

SUBCHAPTER 4. RESTRICTIONS ON KEY LICENSE APPLICATION

19:41A-4.1 Restriction on application and employment after denial or revocation

(a) Any natural person whose license or qualification 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. 19:41A-4.2 or 4.3, reapply for a casino key employee license or qualification or pursuant to N.J.S.A. 5:12-106.c, 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 anything in this subsection:

1. If the denial or revocation was based upon conviction of a disqualifying offense pursuant to N.J.S.A. 5:12-86.c 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. 5:12-86.c and 86.g 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 or qualification that 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 casino key employee license or qualification 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 casino key employee license or qualification upon satisfaction of the relevant requirements of this subsection. 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. 5:12-89.b(1): Reapplication is permitted upon achieving financial stability.

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

3. Failure to satisfy the age requirement set forth in N.J.A.C. 19:41A-5.3(c): 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. 5:12-86.c and 86.d: 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. 5:12-86.c.

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.

19:41A-4.2 Petition for early reapplication

(a) Any natural person who is barred from reapplication for five years pursuant to N.J.A.C. 19:41A-4.1 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. 19:41A-7.6 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 casino key employee licensure or qualification if considered in the context of a plenary hearing. Factors to be considered by the Commission may include, where appropriate, evidence which would support a finding of rehabilitation pursuant to N.J.S.A. 5:12-91.d.

(d) A petition filed pursuant to this section shall specify whether casino key employee licensure or qualification is sought.

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