted through the Internet, and providers of customer lists of persons who have placed wagers through the Internet.

(d) Junket enterprises, junket representatives, and enterprises providing other services including, but not limited to, payment processing and related money-transmitting services with direct contact with patrons' casino gaming accounts or the Internet gaming system itself, customer identity, age verification, and geo-location verification used in the conduct of Internet and mobile gaming, regardless of any such enterprise's contractual relationship with an Internet gaming permit holder, shall be licensed as an ancillary casino service industry enterprise.

(e) Enterprises providing services including, but not limited to, telecommunications that are not specifically designed for Internet gaming and patron interaction shall register as a vendor with the Division.

(f) The Division may require any entity vendor registered pursuant to (e) above to apply for either a casino service industry enterprise license or an ancillary casino service industry enterprise license, if such application for either is deemed to be consistent with the public interest and policies of the Act. The Division, in its discretion, may also require any ancillary casino service industry enterprise licensee, including those licensed under (d) above, to be licensed as a casino service industry enterprise.

13:69J-1.2A (Reserved)

13:69J-1.2B Permission to conduct business prior to issuance of a casino service industry enterprise license

- (a) Notwithstanding any other provision contained in this chapter:
1. The Division may, upon the joint petition of a casino licensee or applicant and an applicant for a casino service industry enterprise license filed pursuant to N.J.S.A. 5:12-92.a(1) or (2), permit an applicant for a casino service industry enterprise license to transact business with a casino licensee or applicant prior to the licensure of the casino service industry enterprise license applicant if:
 - i. A completed application for the appropriate casino service industry enterprise license has been filed by the applicant;
 - ii. The applicant for a casino service industry enterprise license files a certification from a designee of the applicant for casino service industry enterprise licensure stating that neither the casino service industry enterprise license applicant, nor any of its qualifiers, are disqualified under any of the criteria set forth in N.J.S.A. 5:12-86;
 - iii. The petitioner shows good cause for granting the petition;
and
 - iv. The applicant for a casino service industry enterprise license agrees, within 30 business days of transacting

business, to supply to the Division, in writing, a detailed explanation of any business transacted with a casino licensee or applicant. Any applicant for a casino service industry enterprise license and any casino licensee or applicant involved in a transaction, shall maintain and make available for inspection, upon demand by the Division, any records regarding the business transacted.

2. The Division may, upon the petition of an applicant for a casino service industry enterprise license that intends to engage in the manufacture, sale, distribution, testing or repair of slot machines, permit such applicant to conduct a business transaction with persons other than a casino licensee or applicant, provided that the requirements of (a)1i through iii above are satisfied.

(b) Permission to conduct business pursuant to (a) above shall be for an initial period of up to six months. Upon a showing of good cause by the applicant, the Division may extend such relief for additional periods, in the Director's discretion, until licensure of the applicant is decided. Notwithstanding the foregoing, the Division may reconsider the granting of any approval issued pursuant to this section at any time.

13:69J-1.2C Licensing of vendors doing non-gaming business

(a) Pursuant to N.J.S.A. 5:12-92.c(2), the Division may require any vendor to apply for either a casino service industry enterprise license or an ancillary casino service industry enterprise license if such application is deemed to be consistent with the public interest and policies of the Act. The Division, in its discretion, may also require any ancillary casino service industry enterprise licensee to be licensed as a casino service industry enterprise.

(b) The Division shall give written notice of the requirement to file for a casino service industry enterprise license or ancillary casino service industry enterprise license. Receipt of this written notice shall immediately trigger the requirements of N.J.S.A. 5:12-92.a and b, including the need for the issuance of transactional waivers to continue to conduct any further business.

(c) An application filed pursuant to (a) above, and any subsequent licensure that may result after investigation by the Division, shall conform to the standards of N.J.S.A. 5:12-92.a, b and c(4), as appropriate, including issuance of transactional waivers, if necessary, and shall include the applicable filing fee for the filing of such application. Any ancillary casino service industry enterprise license applicant shall receive a credit for any licensing fees already paid in the event it is ordered to file for a casino service industry enterprise license.

(d) Any vendor required to apply for a casino service industry enterprise license or ancillary casino service industry enterprise license pursuant to (a) above shall

have the affirmative burden to establish its qualification by clear and convincing evidence.

(e) The Division retains jurisdiction to determine suitability for licensure even if the applicant terminates its relationship(s) with a casino licensee or applicant.

(f) Any vendor or licensee required by the Division to file an application shall do so no later than 60 days after receipt of the Division's notice; provided, however, that the Division may, upon written request from the vendor and for good cause shown, grant an additional 30 days within which to file the required application. Failure to file a completed application within this time period shall be grounds for prohibiting a vendor or licensee from conducting any business with a casino licensee and will result in the issuance of a prohibitory order which will be served on the vendor or licensee and the casino licensee.

(g) No waiver of all or any portion of the application filing time period mandated by (f) above shall be granted by the Division on the ground of economic hardship or loss to the unlicensed casino service industry in question.

(h) Any vendor prohibited from providing goods or services or conducting business on the basis of its failure to properly file an application may resume providing goods or services or conducting business 30 days following the proper filing of a casino service industry license application or ancillary casino service industry enterprise license, provided that the vendor has:

1. Been issued a transactional waiver by the Division, if required to file a casino service industry enterprise license by the Director;
2. Paid the appropriate license filing fee; and
3. Paid an additional late filing fee of \$ 500.00.

13:69J-1.3 Standards for qualifications

(a) Each applicant required to be licensed as a casino service industry enterprise, including all qualifiers as determined in N.J.A.C. 13:69J-1.14, shall meet the standards for qualification set forth in N.J.S.A. 5:12-92.b.

1. Any applicant or individual, as set forth in this subsection, shall have the affirmative burden to establish its qualification(s) by clear and convincing evidence.
2. A casino service industry enterprise license shall be denied to any applicant who is disqualified on the basis of the criteria contained in N.J.S.A. 5:12-86.

(b) Each applicant required to be licensed as an ancillary casino service industry enterprise, including all qualifiers as determined by the Division, shall meet the standards for qualification set forth in N.J.S.A. 5:12-92.c(4).

1. Any applicant or individual identified in this subsection, shall have the affirmative burden to establish its qualification(s) by clear and convincing evidence.
2. An ancillary casino service industry enterprise license shall be denied to any applicant who is disqualified on the basis of the criteria contained in N.J.S.A. 5:12-86, unless such applicant can affirmatively demonstrate rehabilitation pursuant to N.J.S.A. 5:12-92.d.

3. The provisions of (b)2 above regarding rehabilitation shall not apply when the applicant for an ancillary casino service industry enterprise license is a junket enterprise or junket representative, not employed by a casino licensee or an applicant for a casino license pursuant to N.J.S.A. 5:12-102.c.

13:69J-1.3A (Reserved)

13:69J-1.3B Filing of Resubmission Form every five years

The entity shall demonstrate that it continues to meet the requirements for licensure pursuant to N.J.S.A. 5:12-92a and b and, in furtherance thereof, shall submit, every five years after initial licensure, such information and documentation as the Division may require, including, but not limited to, the information required pursuant to N.J.A.C. 13:69A-5.11A.

13:69J-1.4 and 1.5 (Reserved)

13:69J-1.6 Competition

The Division shall have the power and the duty to regulate, control and prevent economic concentration in casino operations and in casino service industry enterprises so as to encourage and preserve competition.

13:69J-1.7 Investigations; supplementary information

(a) The Division may, within its discretion, make such inquiry or investigation concerning any applicant, licensee, vendor registrant, or any person involved with an applicant, licensee, or vendor registrant, including any independent software contractor, as it may deem appropriate, either at the time of the initial application and licensure or registration or at any time thereafter.

(b) It shall be the continuing duty of all applicants, licensees, vendor registrants, and independent software contractors to provide full cooperation to the Division in the conduct of such inquiry or investigation and to provide any supplementary information requested by the Division, including the filing of any vendor registration or application as required by the Director pursuant to N.J.S.A. 5:12-92.c(2) and N.J.A.C. 13:69J-1.2C.

(c) It shall be the continuing duty of all applicants, licensees, vendor registrants, and independent software contractors to provide to the Division, upon request, such information showing its continued financial stability. Such information may include, but not be limited to, financial statements and projections, tax return filings, securities filings, annual reports, and any compliance review and reporting system.

13:69J-1.8 Voiding of license

(a) A change in any item that was a condition of the original license granted pursuant to N.J.S.A. 5:12-92.a or of a license resubmission must be approved by the Division. A change in ownership shall invalidate any approval previously given by the Division, unless, in the Division's discretion, such change is deemed to be consistent with the public interest and policies of the Act.

(b) Regardless of whether a license is invalidated pursuant to (a) above, the proposed new owner shall be required to submit an application for licensure and evidence that he or she is qualified for licensure.

13:69J-1.9 Recordkeeping

(a) All casino service industry enterprise licensees, licensed pursuant to N.J.S.A. 5:12-92.a, shall maintain in a place secure from theft, loss, or destruction, adequate records of business operations, which shall be made available to the Division upon request. The records shall include:

1. All correspondence with the Division and other governmental agencies on the local, state and Federal level;
2. All correspondence concerning the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility;
3. Copies of all promotional material and advertising;
4. A personnel file on each employee of the licensee, including sales representatives;
5. Financial records of all transactions concerning the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility.

(b) The records listed in (a) above shall be held for at least five years.

Notwithstanding the foregoing, to the extent there is a conflict between the provisions of this section and N.J.A.C. 13:69D-1.8 with regard to the records of a gaming related casino service industry enterprise which is functioning as a slot system operator

pursuant to the provisions of N.J.S.A. 5:12-82c(7) and N.J.A.C. 13:69D-1.39A, the record retention requirements and procedures set forth at N.J.A.C. 13:69D-1.8 shall control.

13:69J-1.10 through 1.13 (Reserved)

13:69J-1.14 Persons required to be qualified

(a) Except as otherwise provided in (b) below and [N.J.A.C. 13:69J-1.14B](#), no casino service industry enterprise license or ancillary casino service industry enterprise license shall be issued or considered for resubmission, unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the Act and the rules of the Division. The Division shall apply the following provisions to both corporate and non-corporate applicants or licensees or, if that is not possible, the Division will in its discretion apply comparable standards to non-corporate applicants and licensees.

1. In the case of casino service industry enterprise licenses issued in accordance with [N.J.S.A. 5:12-92](#).a(1) and (2):
 - i. The applicant or licensee;
 - ii. If the applicant or licensee is, or if it is to become a subsidiary, each holding company and each intermediary company;
 - iii. Each natural person who directly or indirectly holds any beneficial or ownership interest of five percent or more of the applicant or licensee;

- iv. Each person who directly or indirectly holds any beneficial or ownership interest of five percent or more of a holding company or intermediary company of the applicant or licensee;
 - v. Each director of the applicant or licensee or of a holding or intermediary company thereof. In the case of an outside director of a holding or intermediary company, each outside director on the Executive and Audit Committee;
 - vi. Each officer of the applicant or licensee or of a holding or intermediary company thereof;
 - vii. The management employee supervising the regional or local office that employs the sales representative; and
 - viii. Each employee who will act as a sales representative or otherwise regularly engage in the solicitation of business from casino licensees.
2. In the case of an ancillary casino service industry license issued pursuant to [N.J.S.A. 5:12-92](#).a(3):
- i. The applicant or licensee;

- ii. Each holding company that directly holds any beneficial or ownership interest of five percent or more of the applicant or licensee;
- iii. Each natural person who directly or indirectly holds any beneficial or ownership interest of five percent or more of the applicant or licensee;
- iv. Each inside director of the applicant or licensee;
- v. Each officer of the applicant or licensee;
- vi. The management employee supervising the regional or local office that employs the sales representative or junket representative soliciting business or dealing directly with a casino licensee; and
- vii. Each employee who will act as a sales representative or otherwise regularly engage in the solicitation of business from casino licensees and each junket representative who will deal directly with casino licensees or their employees.

(b) Notwithstanding (a) above, any of the following persons may request in writing that the Division waive their obligation to qualify as part of a casino service

industry enterprise license issuance by making the appropriate showing required in (b)1 through 3 below.

1. If the person is required to qualify as an officer, the person shall be required to demonstrate that he or she is not significantly involved in and has no authority over the conduct of business with a casino licensee. Such request shall include, at a minimum, the following:
 - i. A description of his or her title, duties and responsibilities with the applicant, licensee or with any affiliate thereof;
 - ii. The terms of his or her compensation; and
 - iii. A certification by the officer stating that the officer is not significantly involved in and has no authority over the conduct of business with any casino licensee or applicant;
2. If the person is required to qualify as an owner of the applicant or licensee or a holding or intermediary company thereof and requests a waiver as an institutional investor, the person shall be required to demonstrate compliance with the standards for institutional investor status set forth in [N.J.S.A. 5:12-27.1](#) and [N.J.A.C. 13:69A-5.6B\(a\)](#), as well as the standards for waiver set forth in [N.J.S.A. 5:12-85.1.g](#), as applied to the casino service

industry enterprise applicant or licensee, regardless of whether such applicant or licensee is publicly traded or privately held. Such request shall include the certification required pursuant to [N.J.A.C. 13:69A-5.6B\(b\)](#).

- i. For any institutional investor whose obligation to qualify was previously waived by the Division and is seeking to apply its previously issued waiver as an institutional investor to a different casino service industry enterprise applicant or licensee, the institutional investor shall provide the Division, in a writing from a corporate officer of the institutional investor, the name and license number of the applicant or licensee in connection with which the institutional investor's obligation to qualify was previously waived by Director order, as well as the information required by [N.J.A.C. 13:69A-5.6B\(b\)](#) and (c).
3. If the person is required to qualify as an owner of the applicant or licensee or of a holding or intermediary company of the applicant or licensee, the person shall be required to demonstrate their inability to control such applicant, licensee or holding or intermediary company. For a publicly traded corporation, any person who owns or beneficially holds five percent or more of the

equity securities of such corporation shall be presumed to have the ability to control such corporation, unless such presumption is rebutted by clear and convincing evidence.

(c) Notwithstanding (a) and (b) above, the Division may require a casino service industry enterprise applicant or licensee to establish the qualifications of any person if the Division determines that the qualification of such person would further the policies of the Act. In making such determination, the Division shall consider, without limitation, the following:

1. Title, duties and responsibilities;
2. Terms of compensation;
3. Ownership interest;
4. Prior status as a qualifier;
5. Ability to appoint a member of the board of directors;
6. Commonality of interest with other owners of the applicant or licensee, or holding or intermediary company thereof;
7. Business relationship with the applicant or licensee;
8. Criminal conduct or associations;

9. Role in compliance and association or affiliation with the applicant company; and
10. Role in Internet gaming and association or affiliation with the applicant company.

(d) In addition to the persons required to qualify pursuant to (a)2 above, each applicant for a junket enterprise license may be required, upon directive from the Division, to establish the qualifications of any junket representative affiliated with that junket enterprise, regardless of whether such junket representative deals directly with a casino licensee.

1. The Division may require a junket representative affiliated with a junket enterprise licensed as an ancillary casino service industry enterprise or applicant to establish his or her qualifications at any time.
2. Any junket enterprise required to establish the qualifications of a junket representative pursuant to this subsection may be required, subject to the provisions of [N.J.A.C. 13:69A-8.6](#), to pursue a determination as to the qualifications of the junket representative regardless of whether the employment relationship with the junket representative has been terminated.

3. Any person required to establish his or her qualifications as a junket representative pursuant to this subsection may be required to pursue a determination as to his or her qualifications as a junket representative regardless of whether the employment relationship with the junket enterprise has been terminated.

13:69J-1.14A Notification of changes in qualifiers of casino service industry licensees, ancillary casino service industry licensees or applicants, and holding companies

(a) Each casino service industry enterprise licensee, ancillary casino service industry enterprise licensee, or applicant required to be licensed in accordance with N.J.S.A. 5:12-92.a and N.J.A.C. 13:69J-1.2 shall notify the Division, in writing, within five business days, of the following:

1. The appointment, nomination, election, resignation, termination, incapacitation or death of any natural person required to qualify pursuant to N.J.A.C. 13:69J-1.14(a) or (c);
2. The identity of any person required to be qualified pursuant to N.J.A.C. 13:69J-1.14(a)1iii or iv on the basis of a newly acquired ownership interest;
3. The identity of any person whose obligation to qualify was waived pursuant to N.J.A.C. 13:69J-1.14(b)2 if that person subsequently attains an ownership interest that is:
 - i. At least five percent greater than the interest held at the time the most recent waiver was granted; and
 - ii. At least 25 percent or more of the applicant, licensee, or holding or intermediary company thereof; or

4. The identity of any person whose obligation to qualify was waived pursuant to N.J.A.C. 13:69J-1.14(b)3, if that person subsequently attains an ownership interest that is:
 - i. At least five percent greater than the interest held at the time the most recent waiver was granted; and
 - ii. At least 10 percent of the applicant, licensee, or holding or intermediary company thereof.

(b) For each new qualifier identified pursuant to (a)1 or 2 above, the following forms, as applicable, shall be filed with the Division within 30 days of the mailing of the required notice; provided, however, that the Division may, upon written request from the licensee or applicant and for good cause shown, grant an additional 30 days within which to file the required forms:

1. A complete application for qualification as set forth in N.J.A.C. 13:69A-7.1A(a)1iv for each new natural person qualifier; or
2. A complete Business Entity Disclosure Form--Casino Service Industry Enterprise, as set forth in N.J.A.C. 13:69A-5.15 for each new entity qualifier.

(c) For each person identified pursuant to (a)3 above, a new petition for a waiver of qualification pursuant to N.J.A.C. 13:69J-1.14(b)2 or 3 shall be filed with the Division within 30 days of the mailing of the required notice.

(d) If a casino service industry enterprise licensee fails to file the notices and forms required by this section, the Division may, without the need for a hearing, administratively prohibit such casino service industry enterprise licensee from conducting business with a casino licensee or an applicant

13:69J-1.14B Temporary qualification at license issuance; pendent qualifiers during term of license; permission to exercise powers and perform duties prior to Division finding of plenary qualification

(a) Notwithstanding the provisions of N.J.A.C. 13:69J-1.14(a), a casino service industry enterprise license or ancillary casino service industry enterprise license may be issued by the Division without the applicant having first established the plenary qualification of each natural person otherwise required to qualify pursuant to N.J.A.C. 13:69J-1.14(a) or (c) provided that:

1. Any natural person qualifier who has not been found qualified by the Division in accordance with the provisions of N.J.A.C. 13:69J-1.14(a) as of the date of license issuance has been found temporarily qualified in accordance with the provisions of (b) below;
2. The applicant does not have more than three temporary qualifiers as of the date of license issuance; and
3. None of the temporary qualifiers is:
 - i. The chief executive officer or equivalent;
 - ii. The chief operating officer or equivalent;

- iii. A person who directly or indirectly holds any beneficial interest between five and ten percent, and is not an institutional investor of the applicant; or
 - iv. An inside director as defined in N.J.A.C. 13:69J-1.1.
4. Notwithstanding the provisions of (a)3 above, the Division, for good cause and in the sole discretion of the Director, may issue a casino service industry enterprise license pursuant to N.J.S.A. 5:12-92.a provided that its qualifiers have:
- i. Complied with the requirements of (b)1 through 3 below; and
 - ii. Submitted a certification establishing good cause on a form acceptable to the Director.

(b) For the purposes of this section, no natural person shall be temporarily qualified by the Division unless it finds that such person:

- 1. Is required to qualify pursuant to N.J.A.C. 13:69J-1.14(a) or (c) as part of an application for the issuance of a casino service industry enterprise license but has not been found qualified in accordance with N.J.S.A. 5:12-92b due to an ongoing investigation of that

qualifier by the Division as of the date the license is issued by the Division;

2. Has filed all application materials required by the Division; and
3. Has been identified by the Division as an individual as to whom it has conducted a preliminary background investigation and does not currently possess any negative information that would affect the ability of such person to establish his or her qualifications.

(c) Notwithstanding the provisions of N.J.A.C. 13:69J-1.14(a), a casino service industry enterprise licensee or ancillary casino service industry enterprise license may retain its license pursuant to N.J.S.A. 5:12-94.h(1) without having first established the individual qualifications of each natural person otherwise required to qualify pursuant to N.J.A.C. 13:69J-1.14(a) or (c) provided that each person who is required to qualify pursuant to N.J.A.C. 13:69J-1.14(a) or (c) but has not been the subject of a qualification determination by the Division is a pendent qualifier in accordance with the provisions of (d) below.

(d) For the purposes of this section, a pendent qualifier is any natural person who:

1. Is required to qualify pursuant to N.J.A.C. 13:69J-1.14(a) or (c) as part of a casino service industry enterprise license or ancillary casino service industry enterprise license but has not been the

subject of a qualification determination by the Division due to his or her obligation to qualify having arisen after the date of the initial license issuance or the previous resubmission;

2. Has had the notices and application materials required by N.J.A.C. 13:69J-1.14A(b) filed with the Division in accordance with the deadlines set forth therein; and
3. Has not been the subject of a Division determination, after appropriate notice and hearing, that reasonable cause exists to believe that such person may not be qualified based on information presented by the Division.

(e) Except as otherwise provided in (f) below, a temporary qualifier or pendent qualifier shall be entitled to exercise the powers and perform the duties of his or her position for a period of 18 months from the date that temporary qualifier or pendent qualifier status is attained pursuant to (b) or (d) above.

(f) The Division shall require the removal of any temporary qualifier or pendent qualifier if the Division determines, after appropriate notice and hearing, that the temporary qualifier or pendent qualifier does not satisfy any applicable requirement of (a) through (d) above or if such person is not found qualified by the deadlines set forth in (e) above. If a casino service industry enterprise licensee, after appropriate notice and hearing, does not remove a temporary qualifier or pendant qualifier from his

or her position, the Division may impose the sanctions set forth in N.J.A.C. 13:69J-1.14A(d).

(g) Notwithstanding the deadlines set forth in (e) above, the Division may determine the plenary qualification of any temporary qualifier or pendent qualifier in accordance with the provisions of N.J.A.C. 13:69J-1.14(a) as soon as the Division completes its investigation of the qualifier.

13:69J-1.15 Advertising

(a) Any advertisement by an applicant for or holder of a casino service industry enterprise license issued pursuant to N.J.S.A. 5:12-92.a or by any agent thereof shall be subject to the provisions of N.J.A.C. 13:69C-14 to the same extent as if such advertisement were by a casino licensee or applicant.

(b) Notwithstanding the provisions of (a) above, an applicant for or holder of a casino service industry enterprise license issued pursuant to N.J.S.A. 5:12-92.a and any agent thereof shall not be subject to the provisions of N.J.A.C. 13:69C-14.3(b).

SUBCHAPTER 2. GAMING SCHOOLS

13:69J-2.1 License requirements

No gaming school that possesses slot machines in connection therewith for the purpose of instruction shall enroll any student or offer any course concerning gaming or dealing techniques or conduct any business whatsoever with a casino licensee or applicant, its employees or agents unless such gaming school is vendor registered in accordance with N.J.S.A. 5:12-92c(1).

13:69J-2.2 Gaming equipment

(a) All gaming equipment utilized by a gaming school, including gaming chips and plaques, shall be used for training, instructional and practice purposes only. The use of any such gaming equipment for actual gaming by any person is prohibited and may constitute cause for the suspension or revocation of the gaming school vendor registration.

(b) Unless the Division otherwise determines, all gaming chips and plaques utilized by a gaming school shall be distinctly dissimilar to any gaming chips and plaques utilized by a casino licensee.

(c) No gaming school shall possess any slot machine or remove or transport any slot machine except in accordance with the Act and N.J.A.C. 13:69E-1.22, 1.23 and 1.24.

(d) Each slot machine on the premises of a gaming school shall have permanently affixed on it a serial number which, together with the location of the machine, shall be filed with the Division.

(e) Each gaming school shall provide adequate security for the slot machines on the gaming school premises.

(f) No gaming school shall sell or transfer any slot machine except upon prior written notice to the Division and the removal of all serial numbers required by this section.