

**OTHER AGENCIES**

**CASINO CONTROL COMMISSION**

**General Provisions**

**Applications**

**Casino Licensees**

**Adopted Repeals: N.J.A.C. 19:40 and 19:41**

**Adopted New Rules: N.J.A.C. 19:40A, 19:41A, and 19:43A**

Proposed: June 16, 2014, at 46 N.J.R. 1450(a).

Adopted: June 10, 2015, by the Casino Control Commission, Matthew B. Levinson, Chairman.

Filed: June 10, 2015, as \_\_\_\_\_, with **non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3) **and with proposed new rules N.J.A.C. 19:41A-1, 2.1, 2.2, and 2.3, and 19:43A-1, 2, 3, 4.1, 4.5, 5, and 6 not adopted.**

Authority: N.J.S.A. 5:12-50, 52, 54, 56, 60, 63, 69, 72, 73, 74, 74.1, 80, 81, 82, 83, 84, 85, 85.1, 86, 87, 89, 91.1, 94, 95, 95.12 through 95.16, 105, 106, 107, 108, and 130.1 through 130.11.

Effective Date: July 6, 2015.

Expiration Date: July 6, 2022.

**Summary** of Public Comment and Agency Response:

**No comments were received.**

**Summary** of Agency-Initiated Changes:

The reallocation of duties and responsibilities between the Casino Control Commission (Commission) and the Department of Law and Public Safety, Division of Gaming Enforcement (Division) effectuated by the amendments to the Casino Control Act (the Act) in 2011, has resulted in similar processes utilized by both the Commission and the Division, in order for the agencies to perform their proscribed statutory functions. Prior to the 2011 amendments, the Commission was solely responsible for the promulgation of regulations thereunder. Thereafter, the Commission and Division were given authority to promulgate regulations consistent with the Act's statutory directive. Consistent with the Division's statutory authority, the Division promulgated regulations that provide rules for processes that correspond with the Commission's statutory authority.

In order to streamline the rules, and avoid a duplication of regulations that apply to the processes of the Commission and the Division, the Commission seeks to eliminate sections of the proposed new rules upon adoption. The streamlining of the rules upon adoption does not change any process currently in place that affects those regulated under the Act or the regulations. An explanation of changes upon adoption, follow:

1. N.J.A.C. 19:40A-1.2 provides definitions of the words and terms used in the chapter. The term "casino room" has been deleted upon adoption, as the term is not used in the rules of the Commission.

2. N.J.A.C. 19:40A-2.1 contains the organizational structure of the Commission staff and the functions performed within the operational units.

The Commission has changed the title “Legal Division” to “General Counsel’s Office” in N.J.A.C. 19:40A-2.1(c)1 to reflect the title utilized for that operational unit.

3. N.J.A.C. 19:40A-2.1(c)2 was revised to reflect changes in the functions and duties performed within the Division of Regulatory Affairs, specifically, deleting duties performed regarding analysis of financial background, resources, financial stability, integrity, and responsibility of casino licensees and applicants, as those functions are no longer performed by Commission staff. N.J.A.C. 19:40A-2.1(c)2iv provided for data processing to occur as part of the Division of Regulatory Affairs’ operational unit. Upon adoption, the Commission has changed the data processing needs of the Commission to be performed as part of the operational duties of the Office of the Commissioners, Office of Chief of the Staff in N.J.A.C. 19:40A-2.1(c)3ii. The Commission has added additional language to N.J.A.C. 19:40A-2.1(c)3ii to reflect processes already in place throughout the rules that specify filing locations between the Commission and the Division of Gaming Enforcement.

4. N.J.A.C. 19:40A-3.1 contained an error concerning the hours the Commission is open for business. Upon adoption, the Commission has corrected that error to reflect that the Commission offices are open until 4:00 P.M, rather than 5:00 P.M.

5. N.J.A.C. 19:40A-3.3 provides for the service of communications and notices served upon or by the Commission. Upon adoption, the Commission added reference to the Division in the phrase “[e]xcept as

otherwise provided in the rules of the Commission,” to reflect the current filing processes in place for the filing of communications and notices.

6. N.J.A.C. 19:40A-3.5 governs filings of petitions and applications and has been revised upon adoption to reference the specific Division rule applicable.

7. The heading of Chapter 41A has been revised upon adoption to reflect the specific jurisdiction of the Commission concerning applications for key employee licensing.

8. The Commission is not adopting N.J.A.C. 19:41A-1, which contained the duties and responsibilities of a casino key license applicant, to effectuate the streamlining of regulations. N.J.A.C. 19:41A-1.1 stated the affirmative responsibility of applicants to establish qualification by clear and convincing evidence, which language is contained in Division rule N.J.A.C. 13:69A-7.1. N.J.A.C. 19:41A-1.2 addressed an applicant’s duty to cooperate and disclose requested information, which language is contained in N.J.A.C. 13:69A-7.2. Additionally, the Act, specifically N.J.S.A. 5:12-80, sets forth the duty of applicants to establish qualification and cooperate and disclose information. N.J.A.C. 19:41A-1.3 detailed how a person may establish their identity, which language can be found at N.J.A.C. 13:69A-7.2A. N.J.A.C. 19:41A-1.4 established the duty of each applicant or qualifier to promptly furnish requested information, which is found at N.J.A.C. 13:69A-7.3. N.J.A.C. 19:41A-1.5 required consent to inspections, searches, and seizures, which language is contained in N.J.A.C. 13:69A-7.4. N.J.A.C. 19:41A-1.6 required

waiver of liability for disclosure of information, which language is contained in N.J.A.C. 13:69A-7.5. N.J.A.C. 19:41A-1.7 required consent to an examination of accounts and records, which language is contained in N.J.A.C. 13:69A-7.6. Additionally, N.J.S.A. 5:12-89.b(1) contains the same requirements regarding the consent to an examination of accounts and records. Fingerprint and photograph requirements were addressed in N.J.A.C. 19:41A-1.8 and 1.9, respectively, which requirements are contained in N.J.A.C. 13:69A-7.7 and 7.8. N.J.A.C. 19:41A-1.10 required an oath or affirmation on papers filed with the Commission. The corresponding Division rule, N.J.A.C. 13:69A-7.10, requires an oath or affirmation on papers filed with the Division. Upon adoption, the Commission revises N.J.A.C. 19:41A-2.4 (recodified as N.J.A.C. 19:41A-2.1) to make the requirement of an oath or affirmation applicable to filings with the Commission. N.J.A.C. 19:41A-1.11 provided that the Commission shall deny licensure as the consequence of supplying untrue information. In addition to Division rule N.J.A.C. 13:69A-7.11 containing the same information, N.J.S.A. 5:12-86.b specifies that the Commission shall deny or disqualify an applicant supplying information which is untrue or misleading as to a material fact pertaining to the qualification criteria. N.J.A.C. 19:41A-1.12 provided signature requirements for applications and other forms, which requirements are contained in N.J.A.C. 13:69A-7.12 and 7.13. N.J.A.C. 19:41A-1.13 required all applicants, licensees, and qualifiers to submit an English translation of any documents in a non-English language. The corresponding Division rule, N.J.A.C. 13:69A-7.14, requires an English translation of any

documents, in a non-English language, be provided upon filing documents with the Division. Upon adoption, the Commission revises N.J.A.C. 19:41A-2.4 (recodified as N.J.A.C. 19:41A-2.1) to make the requirement of an English translation applicable to filings with the Commission.

9. N.J.A.C. 19:41A-2.1 described proper format and N.J.A.C. 19:41A-2.2 provided the copy requirement for applications submitted to the Commission. The Commission is not adopting those provisions. The corresponding Division rules, N.J.A.C. 13:69A-7.15 and 7.16, describes the format and copy requirements for application submitted to the Division. Upon adoption, the Commission revises N.J.A.C. 19:41A-2.4 (recodified as N.J.A.C. 19:41A-2.1) to require the format and copy requirements to filings with the Commission.

10. The Commission is not adopting N.J.A.C. 19:41A-2.3, which described the casino key employee license application receipt endorsement. Upon adoption, the Commission revises N.J.A.C. 19:41A-2.4 (recodified as N.J.A.C. 19:41A-2.1) to include the information regarding the filing of a casino key employee application with the Commission. Proposed N.J.A.C. 19:41A-2.4, recodified on adoption as N.J.A.C. 19:41A-2.1, is revised to require an applicant submit an English translation of any document filed with the Commission, which requirement was contained in proposed N.J.A.C. 19:41A-1.13 and not adopted to effectuate the streamlining of regulations. The rule is further revised to include references to Division regulations in order to provide

applicants with specific regulatory references to easily ascertain the standards and obligations when filing an application before the Commission.

11. N.J.A.C. 19:41A-2.5, Processing, is recodified as N.J.A.C. 19:41A-2.2 without change.

12. N.J.A.C. 19:41A-5.2 provides the application requirements for a casino key employee license and is revised to reflect the elimination of N.J.A.C. 19:41A-1.3 and to refer, instead, to the Division rule for documents that are required for identification.

13. N.J.A.C. 19:41A-5.3 establishes the procedures for temporary casino key employee licensure. The Commission has revised N.J.A.C. 19:41A-5.3(b) to reflect the filing process for a temporary casino key employee application. The revision reflects the current procedures for electronic submission of the application to the Commission and the Division.

14. In order to simplify the filing process for those regulated under the Act, the Commission and Division created a filing system, whereby, with the exception of applications for casino key employee license applications, the Division's Intake Unit will be the filing location for most other relief sought. Therefore, consistent with the new filing procedure, N.J.A.C. 19:41A-5.3(d) was revised to reflect the change in the filing system for an applicant for a key employee that is also required to establish qualification.

15. N.J.A.C. 19:41A-5.4 sets forth the requirements for endorsement as a multi-casino key employee and has been revised by the Commission to reflect the changes in the filing process.

16. N.J.A.C. 19:41A-7.2 references the Multi-Jurisdictional Personal History Disclosure Form and the New Jersey Supplemental Form to be filed by persons required to obtain a casino key employee license and also to qualify pursuant to N.J.S.A. 5:12-85.1. The Commission revises N.J.A.C. 19:41A-7.2(b) to reflect the changes in the filing process as they pertain to applicants for a casino key employee license, also requiring the establishment of qualifications.

17. N.J.A.C. 19:41A-7.4 addressed the form required for a request to determine employment or reapplication eligibility and is revised upon adoption to reference N.J.A.C. 13:69A-5.5B which contains the same information.

18. The heading of N.J.A.C. 19:41A-8 has been revised upon Commission adoption to reflect that the rules concern key license fees.

19. The Commission is not adopting N.J.A.C. 19:43A-1, which applies the chapter's general provisions to non-corporate entities requiring compliance with requirements applicable to corporate entities, as the same provision is provided in N.J.A.C. 13:69C-1.1.

20. The Commission is not adopting N.J.A.C. 19:43A-2, which provided the requirements to be licensed or qualified in connection with a casino license. N.J.A.C. 19:43A-2.1 and 2.2, indicating persons required to be licensed and persons required to be qualified, are contained in N.J.A.C. 13:69C-2.1 and 2.2. N.J.A.C. 19:43A-2.3, requiring notice of changes to qualifiers for casino license applicants and their holding companies, is contained in N.J.A.C. 13:69C-2.3. N.J.A.C. 19:43A-2.4 contained provisions



for the qualification of new directors, officers, or other qualifiers of a casino licensee or holding company, which provisions are provided in N.J.A.C. 13:69C-2.6 and 2.7. N.J.A.C. 19:43A-2.5 provided provisions to address resubmissions by qualifying natural persons in accordance with the Act, which provisions can be found in N.J.A.C. 19:41A-6 concerning a casino key license applicant and in N.J.A.C. 13:69C-2.7A(a)2 for the resubmission of qualification. The requirements in N.J.A.C. 19:43A-2.6 regarding notice of the issuance or transfer of interests are contained in N.J.A.C. 13:69C-2.8.

21. The Commission is not adopting N.J.A.C. 19:43A-3.1 and 3.2, which included provisions regarding undue economic concentration and financial stability of casino licensees and applicants. Factors for consideration for the determination of undue economic concentration are contained in the Act, specifically at N.J.S.A. 5:12-82.e, and information regarding Commission action relative to financial stability is contained in N.J.S.A. 5:12-87.1.

22. The Commission is not adopting N.J.A.C. 19:43A-4.1, which provided general information requirements for applicants for a casino license. The information contained in that section is statutory and provided only references to the Act.

23. N.J.A.C. 19:43A-4.2, License conditions, is recodified as N.J.A.C. 19:43A-4.1 without change.

24. Proposed N.J.A.C. 19:43A-4.3, Request for casino license, recodified on adoption as N.J.A.C. 19:43A-4.2, is revised to eliminate the

copying of documents to the Commission by an applicant. The documents are required to be filed by Division rule N.J.A.C. 13:69C-5.3.

25. N.J.A.C. 19:43A-4.4, Request for statement of compliance, is recodified as N.J.A.C. 19:43A-4.3 without change.

26. The Commission is not adopting N.J.A.C. 19:43A-4.5, which addressed hearings and prehearing conferences regarding applications for a casino license, as the information contained therein references the Commission's rules on hearings and appeals, N.J.A.C. 19:42A, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

27. The Commission is not adopting N.J.A.C. 19:43A-5. The provisions of N.J.A.C. 19:43A-5.1, which addressed the statutory requirements for an approved casino hotel, are contained in N.J.A.C. 13:69C-6.2 and 7.5. N.J.A.C. 19:43A-5.2 contained information regarding declaratory rulings as to proposed casino hotel facilities, which information is contained in N.J.S.A. 5:12-83.

28. The Commission is not adopting N.J.A.C. 19:43A-6, which indicated the continuing obligations of casino licensees and qualifiers. The provisions of N.J.A.C. 19:43A-6.1 regarding the filing of minutes are contained in N.J.A.C. 13:69C-8.1, and those of N.J.A.C. 19:43A-6.2 and 6.3 regarding copies of securities filings and governing documents are contained in N.J.A.C. 13:69C-8.6 and 8.2, respectively.

29. N.J.A.C. 19:43A-7.1 provides the requirements for filing applications for interim casino authorization and is revised upon adoption to eliminate the copying of documents to the Commission by an applicant.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted repeals and new rules are mandated by the provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq., and are not subject to any Federal requirements or standards.

**Full text** of the adopted new rules follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

#### 19:40A-1.2 Definitions

(a) The following words and terms are defined in the New Jersey Casino Control Act (P.L. 1977, c. 110, as amended) and are used in the rules of the Commission as defined in that Act:

...

"Casino" \*[or "casino room"]\* or "licensed casino"

...

(b) (No change from proposal.)

#### 19:40A-2.1 Organization

(a)-(b) (No change from proposal.)

(c) The Commission's staff shall be comprised of the divisions and offices set forth below. Each division and office shall be organized into such operational units, and each unit shall have such assigned positions, as the Chairman shall direct.

1. The \*[Legal Division]\* **\*General Counsel's Office\*** shall, under the direction of the \*[general counsel]\* **\*General Counsel\***, render legal advice to the Chairman, the Commission, and the Commission's staff concerning all matters arising under the Act and the Commission's rules; represent the Commission in litigation; process contested case matters and any appeals from decisions or determinations made by the Director; oversee Commission rulemaking; exercise responsibility for the Commission's equal employment opportunity program; oversee the conduct of Commission meetings and hearings; and, if the General Counsel is serving as Executive Secretary, maintain the official records of the Commission and a record of all Commission proceedings.

2. The Division of Regulatory Affairs shall, under the supervision of the Director of Regulatory Affairs, \*[be responsible for facilitating the implementation of all statutory and regulatory responsibilities of the Commission other than legal affairs and shall, without limitation:

i. Analyze documentation concerning the financial background, resources, financial stability, integrity, and responsibility of casino licensees

and applicants;] \*i.\* provide expert advice and consultation to the Commissioners on all matters of a financial or economic nature; facilitate the Commission's financial reporting responsibilities\*[,]\*\*;\* and determine and certify the amount of revenues that are payable for use of casino parking spaces;

ii. Study the operation and administration of casino control laws in other jurisdictions, related literature, and Federal laws, and public opinion as to existing and potential features of casino gaming; monitor trends and emerging technologies in casino operation; study Internet gambling and wireless gambling; develop recommendations to modernize the Casino Control Act and gaming rules as necessary to keep pace with evolving casino gaming technology; and make recommendations for leveraging the unique geographical advantages and other attributes of the Atlantic City Tourism District; **\*and\***

iii. Process and review casino key employee license applications; monitor casino key employee license and employment practices of the gaming industry; and assist the Commissioners in addressing issues of related policies\*.\*\*[; and

iv. Administer the data processing needs of the Commission.]\*

3. The Office of the Commissioners shall consist of the following:

i. (No change from proposal.)

ii. The Office of the Chief of Staff, which shall be responsible for the dissemination of information to the media and the public; act as liaison to the community, other governmental entities and departments, and the State

Legislature; serve as the central filing location for petitions and submissions to the Commission\*, **except as otherwise provided in the rules of the Commission and the Division\***; provide the personnel, budget, and administrative services necessary for the operation of the Commission; direct strategic planning, agency-wide policy development, and the implementation of plans and policies; **\*administer the data processing needs of the Commission\***; and shall be responsible for the conduct of the operational affairs of the Commission; and

iii. (No change from proposal.)

(d) (No change from proposal.)

#### 19:40A-3.1 Offices; hours

(a) (No change from proposal.)

(b) The offices of the Commission are open for business (except for public inspection of documents) from 8:00 A.M. to \*[5:00]\* **\*4:00\*** P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are open for public inspection of documents from 10:00 A.M. to 4:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are closed on legal holidays.

#### 19:40A-3.3 Communications; notices

(a) Except as otherwise provided by the rules of the Commission **\*or Division\***, all papers, process, or correspondence relating to the Commission should be

addressed to or served upon the New Jersey Casino Control Commission at the Commission's main office.

(b)-(g) (No change from proposal.)

#### 19:40A-3.5 Filing of petitions and applications

Petitions for formal action by the Commission, applications related to the issuance of a casino license or casino key employee license shall be filed with the Division's Intake Unit *\*[in accordance with the rules of the Division]\** **\*at the address specified in N.J.A.C. 13:69-3.1\***.

### CHAPTER 41A

#### APPLICATIONS **\*FOR KEY EMPLOYEE LICENSE\***

SUBCHAPTER 1. **\*RESERVED\*** *\*[GENERAL PROVISIONS: DUTIES AND RESPONSIBILITIES OF APPLICANT*

#### 19:41A-1.1 Affirmative responsibility to establish qualifications

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, and person required to be qualified to establish by clear and convincing evidence the qualifications of the applicant, licensee, or qualifier under the applicable standards set forth in the Act and rules of the Commission.

#### 19:41A-1.2 Duty to disclose and cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, 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.

#### 19:41A-1.3 Identification

(a) Each natural person who applies for a casino key employee license or is required to be qualified shall establish his or her identity as set forth in (b) below.

(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 Citizenship And Immigration Services (USCIS); or



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

2. A certified copy of a birth certificate issued by a state, county, or municipal authority in the United States bearing an official seal and any one of the following authentic documents:

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

ii. A current and valid 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;

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

iv. A current and valid 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;

v. An expired casino employee or casino key employee license for which an application was filed within the last 10 years, or a casino service employee registration issued after February 2003 and within the last 10 years;

or

3. A current and valid foreign passport with an employment authorization issued by the USCIS and any one of the authentic documents listed in (b)2i through v above.

(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. 19:41A-5.3(b).

(d) Any person whose current legal name is different from the name on his or her certified birth certificate (for example, maiden name), must show legal proof of the name change. Acceptable legal proof is a certified marriage or civil union certificate issued by a governmental authority, divorce decree, or court order linking the new name with the previous name. A divorce decree may be used as authority to resume use of a previous name only if it contains the new name and permits a return to use of the previous name.

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

(f) Any person whose application or name change is not accepted by the Commission for failure to meet the requirements of this section may petition the Commission for a hearing in accordance with N.J.A.C. 19:42A.

#### 19:41A-1.4 Duty to promptly furnish and update information

It shall be the duty of each applicant for a casino license, casino key employee license, or individual qualification 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 and to update all such information and materials should significant changes occur prior to licensure or qualification. Failure to comply with such requests within five days of receipt of the request or to promptly notify the Commission and Division of significant changes shall constitute grounds for delaying consideration of the application.

#### 19:41A-1.5 Consent to inspections, searches, and seizures

Each applicant, licensee, qualifier, holding company, and intermediary company shall consent in writing to inspections, searches, and seizures authorized by law.

#### 19:41A-1.6 Waiver of liability for disclosure of information

Each applicant, licensee, 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.

#### 19:41A-1.7 Consent to examination of accounts and records

Each applicant, licensee, and person required to be qualified shall consent, in writing, to the examination of all accounts, bank accounts, and records in his or her possession or under his or her 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.

#### 19:41A-1.8 Fingerprints

Each applicant for a casino key employee license and natural person required to be qualified shall be fingerprinted in accordance with the rules of the Division.

#### 19:41A-1.9 Photographs

Each casino key employee license applicant and licensee shall be photographed under the supervision of the Commission without charge. A copy of the photographs shall be provided to the Division by the Commission.

#### 19:41A-1.10 Oath or affirmation and attorney certification

All applications, personal history disclosure forms, and all other papers relating thereto submitted to the Commission by or on behalf of an applicant or licensee 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 or herself subscribe and date the signature of the affiant and indicate the basis of his or her 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. All such forms and papers shall also be signed by the applicant's attorney of record, if any, which shall constitute a certification by the attorney that he or she has read the said paper and that, to the best of his or her knowledge, information and belief, its contents are true.

#### 19:41A-1.11 Untrue information

The Commission shall deny a license 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.

#### 19:41A-1.12 Signatures; form of signature

- (a) All application and personal history disclosure forms submitted by a natural person shall be signed by the applicant.
- (b) 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.

19:41A-1.13 Duty to submit English translation of documents in foreign language

Any applicant, qualifier, or licensee that submits a document to the Commission with an application or in response to a Commission request for information that is in a language other than English shall, at the request of the Commission, also submit an English translation of the non-English language document, except that the Commission 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.]\*

SUBCHAPTER 2. GENERAL PROVISIONS\*[: FORMAT; COPIES; FILING]\*

\*[19:41A-2.1 Format of papers

All application papers submitted to the Commission 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 12 point font 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.

#### 19:41A-2.2 Number of copies

(a) Unless otherwise specified by Commission rule, an applicant for a casino key employee license 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 by the Commission.

#### 19:41A-2.3 Receipt

An application for a casino key employee license and any supporting documents shall, unless otherwise directed by the Chairman or the rules of the Commission, be submitted to and received by the Licensing Unit of the Division of Regulatory Affairs, which shall endorse the date of receipt thereon.]\*

#### 19:41A-[2.4]\***2.1**\* Filing **\*of key license applications\***

(a) **\*An application for a casino key employee license and any supporting documents shall be submitted to and received by the Licensing Unit of the Division of Regulatory Affairs.\*** The Commission staff 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 **\*for a casino key license\*** shall be deemed filed until the applicant shall satisfy the staff that all **\*the**

**requirements in (a)1 through 5 below are satisfied consistent with the standards set forth in the Act or in the corresponding Division rules\*:**

1. Papers presented conform to all requirements relating to format **\*(N.J.A.C. 13:69A-7.15)\***, signature, oath or affirmation, attorney certification **\*(N.J.A.C. 13:69A-1.10)\***, **\*[and]\*** copies **\*(N.J.A.C. 13:69A-7.16)**, **and the submission of an English translation (N.J.A.C. 13:69A-7.14)\***;

2. (No change from proposal.)

3. Required consents, waivers **\*(N.J.A.C. 13:69A-7.3)\***, fingerprint impressions **\*(N.J.A.C. 13:69A-7.7)\***, photographs **\*(N.J.A.C. 13:69A-7.8)\***, and handwriting exemplars **\*(N.J.A.C. 13:69A-7.3)\*** have been properly presented;

4.-5. (No change from proposal.)

19:41A-~~[2.5]~~**2.2** (No change in text from proposal.)

SUBCHAPTER 3. MODIFICATION OF **\*KEY LICENSE\*** APPLICATION

SUBCHAPTER 4. RESTRICTIONS ON **\*KEY LICENSE\*** APPLICATION

19:41A-5.2 Application for the issuance of a casino key employee license

(a) An application for the issuance of a casino key employee license shall include the following:

1. (No change from proposal.)



2. The documents required for identification by N.J.A.C. \*[19:41A-1.3]\*  
**\*13:69A-7.2A\***;

3.-5. (No change from proposal.)

(b)-(e) (No change from proposal.)

19:41A-5.3 Temporary casino key employee license

(a) (No change from proposal.)

(b) The petition required by (a)1 above shall be \*[filed with the Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.5]\* **\*submitted to the Division and the Commission electronically\***.

(c) (No change from proposal.)

(d) An applicant for a casino key employee license who is also required to establish his or her qualification pursuant to N.J.S.A. 5:12-85.1 and N.J.A.C. 13:69C-2.2 may file a petition \*[with the Commission]\* seeking issuance of a temporary casino key employee license in accordance with this section and temporary qualification in accordance with \*[N.J.A.C. 19:43A-2.5(c)]\* **\*the rules of the Division\***, provided that the requisite disclosure forms have been filed \*[in accordance with N.J.A.C. 19:41A-7]\*.

1. Such petition shall be filed with the \*[Commission's Document Control Unit at the address specified in N.J.A.C. 19:40A-3.5]\* **\*Division's Intake Unit\***.

#### 19:41A-5.4 Multi-casino endorsements

(a) (No change from proposal.)

(b) The Commission may endorse a casino key employee license as a multi-casino key employee license upon the joint petition of the affiliated casino licensees and a determination by the Division that such multi-casino key employee will not engage in incompatible functions.

1. Such petition shall be filed with the \*[Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.1]\*

**\*Division's Intake Unit\*.**

#### 19:41A-7.2 Casino key employee qualifiers: Multi-Jurisdictional Personal History Disclosure Form and New Jersey Supplement

(a) (No change from proposal.)

(b) The forms set forth in (a) above shall be filed with the Division's Intake Unit \*[at the address specified at N.J.A.C. 13:69-3.5 with a copy to the Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.5]\*.

#### 19:41A-7.4 Request to Determine Employment or Reapplication Eligibility Form

\*[(a)]\* A Request to Determine Employment or Reapplication Eligibility Form **\*is set forth in the rules of the Division at N.J.A.C. 13:69A-5.5B.\*** \*[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. Current address;
4. Physical description;
5. Social Security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
6. Arrests, convictions, charges, or offenses committed;
7. Reasons for the denial or revocation of any casino key employee license; and
8. A written statement of the facts and circumstances that warrant the relief sought.

(b) In addition to the information in (a) above, a completed Request to Determine Employment or Reapplication Eligibility Form may include:

1. Letters of reference and supporting documentation;
2. A signed, dated, and notarized certification of truth; and
3. A signed, dated, and notarized Release Authorization that shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions, and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or Division.

(c) The form and information in (a) and (b) above shall be filed with the Commission's Document Control Unit at the address specified in N.J.A.C. 19:40A-3.5.]\*

SUBCHAPTER 8. **\*KEY LICENSE\*** FEES

CHAPTER 43A

CASINO LICENSES

\*[SUBCHAPTER 1. GENERAL PROVISIONS

19:43A-1.1 Applicability of this chapter to noncorporate entities

For purposes of this chapter, noncorporate entities shall, to the extent possible, comply with all relevant requirements applicable to corporate entities.

SUBCHAPTER 2. PERSONS REQUIRED TO BE LICENSED OR QUALIFIED

19:43A-2.1 Persons required to be licensed

No person shall own or operate a casino unless a casino license shall have first been issued to every person eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82.

19:43A-2.2 Persons required to be qualified

(a) Except as otherwise provided in N.J.A.C. 19:43A-2.4, no casino license shall be issued by the Commission unless the individual qualifications of every person required by the Act, the Commission, and the Division to be licensed or qualified as part of the application for the issuance of the casino license shall

have first been established in accordance with all relevant standards set forth in the Act and the rules of the Commission.

(b) The following persons shall be required to be licensed or qualified as part of the application for the issuance of a casino license:

1. All persons eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82;

2. All financial sources required to qualify pursuant to the provisions of N.J.S.A. 5:12-85.1.e; and

3. All persons required to qualify pursuant to the provisions of N.J.S.A. 5:12-85.1.

(c) It shall be the affirmative responsibility of each applicant for a casino license to ensure that all persons required by the Act, the Commission, and the Division to establish their qualifications in connection with the application have filed any required application forms.

19:43A-2.3 Notification of anticipated or actual changes in qualifiers of casino license applicants and holding companies thereof

(a) Each casino license applicant or holding company thereof shall immediately notify the Commission, in writing, as soon as is practicable, of the proposed appointment, appointment, proposed nomination, nomination, election, intended resignation, resignation, incapacitation, or death of any member of, or partner in, its board of directors or partnership, as applicable, or of any officer or other person required to qualify pursuant to N.J.S.A. 5:12-85.1.

(b) Notice pursuant to (a) above shall be addressed to the Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.1(a) or electronically at [dcu@ccc.state.nj.us](mailto:dcu@ccc.state.nj.us).

19:43A-2.4 Qualification of new directors, officers, or other qualifiers of a casino licensee or holding company

(a) Any natural person required to qualify by the Director pursuant to N.J.S.A. 5:12-85.1 by virtue of his or her position with a casino licensee or with a holding company of a casino licensee shall not perform any duties or exercise any powers relating to such position until qualified by the Commission or, where appropriate, until he or she is temporarily licensed by the Commission as a casino key employee pursuant to N.J.S.A. 5:12-89.e.

(b) Each person subject to (a) above shall file the requisite disclosure forms in accordance with the rules of the Commission or Division upon application for qualification or for a temporary casino key employee license.

(c) The Commission may, upon the written petition of the casino licensee, permit a person otherwise subject to (a) above to perform any duties or exercise any powers relating to his or her position pending qualification, provided that:

1. Such person files a Personal History Disclosure Form-3 as set forth at N.J.A.C. 13:69A-5.5 with the Division;

2. At least 30 days have elapsed from the date on which the disclosure forms were filed; and

3. Such person files a Multi-Jurisdictional Personal History Disclosure Form as set forth at N.J.A.C. 13:69A-5.2 and a New Jersey Supplemental Form as set forth at N.J.A.C. 13:69A-5.2A with the Division within 15 days of the date on which the Commission's permission is granted.

(d) Notwithstanding the provisions of (a) above, any person permitted to perform duties or exercise powers pursuant to (c) above shall:

1. Be immediately removed from his or her position if at any time the Division provides information that the Commission determines to indicate reasonable cause to believe that such person may not be qualified; and

2. Only be permitted to perform duties or exercise powers without having been qualified for a maximum period of nine months from the date on which permission to assume duties was first granted unless the Commission determines, upon written petition and a showing of good cause by the casino licensee, to extend the nine-month period.

#### 19:43A-2.5 Resubmission

(a) A person whose position requires both qualification and a casino key employee license shall comply with the resubmission requirements set forth at N.J.A.C. 19:41A-6.

(b) A person whose position requires qualification but does not require a casino key employee license shall comply with the resubmission requirements of the Division set forth at N.J.A.C. 13:69C-2.7A(a)2.

#### 19:43A-2.6 Issuance or transfer of interests; notice

(a) A casino licensee shall provide written notice to the Commission of any issuance or transfer of any security or ownership interest in the casino licensee or its nonpublicly traded holding company or subsidiary company.

(b) Within five business days from the receipt of such notice, the Commission may notify the casino licensee that such issuance or transfer has been disapproved.

(c) Unless the casino licensee receives notice of disapproval pursuant to (b) above, such issuance or transfer shall become effective five business days from the date of receipt of notice.

### SUBCHAPTER 3. STANDARDS FOR LICENSURE OR QUALIFICATION

#### 19:43A-3.1 Undue economic concentration

No casino license shall be issued to or held by a person, if the Commission determines that such issuance or holding will result in undue economic concentration in Atlantic City casino operations by that person in accordance with the standards set forth in N.J.S.A. 5:12-82.e. Whether a person is considered the holder of a casino license is defined in N.J.S.A. 5:12-82.e.

#### 19:43A-3.2 Financial stability



(a) Each casino licensee or applicant shall establish and maintain its financial stability by clear and convincing evidence in accordance with section 84.a of the Act and the rules of the Division.

(b) In the event that a casino license applicant fails to demonstrate or a casino licensee fails to maintain financial stability, the Commission may take such action as is necessary to fulfill the purposes of the Act and to protect the public interest, including, but not limited to: issuing conditional licenses, approvals, or determinations; establishing an appropriate cure period; imposing reporting requirements; placing such restrictions on the transfer of cash or the assumption of liabilities as is necessary to insure future compliance with the standards set forth in the Act; requiring the maintenance of reasonable reserves or the establishment of dedicated or trust accounts to insure future compliance with the standards set forth in the Act and rules of the Division; denying licensure; or appointing a conservator pursuant to N.J.S.A. 5:12-130.1 et seq.]\*

**\*SUBCHAPTERS 1 THROUGH 3. (RESERVED)\***

\*[19:43A-4.1 General information requirements

No casino license shall be issued by the Commission unless the applicant, and each person required to be qualified as part of the application, provides all information, documentation, and assurances required by N.J.S.A. 5:12-80, 80.1, 80.2, 82, 83, 84, 85, 85.1, 85.2, 86, and 87, as applicable, or as

otherwise may be required to establish its qualification pursuant to the Act and the rules of the Commission.]\*

19:43A-[4.2]\*\*4.1 (No change from text in proposal.)

19:43A-[4.3]\*\*4.2\* Request for casino license

(a) – (b) (No change from proposal.)

\*(c) Contemporaneously with the filings in (a) and (b) above, the applicant shall provide the Commission with a copy of the following disclosure forms for each entity or natural person required to qualify as part of the casino license application:

1. Each Business Entity Disclosure Form required by the Division to be submitted for the casino license applicant, each holding and intermediary company of the applicant and each other entity required to qualify; and

2. Each Personal History Disclosure Form submitted by natural persons required to qualify.

(d) The documents required by (c) above may be submitted to the Commission's Document Control unit at the address specified at N.J.A.C. 19:40A-3.1(a).

(e) In addition to the requirements of this section, an applicant for a casino licensee shall, in accordance with N.J.S.A. 5:12-80.b and 87.a, provide the Commission such other information or documentation that the Commission or

Division may deem material to the qualification of the applicant or any person required to be licensed or qualified in connection with the application.]\*

19:43A-[4.4]\*\***4.3**\* (No change in text from proposal.)

\*[19:43A-4.5 Prehearing conference; hearing

(a) All hearings and prehearing conferences regarding an application for a casino license shall be conducted in accordance with N.J.A.C. 19:42A and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A party other than the applicant may on motion seek leave to intervene or to participate in a hearing regarding an application for a casino license in accordance with the standards and procedures set forth in N.J.A.C. 1:1-16.]\*

\*[SUBCHAPTER 5. CASINO HOTEL FACILITY REQUIREMENTS

19:43A-5.1 The casino hotel

(a) No casino license shall be issued or retained unless the casino and, if applicable, the casino simulcasting facility, are located within an approved hotel as defined in sections 27 and 83 of the Act, and unless the facilities conform to the facilities requirements in sections 1, 6, 27, 83, 84.e, 98, 100, 103, 136, and 194 of the Act and the rules of the Division.

(b) Notwithstanding anything in (a) above to the contrary, each approved hotel containing a casino and, if applicable, a casino simulcasting facility for which a casino license is issued shall satisfy the facilities requirements enumerated in

(a) above throughout the duration of the license and during the period of any applicable conservatorship.

#### 19:43A-5.2 Declaratory rulings as to proposed casino hotel facilities

Upon the petition of any person who owns, has a contract to purchase or construct, leases, or has an agreement to lease any building or site located within the limits of Atlantic City and who intends to and is able to complete a proposed casino hotel facility therein or thereon, the Commission may in its discretion issue a declaratory ruling as to whether the conformance of the proposed casino hotel facility to any of the facilities requirements of the Act has been established by clear and convincing evidence.

### SUBCHAPTER 6. CONTINUING OBLIGATIONS OF CASINO LICENSEES AND QUALIFIERS

#### 19:43A-6.1 Minutes of meetings of boards and committees

Each casino licensee or applicant or holding company thereof shall file with the Commission copies of the minutes of all meetings of its board of directors or partnership executive committee, as applicable, and of all committee meetings including, without limitation, the audit committee, within 45 days of the meeting, regardless of their formal adoption. Such copies shall be filed with the Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.1(a), or electronically at [dcu@ccc.state.nj.us](mailto:dcu@ccc.state.nj.us).

## 19:43A-6.2 Securities filings

If any publicly traded holding company of a casino license applicant either files or is served with any Schedule 13D, Schedule 13G, or Section 13f filing under the Securities Exchange Act of 1934, copies thereof shall be promptly filed with the Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.1(a), or electronically at [dcu@ccc.state.nj.us](mailto:dcu@ccc.state.nj.us), by the casino licensee or applicant or the publicly traded holding company.

## 19:43A-6.3 Governing documents

(a) Each casino licensee or applicant or holding company thereof shall file with the Commission copies of any amendments to, restatements of, or superseding versions of the governing documents of the business entity, within 45 days of their formal adoption. Such copies shall be filed with the Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.1(a), or electronically at [dcu@ccc.state.nj.us](mailto:dcu@ccc.state.nj.us).

(b) The governing documents described in (a) above include, but are not limited to:

1. If a corporation:
  - i. Articles of incorporation;
  - ii. Charter; and
  - iii. By-laws;
2. If a partnership:
  - i. Partnership agreements; and

- ii. Certificates of limited partnership, if applicable; and
- 3. If a limited liability company:
  - i. Certificates of formation, amendment, and cancellation; and
  - ii. Operating agreements.]\*

**\*SUBCHAPTERS 5 AND 6. (RESERVED)\***

19:43A-7.1 Applications for interim casino authorization

(a)–(b) (No change from proposal.)

(c) Contemporaneously with the filings in (a) and (b) above, the applicant shall provide the Commission with a copy of \*[the following disclosure forms for each entity or natural person required to qualify as part of the application for interim casino authorization:

1. Each Business Entity Disclosure Form required by the Division to be submitted for the applicant, each holding and intermediary company of the applicant and each other entity required to qualify;

2. Each Personal History Disclosure Form submitted by natural persons required to qualify; and

3. A]\* **\*a\*** fully executed trust agreement in accordance with N.J.S.A. 5:12-95.12 and 95.14.

\*[(d) The documents required by (c) above may be submitted to the Commission's Document Control Unit at the address specified at N.J.A.C. 19:40A-3.1(a).]\*