

**LAW AND PUBLIC SAFETY**

**OFFICE OF THE ATTORNEY GENERAL**

**DIVISION OF GAMING ENFORCEMENT**

**Applications**

**Proposed Repeals: N.J.A.C. 19:41-1.2, 1.3A, 1.5, 4.3, 4.4, 5.1, 5.2, 5.2A, 5.5, 5.6, 5.6A, 5.7, 5.8, 5.9, 5.11, 5.12 through 5.18, 7, 8, 9.1 through 9.10, 9.14, 9.15, 9.17, 9.19, 9.20, 9.21, and 12.1 through 12.9**

**Proposed New Rules: N.J.A.C. 13:69A**

Authorized By: David Rebeck, Acting Director, Division of Gaming Enforcement.

Authority: N.J.S.A. 5:12-68, 69, 70, 76, 84, 85, 86, 87, 87.1, 91, 91.1, 92, 93 and 94.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-213.

Submit written comments by November 18, 2011 to:

Lon E. Mamolen, Deputy Attorney General

Division of Gaming Enforcement

1300 Atlantic Avenue

Atlantic City, NJ 08401

The agency proposal follows:

**Summary**

Effective February 1, 2011, the Casino Control Act (Act) was amended. See P.L. 2011, c. 19 (N.J.S.A. 5:12-1 et seq.). Under the amendatory scheme, the Division of Gaming Enforcement (Division) is authorized to assume many regulatory responsibilities formerly held by the Casino Control Commission (Commission).

The new rules set forth the procedures, forms and fees for applying for or obtaining registration as a qualifier of a casino licensee, a casino employee, a labor organization, a casino service industry enterprise, or a casino vendor. The new rules also set forth the manner in which a person may be found unqualified or disqualified and in which a person may seek to withdrawal or reapply early following denial or revocation. New rule N.J.A.C. 13:69A-1.2 sets forth the requirement for who must obtain a casino employee registration. Such persons include those performing the functions of: dealers; floorpersons; boxpersons; internal audit personnel; accounting personnel; surveillance personnel; gaming equipment repairers; marketing and promotional personnel; MIS personnel; personnel who process credit applications or who process counterchecks; personnel who repair surveillance equipment and personnel who provide physical security in a casino. N.J.A.C. 13:69A-1.3A sets forth the requirement regarding display of credentials. New rule N.J.A.C. 13:69A-4.4 indicates that persons shall be disqualified pursuant to Section 86 of the Casino Control Act. New rules N.J.A.C. 13:69A-5 set forth the contents of the application or registration forms which must be filed with the Division. New rules N.J.A.C. 13:69A-7 set forth the requirements for being fingerprinted, consenting to search and seizure in particular cases, furnishing information to and cooperating with the Division and for providing identification to the Division. N.J.A.C. 13:69A-8.6, 8.9, 8.10 and 8.11 set forth the requirements for withdrawing an application and for reapplying after revocation or denial. N.J.A.C. 13:69A-8.4 sets forth the requirements for public inspection of information. New rules N.J.A.C. 13:69A-8.1, 8.2, 8.3 and 8.5 set forth requirements for the filing, processing, receipt and amendments of applications. New rules N.J.A.C. 13:69A-8.7 and 8.8 set forth the dismissal of an application for mootness and the

restrictions on reapplication after denial or revocation. New rules N.J.A.C. 13:69A-9 set forth the fees for various registrations and other credentials or qualification. N.J.A.C. 13:69A-12 sets forth the process for registrations of labor organizations. N.J.A.C. 13:69A-14.2 and 14.3 set forth the requirements for filing for retention of casino qualification status, and N.J.A.C. 13:69A-15.2 and 15.3 indicate the requirements for filing to convert a casino employee license to the newly-created casino employee registration. N.J.A.C. 13:69A-16.1 authorizes casinos to designate employees for assignments to affiliated casinos upon filing and maintaining of internal controls.

There are only a few differences from the application rules previously implemented by the Commission. With regard to casino vendors, a second filing is required to be made to the Division directly by the vendor after an initial vendor registration is filed by a casino licensee. This is to preclude any requirement that a vendor disclose certain confidential information to a casino licensee as a condition of doing business with a New Jersey casino. The form required to be filed by persons formerly required to be licensed as casino employees but now required only to be registered has been simplified to comport with that change in legislative policy. Finally, a fee is being charged to persons whose license or registration was denied or revoked when they wish to reapply prior to their period of prohibition. This fee reflects administrative costs incurred by the Division in processing such requests. However, persons who are granted permission to register as a casino employee through this process will have their casino employee registration fee waived.

In conjunction with the proposed new rules discussed above, the Commission's rules at N.J.A.C. 19:41-1.2, 1.3A, 1.5, 4.3, 4.4, 5.1, 5.2, 5.2A, 5.5, 5.6, 5.6A, 5.7, 5.8,

5.9, 5.11, 5.12 through 5.18, 7, 8, 9.1 through 9.10, 9.14, 9.15, 9.17, 9.19, 9.20, 9.21, and 12.1 through 12.9 are proposed for repeal.

This notice of proposal is not required to be referenced in a rulemaking calendar since a public comment period of 60 days is being provided. See N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The new rules in N.J.A.C. 13:69A benefit the public, the casino industry and the Division. If the rules were not adopted, it would be extremely difficult for the Division to ensure that persons with unacceptable backgrounds do not gain entry to the casino industry. Such rules are thus essential to assure the public trust and confidence in the credibility and integrity of the regulatory process and of casino operations, in accordance with the goals of the Act, N.J.S.A. 5:12-1(b)(6).

### **Economic Impact**

Compliance with the requirements of N.J.A.C. 13:69A involves time and expense for licensees, registrants and applicants. The application fees set forth in N.J.A.C. 13:69A-9 implement the Legislature's intent that the Division should be financed exclusively through fees assessed upon licensees and applicants who benefit from the existence of the regulatory process. Adoption of these new rules will continue to ensure that, to the extent possible, each applicant is assessed a fair share of the investigatory and processing costs attributable to that applicant. Applicants also incur costs in compiling and submitting information and documentation to the regulatory agencies. However, without this information, the legislative directive prohibiting the participation of unfit persons and entities could not be satisfied. On an individual basis, the fee for casino employee registration is a one-time fee of \$95.00, representing a substantial decrease from the previous licensure fee of \$250.00 every five years. The \$95.00 fee

for a one time registration is \$35.00 more than was previously charged for the former credential of a casino service employee registration. However, persons who obtain the new casino employee registration will now be able to perform far more functions than permitted under the old system. This is therefore not a fee increase but is the initial fee for a new credential which had not been previously authorized by the Legislature. The \$95.00 fee also accounts for increased administrative costs associated with complying with new disqualification criteria for registration set forth by the Legislature.

### **Federal Standards Statement**

A Federal standards analysis is not required because the proposed repeals and new rules are authorized 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.

### **Jobs Impact**

The proposed repeals and new rules are not anticipated to create new jobs in the gaming industry or elsewhere except to the extent they may enable more efficient and cost-effective casino operations. If the industry is able to realize these efficiencies and savings, casino operators may be inclined to increase their workforces. However, any attempt to predict the impact of the proposed repeals and new rules upon the number of jobs in the gaming industry would be speculative at this time. No job loss is anticipated as a result of the proposed repeals and new rules.

### **Agriculture Industry Impact**

The proposed repeals and new rules will have no impact on agriculture in New Jersey.

### **Regulatory Flexibility Analysis**

N.J.A.C. 13:69A imposes reporting requirements upon applicants and licensees, including certain casino service industry enterprises that may qualify as "small businesses" under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. However, the information provided in accordance with N.J.A.C. 13:69A is essential to the conduct of an adequate investigation of an applicant and thus must be provided without distinction as to size of the entity. The application fee structure in N.J.A.C. 13:69A reflects the Division's intent to assess a fair share of the investigatory and processing costs attributable to an applicant. There are no recordkeeping or reporting requirements. Compliance requirements are necessary regardless of the size of a business in order to meet the purposes of the Act as set forth by the Legislature, accordingly, no exception is made for small businesses. As set forth by the Legislature, the fees and level of licensure required are dependent on the nature of a company's business with a casino licensee, not on the size of the business.

### **Smart Growth Impact**

The proposed repeals and new rules will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact Analysis**

The proposed repeals and new rules will have no impact on the affordability of housing in the State of New Jersey because they affect the regulation of casinos in Atlantic City.

### **Smart Growth Development Impact Analysis**

The proposed repeals and new rules will have no impact on housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan, because they affect the regulation of casinos in Atlantic City.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 19:41-1.2, 1.3A, 1.5, 4.3, 4.4, 5.1, 5.2, 5.2A, 5.5, 5.6, 5.6A, 5.7, 5.8, 5.9, 5.11, 5.12 through 5.18, 7, 8, 9.1 through 9.10, 9.14, 9.15, 9.17, 9.19, 9.20, 9.21, and 12.1 through 12.9.

**Full text** of the proposed new rules follows:

CHAPTER 69A  
APPLICATIONS

SUBCHAPTER 1. LICENSE AND REGISTRATION REQUIREMENTS

13:69A-1.1 (Reserved)

13:69A-1.2 Persons required to obtain a casino employee registration

(a) Any natural person who will be employed by a casino licensee or holding or intermediary company of a casino licensee, and involved in the operation of a licensed casino or a simulcasting facility, or whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith, or regularly requires work in a restricted casino area shall be required to hold, prior to such employment, a current and valid casino employee registration issued in accordance with N.J.S.A. 5:12-91(g). Such positions shall include, without limitation, persons who:

1. Function as a dealer;

2. Function as a boxperson;
3. Function as a floorperson in accordance with N.J.A.C. 13:69D-1.12(b)2;
4. Perform, under the supervision of an audit department executive, the duties and responsibilities of the internal audit department in accordance with N.J.A.C. 13:69D-1.11(b)2, including, without limitation, the supervision of personnel in the internal audit department; the monitoring of compliance with regulations and internal controls; and the evaluation of the adequacy of accounting and administrative controls;
5. Perform, under the supervision of a controller, the duties and responsibilities of the casino accounting department in accordance with N.J.A.C. 13:69D-1.11(b)6 including, without limitation, the supervision of personnel in the casino accounting department; overseeing the review, verification and recordation of casino revenue journal entries; and the processing or control of active accounting documents related to casino gaming activity;
6. Have access to active accounting documents related to casino gaming activity;
7. Conduct surveillance investigations and operations in accordance with N.J.A.C. 13:69D-1.11(b)1;
8. Repair and maintain slot machines and bill changers in accordance with N.J.A.C. 13:69D-1.11(b)4;
9. Assist in the operation of slot machines and bill changers, including, without limitation, persons who participate in manual jackpot payouts and fill payout

reserve containers, or supervise such persons in accordance with N.J.A.C. 13:69D-1.12(b)3;

10. Identify patrons or groups of patrons to receive complimentary based on actual patron play, authorize such complimentary or determine the amount of such complimentary;

11. Analyze casino operations data and make recommendations to casino key employee personnel relating to, without limitation, casino marketing, complimentary, junkets, gaming, casino simulcasting, keno wagering, special events, promotions and player ratings;

12. Enter data in casino computer systems or develop, maintain, install or operate casino computer systems or related software in accordance with N.J.A.C. 13:69D-1.11(b)3;

13. Develop marketing programs to promote casino gaming including, without limitation, coupon redemption and other complimentary distribution programs;

14. Distribute, redeem, account for, inventory, or assign for distribution coupons that are considered in the calculation of gross revenue, provided, however, that:

i. Employees whose duties and responsibilities are limited to the nondiscretionary distribution of coupons to patrons shall not be required to obtain a casino employee registration; and

ii. Notwithstanding (a)24 below, any person who supervises an employee exempted from registration by (a)14i above shall be required to obtain a casino employee registration;

15. Process or maintain information on credit applications or the redemption of counterchecks;

16. Process coins, currency, gaming chips, gaming plaques, slot tokens or cash equivalents;

17. Repair or maintain the closed circuit television system equipment that is required by N.J.A.C. 13:69D-1.11(b)1 as an employee of the surveillance department;

18. Are being trained to become a surveillance employee;

19. Provide physical security in a casino, casino simulcasting facility or restricted casino area;

20. Control and maintain the slot machine inventory, including replacement parts, equipment and tools used to maintain slot machines;

21. Perform as the secretary to the supervisor of the surveillance department, internal audit department, casino accounting department or credit department;

22. Repair gaming equipment other than slot machines;

23. Perform responsibilities associated with the installation, maintenance or operation of computer hardware for casino computer systems;

24. Supervise a person required to be registered as a casino employee;

and

25. Manage or supervise information technology employees.

(b) Any person who holds a current and valid casino key employee license may perform the duties and responsibilities of any position that requires a casino employee registration.

13:69A-1.3 Registrant requirements; authorization to work in the United States

(a) No natural person shall be employed by a casino licensee as a registrant unless he or she is a citizen of the United States or can demonstrate that he or she holds a current and valid work authorization issued by the United States Department of Homeland Security, Citizenship and Immigration Services and is not restricted from working in the capacity for which employment is sought. "Authorization to work in the United States" may be demonstrated by the presentation of a permanent resident alien card, a temporary employment authorization card or any other such documentation submitted by an applicant which the Division determines to provide sufficient evidence of such authorization.

(b) No natural person shall be employed as a casino employee registrant pursuant to N.J.S.A. 5:12-7 and N.J.A.C. 13:69A-1.2 unless he or she is 18 years of age or older.

(c) No natural person under 18 years of age shall perform the functions of a casino employee in any casino alcoholic beverage location, as set forth in N.J.A.C. 13:69I-1.4, unless such employment is otherwise authorized by the Division of Alcoholic Beverage Control.

13:69A-1.3A Credentials

The credential issued to casino employee registrants shall contain the inscription "State of New Jersey," the seal of the State of New Jersey, a picture of the registrant

and a registration number. Credentials may also include the signature of the registrant and the following information: name, address, date of birth, sex, height, weight, hair color and eye color and indicate whether the licensee or registrant requires work authorization from the United States Department of Homeland Security, Citizenship and Immigration Services.

#### 13:69A-1.4 Credentials and access badges; display; temporary credentials

(a) While engaged in the performance of his or her duties on the premises of the casino hotel, each casino key employee and casino employee registrant shall have the license credential issued to him or her on his or her person at all times, and each casino key employee and casino employee registrant shall wear in a conspicuous manner any access badge required pursuant to (b) below or, if no access badge is required, his or her license credential while present in a restricted area.

(b) Except as otherwise provided in the internal controls of a casino licensee submitted pursuant to N.J.A.C. 13:69D, each casino key employee and casino employee registrant shall wear in a conspicuous manner a badge or similar form of identification (an "access badge") for purposes of identifying the restricted areas in the employer's establishment to which that employee may obtain access in the course of the performance of his or her normal duties.

(c) No casino licensee shall permit a casino key employee or casino employee registrant to perform his or her duties on the premises of the casino hotel unless the employee is wearing an access badge required by N.J.A.C. 13:69D and (b) above or, if no access badge is required, his or her license credential in accordance with (a) above.

(d) Notwithstanding (a) through (c) above, the Director may, upon written request by a casino licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section. The Director may delegate the authority to make such determinations.

(e) Each casino licensee shall provide each casino key employee and casino employee registrant with the access badge required pursuant to (b) above.

(f) A temporary license credential may be issued by the casino security department of a casino licensee to a casino key employee or casino employee registrant who does not have the license credential or access badge on his or her person, or whose license credential or access badge has been stolen, lost or destroyed, to enable the employee to enter a public or restricted area to perform his or her duties, if the casino security department:

1. Verifies that the employee is listed in the casino licensee's current employee status report;
2. Verifies that the employee holds a valid license;
3. Verifies that the employee is authorized to obtain access to the public and restricted areas in which he or she will be working while in possession of the temporary credential;
4. Confirms the above employment, access, credential information with the supervisor of the employee;
5. Verifies that fewer than 12 temporary credentials have been issued to the particular employee in the past 12 months; and

6. Immediately notifies the Division in writing that a temporary credential has been issued, which notice shall include:

- i. The name, credential number and position title of the employee to whom the temporary credential was issued;
- ii. A list of the public and restricted areas to which the employee may obtain access;
- iii. The date and time that the temporary credential was issued; and
- iv. The name and credential number of the casino security department employee issuing the temporary credential.

(g) A temporary credential issued pursuant to (f) above shall:

1. Contain the following information:
  - i. The name and credential number of the employee to whom it was issued, and the public and restricted areas, identified in a manner approved by the Division, to which the employee is permitted access;
  - ii. A conspicuous statement printed on the face thereof which provides that the credential is void 24 hours after the time of its issuance;
  - iii. The date and time it was issued; and
  - iv. The name and credential number of the casino security department employee who issued it;
2. Be void 24 hours after the time of its issuance;
3. Be sequentially numbered; and

4. Be stored in the offices of the casino security department.

(h) No more than 12 temporary license credentials shall be issued to an employee in a 12-month period.

(i) Any holder of a Division credential or an access badge shall promptly report the loss or destruction of:

1. A Division credential to the Division; and

2. An access badge to the casino security department of the casino licensee by which such holder is employed.

(j) As soon as possible following the loss or destruction of a credential or an access badge, the person to whom the credential or access badge was originally issued shall apply to:

1. In the instance of a credential, the Division for a replacement credential;

and

2. The department of the casino licensee responsible for the issuance of replacement access badges in accordance with the casino licensee's internal controls for a replacement access badge in the instance of an access badge.

#### 13:69A-1.5 Scope and applicability of registration requirements

(a) In determining whether a natural person who will provide services to a casino licensee or applicant must hold a registration as an employee or, alternatively, be registered as a vendor or licensed as a junket enterprise, it shall be presumed that any such person will be required to hold the appropriate license or registration as an

employee if the provision of services by such person is characterized by any of the following indicia of an employment relationship:

1. The natural person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one or more employees of the casino licensee or applicant;

2. The casino licensee or applicant will withhold State and Federal income taxes or make regular deductions for unemployment insurance, social security, or other wage deductions required by law from any payments made to the natural person;

3. The natural person will be given the opportunity to participate in any benefit plans offered by the casino licensee or applicant to its employees, including, without limitation, health insurance plans, life insurance plans, pension plans or profit sharing plans;

4. The natural person will not, during the time that services are rendered to the casino licensee or applicant, maintain an autonomous business enterprise, seek or provide services to other business clients, or practice a trade or profession other than for the benefit of the casino licensee or applicant;

5. There is or will be a written or verbal promise of employment or an employment contract offered by the casino licensee or applicant in return for the services of the natural person; or

6. The natural person has an employee license or a registration application pending before the Division or the Commission or will submit such an application during the time the services are being rendered, the cost of which has been or will be paid for or reimbursed by the casino licensee or applicant.

(b) A casino licensee or applicant which, or a natural person who, is a party to a contractual agreement for the provision of services to the casino licensee or applicant by such natural person as an enterprise subject to the vendor registration or casino service industry or junket representative licensure requirements of the Act and the rules of the Division may request, in accordance with the provisions of N.J.A.C. 13:69-3.7, a declaratory ruling that, notwithstanding the presumption established by (a) above, the provision of such services in accordance with the terms of the agreement shall not require the natural person to obtain an employee license or registration.

(c) The Division may, upon consideration of the factors in (a)1 through 6 above and any other relevant information, require any natural person to obtain registration prior to providing or continuing to provide any services to a casino licensee or applicant notwithstanding:

1. Any agreement between the casino licensee or applicant and such natural person to the contrary; or
2. That a vendor registration form has been filed by a casino licensee or applicant on behalf of the natural person pursuant to N.J.A.C. 13:69C-10.4.

SUBCHAPTERS 2. and 3. (RESERVED)

SUBCHAPTER 4. STANDARDS FOR QUALIFICATION

13:69A-4.1 through 4.3 (Reserved)

13:69A-4.4 Section 86 standards

The standards set forth in Section 86 of the Act are the proving of qualifications; the providing of information, documentation and assurances; the conviction of, current

prosecution of or commission by the person of certain criminal offenses; the pursuit of certain described activities for financial gain or the association with persons engaged in the pursuit thereof; the defiance by the person of certain official investigatory bodies, and providing proof of payment or arrangement to pay any outstanding debt.

## SUBCHAPTER 5. FORMS

### 13:69A-5.1 Definitions

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

"Hub facility" is defined at N.J.A.C. 13:69M-1.1.

"Immediate family" means a person's spouse and any children, whether by marriage, adoption or natural relationship.

### 13:69A-5.2 Multi-Jurisdictional Personal History Disclosure Form

(a) A Multi-Jurisdictional Personal History Disclosure Form (PHD-MJ) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames and applicable dates of use;
2. Date of birth;
3. Physical description;
4. Current address and residence history;
5. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;

6. Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;
7. Marital history, dependents and other family data;
8. The casino licensee or applicant, casino service industry enterprise licensee or applicant or holding company, as applicable, with which the applicant is affiliated, and the nature of the applicant's position with or interest in such entity;
9. Telephone number at the current place of employment;
10. Employment history of the applicant and the applicant's immediate family;
11. Education and training;
12. Record of military service;
13. Government positions and offices presently or previously held, and the offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
14. Trusteeships or other fiduciary positions held by the applicant and the applicant's spouse, and any denial or suspension of, or removal from, such positions;
15. Current memberships in any social, labor or fraternal union, club or organization;
16. Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, as follows:

i. Any professional or occupational license held by or applied for by the applicant or the applicant's spouse;

ii. Motor vehicle registrations and operator licenses held by or applied for by the applicant or the applicant's spouse, and any revocation or suspension thereof;

iii. Possession or ownership of any pistol or firearm, or any application for any firearm permit, firearm dealer's license, or permit to carry a pistol or firearm;

iv. Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction held by or applied for by the applicant; and

v. Any denial, suspension or revocation by a governmental agency of a license, permit or certification held by or applied for by the applicant or the applicant's spouse, or any entity in which the applicant or the applicant's spouse was a director, officer, partner or an owner of a five percent or greater interest;

17. Any interest in or employment presently or previously held by the applicant with an entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in this State or any other jurisdiction; and any current employment or other association by the applicant's family with the gambling or alcoholic beverage industries in this State or any other jurisdiction;

18. Civil, criminal and investigatory proceedings in any jurisdiction, as follows:

i. Arrests, charges or offenses committed by the applicant or any member of the applicant's immediate family;

ii. Any instance where the applicant has been named as an unindicted party or co-conspirator in a criminal proceeding or held as a material witness;

iii. Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body, and any refusal to comply with a request to do so;

iv. Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;

v. Lawsuits to which the applicant was or is a party;

vi. Any citation or charge for a violation of a statute, regulation or code of any jurisdiction, other than a criminal, disorderly persons, petty disorderly persons or motor vehicle violation; and

vii. Any use, distribution, or possession of any narcotic, hallucinogenic, drug, barbiturate, amphetamine or other substance listed in Schedule I through V of N.J.S.A. 2C:35-5 et seq. other than pursuant to a valid prescription issued by a licensed physician;

19. Any exclusion or barring from any casino or gambling/gaming related entity in any jurisdiction; and

20. Financial data, as follows:

i. All assets and liabilities of the applicant, and the applicant's spouse and dependent children as indicated on the net worth statement and supporting

schedules in a format prescribed by the Division, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;

ii. Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;

iii. Real estate interests held by the applicant or the applicant's spouse or dependent children;

iv. Businesses owned;

v. Copies of Federal tax returns and related information;

vi. Judgments or petitions for bankruptcy, insolvency or liquidation concerning the applicant or any business entity in which the applicant held a five percent or greater interest, other than a publicly traded corporation, or in which the applicant served as an officer or director;

vii. Any business entity in which the applicant was an owner, director or officer which has been placed under some form of governmental administration or monitoring;

viii. Any garnishment or attachment of wages, charging order or voluntary wage execution, including the amount, court, nature of the obligation and the holder of the obligation;

ix. Any repossessions of real or personal property;

- x. Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;
- xi. Status as executor, administrator or fiduciary of an estate;
- xii. Life insurance policies on the applicant's life which name someone other than the applicant's family as a beneficiary;
- xiii. Positions held, assets held, or interest received in any estate or trust;
- xiv. Whether the applicant has ever been bonded for any purpose or been denied any type of bond, including the nature of the bond and if applicable, the reason for denial;
- xv. Insurance claims in excess of \$100,000 by the applicant or the applicant's spouse or dependent children;
- xvi. Referral or finder's fees in excess of \$10,000;
- xvii. Loans in excess of \$10,000 made or received by the applicant, the applicant's spouse or dependent children;
- xviii. Gifts in excess of \$10,000 given or received by the applicant or the applicant's immediate family;
- xix. Brokerage or margin accounts with any securities or commodities dealer;
- xx. Currency exchanges in an amount greater than \$10,000;

xxi. Information regarding any instance where the applicant or any entity in which the applicant was a director, officer or holder of a five percent or greater interest has traded in foreign currencies or in a foreign commodities exchange, sold or purchased discounted promissory notes or other commercial paper, or been a party to any leasing arrangements in excess of \$50,000; and

xxii. Information regarding any ownership interest or financial investment by the applicant in any entity which holds or is an applicant for a license issued by the Division or the Commission, or in any gambling venture which does not require licensure by the Division or the Commission, including persons providing or reasonably anticipated to provide the applicant with support in the financing of such investment or interest; the extent and nature of the applicant's involvement in the management and operation of the entity; whether the applicant has or has agreed to assign, pledge or hypothecate such interest or investment, the nature and terms of any such transaction and a copy of any such agreement.

(b) In addition to the information in (a) above, a completed PHD-MJ may include the following:

1. The name, address, occupation and phone number of persons who can attest to the applicant's good character and reputation; and

2. A signed, dated and notarized certification of truth.

13:69A-5.2A New Jersey Supplemental Form – Casino Qualifier

(a) A New Jersey Supplemental Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames and applicable dates of use;
2. Date of birth;
3. Physical description, including a color photograph taken within the past six months;
4. Current addresses; mailing and home, if different;
5. Home and work telephone numbers;
6. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
7. The casino licensee or applicant, casino service industry enterprise licensee or applicant, or holding company, as applicable, with which the applicant is affiliated, and the nature of the applicant's position with or interest in such entity;
8. Citizenship and, if applicable, resident alien status, including any employment authorization with expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and addresses of sponsor(s) upon the applicant's arrival;
9. Any interest in any business entity which is licensed by the Division or Commission or is an applicant therefore;
10. Whether during the last 10-year period any entity in which the applicant has been a director, officer, principal employee or a holder of five percent or more interest has:

i. Made or been charged with (either itself or through third parties acting for it) bribes or kickbacks to any government official, domestic or foreign, to obtain favorable treatment or to any company, employee or organization to obtain a competitive advantage;

ii. Held a foreign bank account or has had authority to control disbursements from a foreign bank account;

iii. Maintained a bank account or other account, whether domestic or foreign, which is not reflected on the books or records of the business or which is in a name other than the name of the business;

iv. Donated, loaned or used funds or property for the use or benefit of or in opposing any government, political party, candidate or committee either domestic or foreign;

v. Compensated any of its directors, officers or employees for time and expenses incurred in performing services for the benefit of or in opposing any government or political party domestic or foreign; or

vi. Made any loans, donations or other disbursements to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions whether domestic or foreign;

11. Copies of Federal and foreign tax returns and related information for the last five years; and

12. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational

institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

#### 13:69A-5.3 Personal History Disclosure Form 1

(a) A Person History Disclosure Form (PHD-1) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames along with applicable dates of usage;
2. Date and place of birth;
3. Physical description;
4. Current address and telephone number, and residence history for the past 10 years;
5. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;

6. Citizenship and, if applicable, resident alien status, including any employment authorization and expiration date, country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and address of sponsor(s) upon the applicant's arrival;

7. Reason for filing the PHD-1;

8. Marital history and other family data;

9. Employment history, including any gaming-related employment, for the past 10 years;

10. Education and training;

11. Record of military service;

12. Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, including:

i. Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction;

ii. Any denial, suspension or revocation by a government agency in this State or any other jurisdiction of a license, permit, approval or registration held by or applied for by the applicant or the applicant's spouse; and

iii. Motor vehicle registrations and operator licenses held by or applied for by the applicant or the applicant's spouse, and any revocation or suspension thereof;

13. Civil, criminal and investigatory proceedings in any jurisdictions, as follows:

- i. Arrests, charges or offenses committed by the applicant or any member of the applicant's immediate family;
- ii. Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body; and
- iii. Lawsuits to which the applicant was or is a party in the past ten years; and

14. Financial data, as follows:

- i. All assets and liabilities of the applicant, and the applicant's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the Division, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable, credit card debt and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
- ii. Bank accounts, including any right of ownership in, control over or interest in any foreign bank account during the last ten year period as well as with regard to safe deposit boxes;
- iii. Real estate interests held by the applicant or the applicant's spouse or dependent children in the past 10 years regardless of whether such interest was held under a recorded or unrecorded instrument;
- iv. Any business in which the applicant has held an ownership interest for the past 20 years;

v. Copies of Federal and New Jersey tax returns and related information for the last five years;

vi. Judgments or petitions for bankruptcy or insolvency concerning the applicant or any business entity in which the applicant held a five percent or greater interest, other than a publicly traded corporation, in the past 20 years or in which the applicant served as an officer or director;

vii. Any garnishment or attachment of wages, charging order or voluntary wage execution, during the past 10-year period including the amount, court, nature of the obligation and the name and address holder of the obligation;

viii. Positions held or interest received in any estate or trust during the last 10-year period;

ix. Insurance claims in excess of \$100,000 by the applicant or the applicant's spouse or dependent children filed within the past 10-year period;

x. Loans in excess of \$10,000 made or received by the applicant, the applicant's spouse or dependent children in the last 10-year period;

xi. During the last five-year period, any gifts in excess of \$10,000, either individually or in the aggregate, given or received, whether tangible or intangible, by the applicant or the applicant's immediate family in any one-year period; and

xii. Referral or finder's fees in excess of \$10,000 in the past 10 years.

(b) In addition to the information in (a) above, a completed PHD-1 shall include the following:

1. A signed, dated and notarized certification of truth; and

2. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state, and local, without exception, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

#### 13:69A-5.4 Personal History Disclosure Resubmission Form

(a) A Personal History Disclosure Resubmission Form shall be the PHD-1 and may require the applicant to provide the following information:

1. Name;
2. Date of birth;
3. Physical description;
4. Current address;
5. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
6. Citizenship and, if applicable, resident alien status, including any employment authorization and expiration date since the date of the submission of the applicant's initial license application or last Resubmission Form;
7. Telephone number at current place of employment;
8. Employment history since the date of the submission of the applicant's initial license application or last Resubmission Form;
9. Any denial, suspension, revocation or disciplinary action of a casino gaming industry license, permit or certification since the submission of the applicant's initial license application or last Resubmission Form;

10. Civil and criminal proceedings in any jurisdiction since the submission of the applicant's initial license application or last Resubmission Form, as follows:

- i. Arrests, charges or offenses committed by the applicant;
- ii. Lawsuits to which the applicant was or is a party; and
- iii. Any financial liens or judgments filed against the applicant in this State or in any other jurisdiction; and

11. All assets liabilities of the applicant, applicant's spouse and dependent children, as indicated on the net worth statement and supporting schedules in a format prescribed by the Division, including the following:

- i. Bank accounts, including any right of ownership in, control over or interest in any foreign bank account as well as with regard to safe deposit boxes;
- ii. Loans and notes and other receivables;
- iii. Securities;
- iv. Real estate interests held by the applicant or the applicant's spouse or dependent children;
- v. Life insurance;
- vi. Pension funds;
- vii. Loans, notes and other payables;
- viii. Taxes payable; and
- ix. Mortgages or liens on real estate.

(b) In addition to the information in (a) above, a completed Personal History Disclosure Resubmission Form shall include the following:

- 1. Copies of Federal and New Jersey tax returns and related information;
- 2. A signed, dated and notarized certification of truth; and

3. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state, and local without exception both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

13:69A-5.5 Personal History Disclosure Form 3 – Casino Employee

Registration

(a) A Personal History Disclosure Form 3 (PHD-3) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases and nicknames;
2. Date of birth;
3. Physical description;
4. Current address and residence history for the past year;
5. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
6. Citizenship, and, if applicable, resident alien status, including any employment authorization and expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States and name and address of sponsor(s) upon the applicant's arrival;
7. Marital history;
8. Last three jobs, and any gaming-related employment during the last 10 years;

9. Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any lawful gambling operation in this State or any other jurisdiction;

10. Any license, permit, approval or registration held by the applicant to work in the gaming industry suspended, revoked or denied or had any disciplinary action taken in New Jersey or any other jurisdiction;

11. Arrests, charges or offenses committed by the applicant; and

12. All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.

(b) In addition to the information in (a) above, a completed PHD-3 shall include the following:

1. A signed, dated and notarized certification of truth; and

2. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

#### 13:69A-5.5A Qualifier Resubmission Form – Casino Qualifiers

(a) A Qualifier Resubmission Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames;

2. Date of birth;
3. Physical description;
4. Current address and residence history;
5. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
6. Citizenship, and, if applicable, resident alien status, including any employment authorization and expiration date;
7. The casino licensee or applicant, or holding company, as applicable, with which the applicant is associated, and the nature of the applicant's position with or interest in such entity;
8. Telephone number at home and at current place of employment;
9. Employment history since last submission; and
10. Financial data, as follows:
  - i. All assets and liabilities of the applicant and the applicant's spouse and dependent children, as indicated on the net worth statement and supporting schedules in a format prescribed by the Division, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
  - ii. Additional information regarding bank accounts and safe deposit boxes; and
  - iii. Copies of Federal tax returns and related information.

(b) A Qualifier Resubmission Form may also require an applicant to provide the following information for the time period since the submission of his or her most recent disclosure form:

1. Judgments or petitions for bankruptcy or insolvency concerning the applicant or any business entity in which the applicant held a five percent or greater interest, other than a publicly traded corporation, or in which the applicant served as an officer or director;

2. Referral or finder's fees in excess of \$10,000;

3. Gifts whether tangible or intangible, which either individually or in the aggregate are in excess of \$10,000 given or received by the applicant or the applicant's immediate family;

4. Ownership interest in any business(es);

5. Government positions and offices presently or previously held, by the applicant or the applicant's spouse and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity by the applicant or the applicant's spouse;

6. Trusteeships or other fiduciary positions held by the applicant or the applicant's spouse, and any denial or suspension of, or removal from, such positions;

7. Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, as follows:

i. Any professional or occupational license held by or applied for by the applicant or the applicant's spouse;

ii. Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction held by or applied for by the applicant; and

iii. Any denial, suspension or revocation by a governmental agency of a license, permit or certification held by or applied for by the applicant or the applicant's spouse, or any entity in which the applicant or the applicant's spouse was a director, officer, partner or an owner of a five percent or greater interest;

8. Civil, criminal and investigatory proceedings in any jurisdiction, as follows:

i. Arrests, charges or convictions for any criminal or disorderly persons offenses committed by the applicant or any member of the applicant's immediate family;

ii. Any instance where the applicant has been named as an unindicted party or co-conspirator in a criminal proceeding or held as a material witness;

iii. Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, or grand jury or investigatory body;

iv. Lawsuits to which the applicant was or is a party; and

v. Any citation or charge for a violation of a statute, regulation or code of any jurisdiction, other than a criminal, disorderly persons, petty disorderly persons or motor vehicle violation; and

9. Whether any entity in which the applicant has been a director, officer, principal employee or a holder of five percent or greater interest has:

i. Donated, used or loaned, funds or property for the use or benefit of or in opposing any government, political party, candidate or committee either foreign or domestic;

ii. Compensated its directors, officers or employees for time and expenses incurred in performing services for the benefit of or in opposing any government or political party either foreign or domestic;

iii. Made any loans, donations or other disbursements to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic;

iv. Either the applicant or through third parties acting for it made bribes or kickbacks to any government official domestic or foreign, to obtain favorable treatment or to any company, employer or organization to obtain a competitive advantage;

v. Maintained a foreign bank account or had authority to control disbursements from a foreign bank account; and

vi. Maintained a bank account, whether foreign or domestic or other account which is not reflected on the books or records of the business or which is in a name other than the name of the business.

(c) In addition to the information in (a) and (b) above, a completed Qualifier Resubmission Form may include the following:

1. A signed, dated and notarized certification of truth; and
2. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, without exception, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

#### 13:69A-5.5B Request to Determine Employment or Reapplication Eligibility

(a) A Request to Determine Employment or Reapplication Eligibility shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames and applicable dates of use;
2. Date of birth;
3. Current address;
4. Current employment;
5. A physical description;
6. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
7. Reason for submission;
8. Arrests, convictions, charges or offenses committed;

9. Reasons for the denial or revocation of any casino employee license or registration;

10. A written statement of the facts and circumstances which warrant the relief sought;

11. A signed, dated and notarized certification of truth; and

12. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

(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; and

2. If the request is filed pursuant to N.J.A.C. 13:69A-8.11:

i. The documents required for identification by N.J.A.C. 13:69A-7.2A; and

ii. An offer of employment from a CHAB licensee.

13:69A-5.5C Casino Employee License Conversion Application

(a) An application to convert an employee license to a casino employee registration shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including change of name, if applicable, with a copy of appropriate documentation;
2. Date of birth;
3. Physical description;
4. Current address;
5. Current license number and expiration date;
6. Home and work telephone numbers;
7. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
8. Citizenship, and, if applicable, resident alien status, including any employment authorization with expiration date;
9. Employment history, including any gaming-related employment and any reprimands, suspensions, terminations or requests to leave;
10. Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any lawful gambling operation in this State or any other jurisdiction that has been suspended, revoked, or denied;
11. Arrests, charges or offenses committed by the applicant; and
12. All governmental financial liens, lawsuits or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.

(b) In addition to the information in (a) above, a completed Casino Employee License Conversion Application may include the following:

1. A signed, dated and notarized certification of truth; and
2. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local to release any and all information pertaining to the applicant as requested by the Division.

13:69A-5.6 Business Entity Disclosure Form – Casino Company; Casino Holding and Intermediary Company

(a) A Business Entity Disclosure Form (BED) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. The name, title, phone number and e-mail address of a person to be contacted in reference to the application;
2. The current or former official and trade names used by the business entity, and the dates of use;
3. The reason for filing, including the name of the license applicant and the type of license sought and, if the license applicant is other than the business entity, the nature of the business entity's relationship to the license applicant;
4. The date and place of incorporation or formation;

5. The current or former business addresses and website of the business entity with relevant time frames;

6. A description of the present and any former business engaged in by the business entity and its holding companies, subsidiaries and intermediary companies including, but not limited to:

i. Competitive conditions in the industry;

ii. The principal products produced, services rendered and methods of distribution;

iii. Information about raw materials essential to the business entity's operations;

iv. Information relating to intellectual property rights;

v. A description of any material changes to the business entity's mode of conducting business; and

vi. A description of any former business the business entity was engaged in during the last 10-year period and the reasons for the cessation of such business, including relevant time frames;

7. The name, last known address, occupation and date of birth of each incorporator or founding member;

8. The name, home address, business address, date of birth, occupation and title of current and former directors, and trustees and the dates such position was held during the last 10 years and reason for leaving;

9. The name, home address, business address, date of birth and title of current officers of the business entity, and the dates of office;

10. The name, last known home address, current business address, date of birth and occupation of former officers of the business entity for the last 10 years, and the dates of office;

11. The annual compensation of officers;

12. The name, business address, date of birth and position of each person, other than an officer, who receives annual compensation of more than \$100,000, and the length of time employed and amount of compensation;

13. A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans;

14. A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of securities or other ownership interests issued or to be issued including the number of shares of each class authorized or to be authorized and the number of shares of each class outstanding;

15. The name, home address and date of birth of each shareholder, the class held, number of shares held and the percentage of outstanding voting or non-voting securities or other ownership interest held;

16. A description of the nature, type, terms, covenants, conditions and priorities of all outstanding debt and security devices utilized by the business entity;

17. The name, address and date of birth of each person holding the debt or security devices in (a)16 above, the type of debt instrument held, the original debt amount and current balance;

18. A description of the nature, type, terms and conditions of all securities options, including the title and amount of securities subject to option, the name and address of each option holder and the market value at the time of issuance;

19. The following information for each account for the last 10 years held in the name of the business entity or its nominee, or otherwise under the direct or indirect control of the business entity:

i. The name and address of the bank, savings and loan or other financial institution whether foreign or domestic;

ii. The type of account;

iii. The account number; and

iv. The dates held;

20. The name and address of all persons with whom the business entity has contracts or agreements of \$100,000 or more in value, including employment contracts of more than one-year duration, or who have supplied goods and services within the past six months, and the nature of such contract or the goods and service provided;

21. The name and address of each company in which the business entity holds securities or other ownership interest, type of securities or other ownership

interest held, purchase price per share or interest, number of shares held, and percentage of ownership, if more than five percent;

22. Information regarding any transaction within the last five years involving a change in the beneficial ownership of the business entity's equity securities on the part of any current or former director, officer or beneficial owner of more than 10 percent of any class of equity security;

23. A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction, for the business entity and each director, trustee or officer as follows:

i. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;

ii. Any criminal proceeding in which such person has been a party or has been named as an unindicted co-conspirator;

iii. Existing civil litigation to which the business entity is a party, if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;

iv. Any judgment, order, consent decree or consent order entered against the business entity pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction; and

v. Any judgment, order, consent decree or consent order entered against the business entity pertaining to a violation or alleged violation of any other state

or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more within the past 10 years;

24. For the business entity and any holding or intermediary company, information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law; and any receiver, fiscal agent, trustee or similar officer appointed for the property or business of the business entity or any holding or intermediary company within the last 10 years;

25. During the last 10-year period, whether the business entity has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefore and the facts related thereto;

26. During the last 10-year period, whether the business entity or any director, officer, employee or any person acting for or on behalf of the business entity has made any bribes or kickbacks or made payments alleged to have been bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;

27. During the last 10-year period, whether the business entity, its parent, any subsidiary or related entity or individual has:

i. Donated or loaned the business entity's funds or property for the use or benefit of or in opposing any government, political party, candidate or committee either foreign or domestic;

ii. Made any loans, donations or disbursements to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic; or

iii. Maintained a bank account or other account, either foreign or domestic, not reflected on the books or records of the business entity, or maintained any account in the name of a nominee of the business entity;

28. The names and addresses of any current or former directors, officers, employees or third parties who would have knowledge or information concerning (a)27i through iii above;

29. A copy of each of the following:

i. Annual reports to shareholders for the last five years;

ii. Any annual reports prepared within the last five years on Form 10K pursuant to Sections 13 or 15d of the Securities Exchange Act of 1934;

iii. An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;

iv. Copies of all annual financial statements prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor retained by the business entity and the management response thereto;

v. The most recent quarterly unaudited financial statement prepared by or for the business entity which, if the business entity is registered with the

Securities Exchange Commission (SEC), may be satisfied by providing a copy of the most recently filed Form 10Q;

vi. Any current report prepared due to a change in control of the business entity, acquisition or disposition of assets, bankruptcy or receivership proceedings, changes in the business entity's certifying accountant, or other material events, which, if the business entity is registered with the SEC, may be satisfied by providing a copy of the most recent filed Form 8K;

vii. The most recent Proxy or Information Statement filed pursuant to Section 14 of the Securities Exchange Act of 1934;

viii. Registration Statements filed in the last five years pursuant to the Securities Act of 1933;

ix. All reports and correspondence not otherwise submitted in the last five years by independent auditors for the business entity which pertain to the issuance of financial statements, managerial advisory services or internal control recommendations; and

x. The name, address and telephone number of the current outside auditor(s);

30. A certified copy of the articles of incorporation, charter and bylaws, and all amendments and proposed amendments thereto;

31. If a business entity:

i. A current ownership organization chart of the business entity, its parent company and each subsidiary of the business entity; and

ii. A functional table of organization for the business entity, including position descriptions and the names of persons holding each position;

32. If a corporation, copies of Internal Revenue Service Forms 1120 (Corporate Income Tax Return) and 941 (Employer's Quarterly Federal Tax Return) filed for the last five years;

33. If a partnership, copies of Internal Revenue Service Forms 1065 (Partnership Return Form) and 941 (Employer's Quarterly Federal Tax Return) filed for the last five years;

34. If a limited liability company, copies of its Federal returns for the last five years; and

35. A listing of any records, documents or other information submitted as appendices to the BED.

(b) In addition to the information in (a) above, a completed BED may include the following documents, which shall be dated and signed by the president, chief executive officer, partner, general partner or sole proprietor, and notarized:

1. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies Federal, state and local, both foreign and domestic, to release any and all information pertaining to the business entity as requested by the Division;

2. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the business entity from any disclosure or publication of

information acquired during the license or investigation process, in accordance with N.J.S.A. 5:12-80b;

3. Consent to inspection, searches and seizures and the supplying of handwriting exemplars, in accordance with N.J.S.A. 5:12-80c; and

4. An affidavit of truth.

#### 13:69A-5.6A Business Entity Disclosure Form—Resubmission

(a) Pursuant to N.J.S.A. 5:12-87.1, qualifying entities are required to submit documentation demonstrating their continued fitness for licensure at least every five years. In submitting their license retention documentation, business entities should follow the same document submission procedure set forth in N.J.A.C. 13:69A-5.6 for initial licensure, taking into account the following exceptions, as applicable. If any of the following documentation has been submitted to the Division prior to the filing by the business entity of its five-year BED-Resubmission, such documentation can be omitted from the Resubmission so long as it references what documentation was submitted during the intervening five-year period with relevant time frames:

1. Annual reports to shareholders or Form 10K filings in accordance with N.J.A.C. 13:69A-5.6(a)29 and 13:69C-8.6 and 8.7;

2. Annual financial statements along with exceptions taken by an independent auditor and the business entity's response in accordance with N.J.A.C. 13:69A-5.6(a)29 and 13:69C-8.4(b);

3. Registration Statements filed in accordance with the Securities Act of 1933 in accordance with N.J.A.C. 13:69A-5.6(a)29 and 13:69C-8.6;

4. Any other documentation from an independent auditor relating to the business entity's financial statements, managerial advisory services or internal controls that have not otherwise been submitted to the Division in accordance with N.J.A.C.

13:69A-5.6(a)29 and 13:69C-8.4(d);

5. Copies of the business entity's applicable Federal Tax Returns in accordance with N.J.A.C. 13:69A-5.6(a)32 through 34 as applicable and N.J.A.C.

13:69C-8.5;

6. The minutes, reports and schedule for all of the business entity's board and committee meetings in accordance with N.J.A.C. 13:69C-8.1(b);

7. Any amendments to, restatements of, or superseding versions of the business entity's formation or governing documents in accordance with N.J.A.C.

13:69C-8.2(a);

8. Financial information pertaining to profit sharing agreements in accordance with N.J.A.C. 13:69C-8.3;

9. Annual financial projections in accordance with N.J.A.C. 13:69C-8.4(a); and

10. Quarterly unaudited financial statements in accordance with N.J.A.C. 13:69C-8.4(c).

#### 13:69A-5.6B Institutional Investor Certification

(a) Pursuant to N.J.S.A. 5:12-27.1, an institutional investor is:

1. Any retirement fund administered by a public agency for exclusive benefit of Federal, state, or local public employees;

2. Any investment company registered under the Investment Company Act of 1940 (15 U.S.C. §§ 80a-1 et seq.);

3. Any collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency;
4. Any closed end investment trust;
5. Any chartered or licensed life insurance company or property and casualty insurance company;
6. Any banking or other chartered or licensed lending institution;
7. Any investment advisor registered under The Investment Advisors Act of 1940 (15 U.S.C. §§ 80b-1 et seq.); and
8. Any such other persons as the Division may determine for reasons consistent with the policies of the Act.

(b) An institutional investor shall file a signed and dated certification that includes the following:

1. The name of the person completing the form;
2. The name of the investment company and position the person in (b)1 above holds with that investment company;
3. The principal place of business of the investment company;
4. The number of shares of voting stock held by an investment company of either:
  - i. The applicant for a casino service industry enterprise license or its holding or intermediary company; or
  - ii. The applicant for a casino license or its holding or intermediary company;
5. The percentage of the issue and outstanding common or preferred voting stock that the number of shares held by the investment company constitutes; and

6. A statement as to the specific subsection of (a) above within which the investment company falls.

(c) The investment company shall certify the following:

1. The purchase of the stock was for investment purposes only;
2. It has no involvement in the business activities of the issuer of the stock;
3. It has no intention of influencing or affecting the affairs of the issuer, casino licensee or its holding or intermediary companies;
4. If it determines subsequently to influence or affect the affairs of the issuer, it shall in not less than 30 days before taking any such actions:
  - i. Provide the Division notice of such intent; and
  - ii. File with the Division an application for qualification;
5. It will submit to the jurisdiction of the State of New Jersey the Division, the Commission, the Act and the rules promulgated thereunder; and
6. It will comply with any and all requests for information from the Division.

(d) Notwithstanding (c)4 above, an investment company may vote on matters put to the vote of the outstanding security holders.

13:69A-5.7 Business Entity Disclosure Form – Casino Hotel Alcoholic Beverage

Enterprise

(a) A Casino Hotel Alcoholic Beverage Enterprise Business Entity Disclosure Form (CHAB BED) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Any official or trade name used by the applicant for the last five years;

2. Whether the application is for initial licensure or submission for retention of the license and, if for retention, the license number of the current license;

3. The name, title and telephone number of a person to be contacted in reference to the application;

4. The current or former business addresses of the applicant enterprise for the last five years;

5. The current telephone and fax number of the applicant enterprise;

6. The business form of the enterprise, and a copy of the certificate of incorporation, charter, bylaws, partnership agreement, trust agreement or other basic documentation of the enterprise;

7. If the enterprise is a publicly traded corporation, the exchange its stock is traded on and its symbol;

8. The nature of the applicant's business, and the type of goods and services being provided to the casino industry;

9. The Federal Employer Identification Number or Social Security Number of the owner;

10. The following information regarding agreements with any casino licensee or applicant:

i. The number of written agreements entered into and a sample copy of such an agreement;

ii. The terms of any unwritten agreements or purchase order agreements with casino licensees or applicants, including the expected duration and compensation; and

iii. Whether any such agreements are in any way subject to or conditioned upon any other agreement between the casino licensee or applicant and the applicant or any other enterprise, or upon other agreements between the applicant and its suppliers, vendors or subcontractors, and the facts related thereto;

11. Any suppliers, vendors or subcontractors of the applicant which are also securities holders or creditors of the applicant;

12. The name and location of any government agency in this State or any other jurisdiction that regulates the applicant, and the nature and extent of regulation;

13. During the last five-year period, whether the applicant has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefor and the facts related thereto;

14. The following financial information:

i. Two copies of the applicant's most recent financial statement whether audited or unaudited, the auditor's report and Federal and state tax returns;

ii. During the last five-year period, information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law; and any receiver, fiscal agent, trustee or similar officer appointed for the applicant's property or business;

15. Civil, criminal, administrative and investigatory proceedings in this State, or any other jurisdiction, as follows:

i. Information regarding any indictment, charge or conviction for any criminal or disorderly persons offense;

ii. Any criminal proceeding in which the applicant has been a party or has been named as an unindicted co-conspirator;

iii. Any judgment, order, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction; and

iv. During the past 10 years, any judgment, order, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

16. The name, home address, date of birth, title or position and percent of ownership, where applicable, of each of the following persons or entities:

i. Any officer, inside director, trustee, partner or sole proprietor;

ii. Each enterprise or natural person that directly holds any beneficial or ownership interest of five percent or more of the applicant;

iii. Each sales representative or other person who regularly solicits business from a casino licensee or applicant, such person's immediate supervisors and all persons responsible for the office out of which such supervisors work; and

iv. Any person authorized to sign any agreement with a casino licensee or applicant; and

17. A copy of a business registration certificate or other proof of valid business registration with the Division of Revenue in the New Jersey Department of the Treasury.

(b) In addition to the information in (a) above, a completed CHAB BED may include the following:

1. A certification of truth, which shall be dated, notarized and signed by the following:

- i. If the applicant is a corporation, the president or any other authorized officer;
- ii. If the applicant is a partnership, each partner;
- iii. If the applicant is a limited partnership, each general partner;
- iv. If the applicant is a sole proprietorship, the sole proprietor; or
- v. If the applicant is any other business form, any authorized officer;

2. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division, which shall be dated, notarized and signed by the following:

- i. If the applicant is a corporation, the president or any other authorized officer;

- ii. If the applicant is a partnership, a partner;
- iii. If the applicant is a limited partnership, a general partner;
- iv. If the applicant is a sole proprietorship, the sole proprietor; or
- v. If the applicant is any other business form, any authorized officer;

and

3. An acknowledgment of receipt of notice regarding confidentiality, consent to search and nonrefundability of filing fees, which shall be dated, notarized and signed in accordance with (b)2i through v above.

#### 13:69A-5.8 Business Entity Disclosure Form – Holding Company Casino Hotel

##### Alcoholic Beverage Enterprise

(a) A Casino Hotel Alcoholic Beverage Enterprise Business Entity Disclosure Form—Holding Company (CHAB BED-HC) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

- 1. Any official or trade name used by the applicant for the last five years;
- 2. The enterprise as to which the applicant has been identified as a holding company;
- 3. The name, title, and telephone and fax numbers of a person to be contacted in reference to the application;
- 4. The current or former business addresses, current mailing address, and telephone and fax numbers for the last five years of the applicant enterprise;

5. The business form of the enterprise, and a copy of the certificate of incorporation, charter, bylaws, partnership agreement, trust agreement or other basic documentation of the enterprise;

6. If the enterprise is a publicly traded corporation, the stock exchange its stock is traded on and its symbol;

7. The name and location of any government agency in this State or any other jurisdiction that regulates the applicant, and the nature and extent of regulation;

8. The Federal Employer Identification Number of the enterprise;

9. During the last five-year period, whether the applicant has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefor and the facts related thereto;

10. The nature of the business of the enterprise;

11. The following financial information:

i. Two copies of the applicant's most recent audited or unaudited financial statement, auditor's report and Federal and state tax returns;

ii. Within the last five-year period, information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law; and any receiver, fiscal agent, trustee, reorganization trustee or similar officer appointed for the applicant's property or business;

12. Within the last 10 years, civil, criminal, administrative and investigatory proceedings in this State or any jurisdiction, as follows:

i. Information regarding any indictment, charge or conviction for any criminal or disorderly persons offense;

ii. Any criminal proceeding in which the applicant has been a party or has been named as an unindicted co-conspirator;

iii. Any judgment, order, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction; and

iv. Any judgment, order, consent decree or consent order entered against the applicant pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more; and

13. The name, home address, date of birth, title or position and percentage of ownership, where applicable, of each of the following persons or entities:

i. Any officer, inside director, trustee, partner or sole proprietor;

ii. Each enterprise or natural person that directly holds any beneficial or ownership interest of five percent or more of the holding company completing the application; and

iii. Each natural person who indirectly holds any beneficial or ownership interest of 10 percent or more of the applicant.

(b) In addition to the information in (a) above, a completed CHAB BED-HC may include the following:

1. A certification of truth, which shall be dated, notarized and signed by the following:

i. If the applicant is a corporation, the president or any other authorized officer;

ii. If the applicant is a partnership, each partner;

iii. If the applicant is a limited partnership, each general partner;

iv. If the applicant is a sole proprietorship, the sole proprietor; or

v. If the applicant is any other business form, the president or any authorized officer;

2. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division, which shall be dated, notarized and signed by the following:

i. If the applicant is a corporation, the president or any other authorized officer;

ii. If the applicant is a partnership, a partner;

iii. If the applicant is a limited partnership, a general partner;

iv. If the applicant is a sole proprietorship, the sole proprietor; or

v. If the applicant is any other business form, the president, or any authorized officer; and

3. An acknowledgment of receipt of notice regarding confidentiality, consent to search and nonrefundability of filing fees, which shall be dated, notarized and signed in accordance with (b)2i through v above.

#### 13:69A-5.9 Qualifier Disclosure Form – Casino Hotel Alcoholic Beverage

##### Enterprise

(a) A Casino Hotel Alcoholic Beverage Enterprise Qualifier Disclosure Form (CHAB QDF) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames;
2. Current telephone number, home and work addresses and residence history for the past five years;
3. Position held with the CHAB Enterprise license applicant or holding company;
4. Date and place of birth;
5. Physical characteristics;
6. Last three jobs, including an indication if gaming was conducted on the premises;
7. Information regarding any license, permit, approval, registration or other authorization to participate in a lawful gambling operation held by or applied for by the applicant in this State or any other jurisdiction; and

8. Arrests, charges or offenses committed by the applicant.

(b) In addition to the information in (a) above, a completed QDF may include the following:

1. An original photograph of the applicant taken within the previous 12 months with the name printed along the bottom border of the front;
2. A signed, dated and notarized certification of truth; and
3. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

13:69A-5.10 New Jersey Supplemental Form –Casino Service Industry Enterprise  
Qualifiers

(a) A New Jersey Supplemental Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames and applicable dates of use;
2. Date of birth;
3. Physical description including a color photograph taken within the past six months;
4. Current addresses; mailing and home, if different;
5. Home and work telephone numbers;

6. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;

7. The casino licensee or applicant, casino service industry enterprise licensee or applicant, or holding company, as applicable, with which the applicant is affiliated, the address of the entity, the title or position of the applicant in such entity, and the nature of the applicant's position with or interest in such entity;

8. Citizenship and, if applicable, petition number, certification number and date and court that granted naturalization, or resident alien status, including any employment authorization with expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and addresses of sponsor(s) upon the applicant's arrival;

9. Any interest in any business entity which is licensed by the Division or is an applicant therefore;

10. Within the last 10 years, whether any entity in which the applicant has been a director, officer, principal employee or a holder of five percent or more interest has:

i. Made or been charged with making bribes or kickbacks, either itself or through third parties acting for it, to any government official, domestic or foreign, to obtain favorable treatment or to any company, employee or organization to obtain a competitive advantage;

ii. Held a foreign bank account or has had authority to control disbursements from a foreign bank account;

iii. Maintained a bank account or other account, domestic or foreign, which is not reflected on the books or records of the business or which is in a name other than the name of the business;

iv. Donated, loaned or used funds or property for the use or benefit of or for the purpose of opposing any government, political party, candidate or committee either domestic or foreign;

v. Compensated any of its directors, officers or employees for time and expenses incurred in performing services for benefit of or in opposing any government or political party domestic or foreign; or

vi. Made any loans, donations or other disbursements to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either domestic or foreign;

11. Copies of Federal and foreign tax returns with appropriate schedules and related information for the last three years. If the applicant and the applicant's spouse filed separate tax returns for any year in the last five years, also attach a copy of the applicant's spouse's tax returns; and

12. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Division.

13:69A-5.11 Vendor Registration Form and Vendor Registration Supplemental Disclosure Form

(a) No vendor registration shall be deemed complete unless a vendor has filed both a completed Vendor Registration Form and a completed Vendor Registration Supplemental Disclosure Form.

(b) Pursuant to N.J.S.A. 5:12-92c, all vendors shall register by filing through the casino licensee or applicant with which such vendor intends to conduct business a Vendor Registration Form in a format prescribed by the Division, which shall include the following information attested to and certified by a person who is authorized to act on behalf of the registering vendor:

1. Any official or trade name used by the vendor;
2. The current address and telephone number of the vendor;
3. The nature of the vendor's business and the type of goods and services being provided to the casino industry;
4. The Federal Employer Identification Number;
5. The name, residence address and date of birth of each of the following persons:
  - i. The sales representative(s) or other person(s) who solicit(s) business from a casino licensee or applicant and such person's immediate supervisors; and
  - ii. Any person authorized to sign any agreement with the casino licensee or applicant; and
6. The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than five percent of the enterprise.

(c) Within 30 days of the filing of the Vendor Registration Form, the vendor shall file directly with the Division a Vendor Registration Supplemental Disclosure Form in a format prescribed by the Division, which shall include the following information attested to and certified by a person who is authorized to act on behalf of the registering vendor:

1. Whether the vendor or any of its entity or individual holders of an ownership interest or any of the individuals identified in (b)5 above has been denied, suspended, revoked or withdrawn any license, permit, approval or registration in this or any other jurisdiction and the facts related thereto; and

2. Whether the vendor or any of its entity or individual holders of an ownership interest or any of the individuals identified in (b)5 above has been involved in any civil, criminal, administrative or investigatory proceedings in this or any other jurisdiction and the facts related thereto.

(d) If a vendor fails to file a completed Vendor Registration Form or Vendor Registration Supplemental Disclosure Form within 30 days of the filing of a completed Vendor Registration Form, the Division may administratively prohibit such vendor from conducting business with a casino licensee or an applicant without the need for a hearing before taking such action.

#### 13:69A-5.11A Casino Service Industry Enterprise - Qualifier Resubmission

##### Disclosure Form

(a) A Qualifier Resubmission Disclosure Form (QRDF) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name;
2. Address, telephone number and e-mail address;

3. Position held with the casino service industry enterprise;
  4. Date and place of birth;
  5. Physical characteristics;
  6. Arrests, charges, convictions or other offenses committed by the qualifier since the date on which the qualifier last filed a QRDF;
  7. Citizenship and, if applicable, resident alien status; and
  8. Any and all personal and financial information the Division requires to demonstrate the licensee continues to meet the requirements of N.J.S.A. 5:12-92a and
- b.

(b) In addition to the information in (a) above, a completed QRDF shall include the following:

1. Copies of Federal and New Jersey tax returns and related information;
2. A signed, dated and notarized certification of truth; and
3. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all government agencies, Federal, state and local, foreign or domestic, to release any and all information pertaining to the qualifier as requested by the Division.

#### 13:69A-5.12 Registration Form—Non-Supervisory Employees of a Junket

##### Enterprise

(a) Pursuant to N.J.S.A. 5:12-102c, all non-supervisory employees of a junket enterprise or junket representative shall be registered by filing, directly with the Division, a Registration Form for Non-Supervisory Employee(s) of a Junket Enterprise, in a format prescribed by the Division, which shall include the following information attested

to and certified by a person who is authorized to act on behalf of the registering employee:

1. Name of the junket enterprise;
2. Current business address and telephone number of the junket enterprise;
3. Name, residence address, telephone number and date of birth for the non-supervisory employee of a junket enterprise registering on his or her own behalf or for each non-supervisory employee being registered by the junket enterprise;
4. Whether the non-supervisory employee registering or each non-supervisory employee being registered has been denied, suspended, revoked or withdrawn any license, permit, approval or registration in this or any other jurisdiction and the facts related thereto; and
5. Whether the non-supervisory employee registering or each non-supervisory employee being registered has been involved in any civil, criminal, administrative or investigatory proceedings in this or any other jurisdiction and the facts related thereto.

#### 13:69A-5.13 Labor Organization Registration Statement

(a) A Labor Organization Registration Statement shall be in a format prescribed by the Division and may require the labor organization, union, or affiliate to provide the following information:

1. The name of the registrant as shown on its charter or in its constitution;

2. The current business addresses of the registrant, including the address, telephone and fax numbers of any office where matters pertaining to employees of a casino licensee will be conducted;

3. The name, title, telephone and fax numbers of a person to be contacted in reference to the statement;

4. Whether the submission is an initial or biennial renewal registration;

5. The names of the registrant's parent organization and all affiliates of the registrant or its parent organization, whether chartered by the parent organization or governed by the same constitution or bylaws;

6. The name and nature of the actual or probable involvement of any affiliate which represents or is seeking to represent employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or which is involved or seeking to be involved in the control or direction of such representation;

7. Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee; and

8. The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:

i. Any pension or welfare system maintained by the registrant;

ii. Each officer and agent of any pension or welfare system maintained by the registrant;

iii. Each officer and officer-elect of the registrant;

iv. Each agent authorized to represent the registrant; and

v. Each principal employee of the registrant.

(b) In addition to the information in (a) above, a completed Labor Organization Registration Statement may include the following:

1. A notarized affidavit of truth, which shall be dated and signed by the registrant's president or other authorized officer;
2. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the registrant as requested by the Division;
3. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the registrant from any disclosure or publication of information acquired during the investigation process, in accordance with N.J.S.A. 5:12-80b; and
4. Consent to inspection, searches and seizures and the supplying of handwriting exemplars, in accordance with N.J.S.A. 5:12-80c.

13:69A-5.14 Labor Organization Individual Disclosure Form

(a) A Labor Organization Individual Disclosure Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Name, including maiden name and any aliases or nicknames;
2. Title or position with the labor organization;

3. Date and place of birth;
4. Physical description including photograph taken within the past 12 months and name printed across the front bottom border;
5. Current address and home telephone number and residence history for the past year;
6. Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
7. Citizenship and, if applicable, information concerning resident alien status;
8. Full name of the labor organization represented;
9. Telephone number at current place of employment;
10. Employment history:
  - i. All positions held with a labor organization, union or affiliate, whether or not compensated, for the past five years; and
  - ii. Last three jobs, indicating any gaming-related positions;
11. Licenses or other approvals held or applied for which are required to participate in any lawful gambling operation in this State or any jurisdiction;
12. Civil, criminal and investigatory proceedings in any jurisdiction as follows:
  - i. Convictions for crimes or disorderly persons offenses; and

ii. Convictions for contempt for refusal to testify or cooperate with any legislative investigatory body or other official investigatory body of New Jersey or the United States where the investigatory body was investigating crimes relating to gaming, official corruption or organized crime activity; and

13. Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee.

(b) In addition to the information in (a) above, a completed Labor Organization Individual Disclosure Form may include the following:

1. The name, address, occupation and phone number of references;
2. A signed, dated and notarized affidavit of truth;
3. A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the officer, agent or principal employee as requested by the Division; and
4. A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the officer, agent or principal employee from any disclosure or publication of information acquired during the investigation process, in accordance with N.J.S.A. 5:12-80b.

13:69A-5.15 Business Entity Disclosure Form – Casino Service Industry

Enterprise

(a) A Business Entity Disclosure Form Casino Service Industry Enterprise (BED CSI) shall be in a format prescribed by the Division and may require the enterprise to provide the following information:

1. The current or former official and trade names used and the dates of use;
2. The current and former business addresses within the last 10-year period and dates of use;
3. The business telephone number;
4. The name, title and telephone number of the contact person;
5. Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;
6. If the license applicant is other than the enterprise filing this form, the reason for filing and the nature of the filing enterprise's relationship to the license applicant;
7. The business form and, as appropriate, a copy of the certificate of incorporation, charter, bylaws, partnership agreement and all amendments, trust agreement or other documentation relating to the legal organization of the enterprise;
8. If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;
9. The Federal Employer Identification Number;

10. A description of the present and any former business engaged in or intended to be engaged in by the enterprise and any parent, holding, intermediary or subsidiary company within the past five years and similar information for former businesses for the past 10 years;

11. A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the enterprise, if any, and the amount outstanding of each, or which the enterprise plans to issue;

12. The name, address, date of birth (if appropriate), class of non-voting stock, number and percentage of shares held by each person or entity having a beneficial interest in any non-voting stock;

13. The name, home address, date of birth, current title or position and, if applicable, number of shares and class of stock and percentage of ownership for the following persons:

- i. Each officer, director or trustee;
- ii. Each partner whether general, limited or otherwise;
- iii. A sole proprietor;
- iv. Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of five percent or more of the entity completing the form;
- v. Each sales representative or other person who will regularly solicit business from a casino licensee;

vi. Each management person who supervises a regional or local office which employs sales or junket representatives or other persons who regularly solicit business from a casino hotel;

vii. Any other person not otherwise specified in (a)13i through vi above who has signed or will sign any agreement with a casino licensee;

viii. Each natural person who indirectly holds any beneficial or ownership interest of 10 percent or more of an applicant for a junket enterprise license;  
and

ix. If a junket enterprise, each junket representative who will deal directly with casino licensees and their employees;

14. A flow chart which illustrates the ownership of any other enterprise which holds an interest in the filing enterprise;

15. The name, last known address, date of birth, position, dates the position was held, and reason for leaving for any former officers or directors who held such office during the preceding 10 years;

16. The annual compensation of each partner, officer, director and trustee;

17. The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in (a)13 above, who is currently expected to receive annual compensation of more than \$300,000;

18. A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans in existence or to be created by the enterprise;

19. If the enterprise is a partnership, a description of the interest held by each partner, whether limited or general, amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner, percentage of ownership of each partner, and method of distributing profits to each partner;

20. A description of the nature, type, terms, covenants, and priorities of all outstanding debt and the name, address and date of birth of each debtholder or security holder, type and class of debt instrument held, original debt amount and current debt balance;

21. A description of the nature, type, terms and conditions of all securities options;

22. Within the last 10 years, the following information for each account held by a bank, savings and loan association or other financial institution, whether foreign or domestic, in the name of the enterprise or its nominee or which is otherwise under the direct or indirect control of the enterprise:

i. The name and address of the financial institution;

ii. The type of account;

iii. The account numbers; and

iv. The dates held;

23. A description of the top 10 dollar value contracts or agreements with individuals including name, address and nature of the contract or goods or service provided during the past year;

24. The name and address of each company in which the enterprise holds stock, type of stock held, purchase price per share, number of shares held, and percentage of ownership indicating any holding of five percent or more of ownership held;

25. Information regarding any transaction during the past five years involving a change in the beneficial ownership of the enterprise's securities on the part of an officer or director who owned more than 10 percent of any class of equity security either directly or indirectly;

26. A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the enterprise or its subsidiaries have been involved as follows:

i. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;

ii. Any criminal proceeding in which the enterprise or its subsidiaries has been a party or has been named as an unindicted co-conspirator;

iii. Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;

iv. Any judgment, order, consent decree or consent order entered against the enterprise pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any state, province or country; and

v. Any judgment, order, consent decree or consent order entered against the enterprise pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

27. Within the last 10 years, for the enterprise and any holding or intermediary company, information regarding any judgments or petitions by or against it for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law, and any receiver, fiscal agent, trustee, reorganization trustee, or similar officer appointed for the property or business of the enterprise or its parent, any holding, intermediary or subsidiary company;

28. Within the last 10 years, whether the enterprise has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the disposition, the reasons therefor, and the facts related thereto;

29. Whether the enterprise has ever applied for a license, permit or authorization to participate in any lawful gaming operation in this State or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;

30. Within the last 10 years, whether the enterprise or any director, officer, partner, employee or person acting for or on behalf of the enterprise has made bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;

31. Within the last 10 years, whether the enterprise has:

i. Donated or loaned its funds or property for the use or benefit of or in opposing or supporting any government, political party, candidate or committee, either foreign or domestic;

ii. Made any loans, donations or disbursements to its directors, officers, partners or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic; or

iii. Maintained a bank account or other account, either foreign or domestic, not reflected on its books or records, or maintained any account in the name of a nominee for the enterprise;

32. The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning (a)30 and 31 above;

33. A copy of each of the following:

i. Annual reports for the past five years;

ii. If the enterprise is a corporation registered under the Securities Act of 1933 or the Securities Exchange Act of 1934, any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;

iii. An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;

iv. Copies of all annual financial statements, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto;

v. Any current report prepared due to a change in control of the enterprise, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the enterprise's certifying accountant or any other material event, or, if the enterprise is registered with the SEC, a copy of the most recently filed Form 8K;

vi. The most recent Proxy or Information Statement filed pursuant to Section 14 of the Securities Exchange Act of 1934; and

vii. Registration Statements filed in the last five years pursuant to the Securities Act of 1933;

34. An organizational chart of the enterprise, including position descriptions and the name of the person holding each position;

35. Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years; and

36. A copy of a business registration certificate or other proof of valid business registration with the Division of Revenue in the New Jersey Department of the Treasury.

(b) In addition to the information in (a) above, a completed BED CSI shall include the following documents, which shall be dated and signed by either the president, chief

executive officer, partners, general partner, sole proprietor or other authorized person and notarized:

1. An Affidavit of Truth;

2. A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the enterprise as requested by the Division; and

3. An acknowledgment of receipt of notice regarding confidentiality, consent to search and non-refundability of filing fees.

#### 13:69A-5.16 Casino Hotel Alcoholic Beverage License Application

(a) A Casino Hotel Alcoholic Beverage (CHAB) Application shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. Any official or trade name used by the applicant;

2. The permanent address and telephone number of the applicant;

3. The Atlantic City address and telephone number of the applicant;

4. The name, address and telephone number of a person to be contacted in reference to the application;

5. The name, address and telephone number of the attorney of record;

6. The Federal Employer Identification Number;

7. The date of an application for the issuance of a CHAB Enterprise or, prior to February 2011, of a non-gaming related casino service industry license was filed;

8. A description of the primary and additional uses, hours of operation, and type of CHAB authorization for each location within the facility where alcoholic beverages are to be served;

9. The address of any off-premises facility that will be used for the storage of alcoholic beverages and a copy of the license for the facility issued by the New Jersey Division of Alcoholic Beverage Control, or a copy of the application for such license if a license has not been issued;

10. A description of where the casino hotel alcoholic beverage license will be displayed;

11. The name, address and telephone number of any officer, director, shareholder, owner, partner, holding company, intermediary company, subsidiary, employee or individual connected with the business or enterprise who has any direct or indirect interest in the manufacture, wholesale, importation or distribution of alcoholic beverages in New Jersey or any other jurisdiction and the percentage of that interest;

12. The names of all parties to any lease agreement between the applicant and a casino licensee;

13. Any management agreement, profit-sharing, franchise agreement or service agreement related to the operation of a proposed licensed CHAB facility, whether written or unwritten;

14. A listing of prospective employees containing the information in N.J.A.C. 13:69I-2.3(c), which listing is to be filed 21 days before the business or enterprise commences operations; and

15. An architectural blueprint drawn to one-eighth inch scale or such other scale approved by the Division.

(b) In addition to the information in (a) above, a completed CHAB application form may include the following:

1. A certification of truth, which shall be dated, notarized and signed by the following:

- i. If the applicant is a corporation, the president or any other authorized officer;
- ii. If the applicant is a partnership, each partner;
- iii. If the applicant is a limited partnership, each general partner;
- iv. If the applicant is a sole proprietorship, the sole proprietor; or
- v. If the applicant is any other business form, any authorized officer.

#### 13:69A-5.17 Casino Hotel Alcoholic Beverage License Resubmission

(a) A Casino Hotel Alcoholic Beverage Resubmission shall be in a format prescribed by the Division and may require the licensee to provide the following information:

1. Any official or trade name used by the applicant;
2. The permanent address and telephone number of the applicant;

3. The Atlantic City address and telephone number of the business or enterprise;
4. The name, address and telephone number of a person to be contacted in reference to the application;
5. The name, address and telephone number of the attorney of record;
6. The Federal Employer Identification Number;
7. The Vendor Identification Number and Casino Hotel Alcohol Beverage casino service industry license number;
8. A description of the primary and additional uses, hours of operation and type of CHAB authorization for each location within the facility where alcoholic beverages are served;
9. The address of any off-premises facility that is or will be used for the storage of alcoholic beverages and a copy of the license for the facility issued by the New Jersey Division of Alcoholic Beverage Control, or a copy of the application for such license if a license has not yet been issued;
10. A description of where the CHAB license is displayed;
11. The name, address and telephone number of any officer, director, shareholder, owner, partner, holding company, intermediary company, subsidiary, employee or individual connected with the business or enterprise who has any direct or indirect interest in the manufacture, wholesale, importation or distribution of alcoholic beverages in New Jersey or any other jurisdiction and the percentage of that interest;

12. The names of all parties to any lease agreement between the CHAB licensee and a casino licensee;

13. Any management agreement, profit-sharing, franchise agreement or service agreement related to the operation of proposed licensed CHAB facility, whether written or unwritten;

14. A current listing of all employees of the licensee pursuant to N.J.A.C. 13:69I-2.3(c);

15. A listing of all alcoholic beverage enterprises, including wholesale distributors, suppliers and manufacturers, with which the licensee conducted business during the previous license term;

16. Within the past five years or since the time of the last submission, any changes to the following:

i. Any authorized casino hotel alcoholic beverage locations, which may include a detailed and architectural blueprint drawn to a one-eighth inch scale or such other scale approved by the Division;

ii. Organizational structure, which may include the names, addresses and telephone numbers of newly-acquired entities or persons associated with the CHAB licensee; or

iii. Lease agreements, which may include the expiration of any such lease agreements;

17. A detailed description of any other written or verbal agreements in effect between the CHAB licensee and any casino licensee during the past five years;

18. The total amount of compensation and a description of the method of calculation paid pursuant to any agreement with a casino licensee; and

19. The total amount of alcoholic beverage sales for the period commencing from the date the CHAB license was granted or the last five-year period and ending within 30 days of the date when this application is filed.

(b) In addition to the information in (a) above, a completed CHAB Resubmission may include the following:

1. A certification of truth, which shall be dated, notarized and signed by the following:

i. If the licensee is a corporation, the president or any other authorized officer;

ii. If the licensee is a partnership, each partner;

iii. If the licensee is a limited partnership, each general partner;

iv. If the licensee is a sole proprietorship, the sole proprietor; or

v. If the licensee is any other business form, any authorized officer.

#### 13:69A-5.18 Casino Hotel Alcoholic Beverage Permit Application

(a) A Casino Hotel Alcoholic Beverage (CHAB) Permit Application shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. The type of permit requested;

2. The name, address and telephone number of the organization or business applying for the permit;

3. The name, address and telephone number of a person to be contacted in reference to the permit;

4. Documentation to prove eligibility for a permit, which may include the following:

- i. The Federal or State tax exemption number;
- ii. A copy of the applicant's certificate of incorporation;
- iii. A copy of the applicant's charter, constitution or bylaws; or
- iv. Any other information the Division may deem appropriate;

5. If previously issued a CHAB license, information, including the date and place of the most recent event;

6. If currently licensed, a copy of the 12-digit New Jersey Alcoholic Beverage License or a Bureau of Alcohol, Tobacco, Firearms and Explosives permit;

7. The name of the CHAB licensed facility and the room location where the event will take place;

8. The dates and times when the permit will be in effect;

9. A description of the circumstances, events or purpose for which the permit is requested and supporting documentation, as requested;

10. A description of the activities and the job titles and responsibilities of employees that will involve the sale, service, delivery, or storage of alcoholic beverages;

11. A listing of the alcoholic beverages required for the event and a description of how they will be purchased;

12. A list of the suppliers of the alcoholic beverages;

13. A description of any fees charged and how the proceeds will be collected and used;

14. A description of the measures to be taken to ensure that persons under the legal age do not consume alcohol;

15. A summary of what will take place during the event;

16. An inventory report filed within ten days of the event;

17. An acknowledgement of the conditions and terms of the permit, signed and dated by a representative of the applicant; and

18. A certification and agreement signed and dated by a representative of the CHAB licensee where the event will be held.

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. INFORMATION

13:69A-7.1 Affirmative responsibility to establish qualifications

It shall be the affirmative responsibility and continuing duty of each applicant, licensee and registrant to produce such information, documentation and assurances as may be required to establish by clear and convincing evidence his or her qualifications, including United States citizenship, lawful status granted by the United States Department of Homeland Security, Citizenship and Immigration Services, or authorization to work in the United States, in accordance with the Act and rules of the Division. No application shall be granted to any applicant who fails to so prove his or her qualifications. The loss of United States citizenship, lawful status from the United States Department of Homeland Security, Citizenship and Immigration Services, or

authorization to work in the United States shall be a basis for denial or revocation of registration or any other approval issued by the Division or Commission.

13:69A-7.1A Application for the issuance of registrations, licenses and natural person qualification

(a) An application for the initial issuance of a registration, license or for individual qualification shall include the following:

1. A completed original of the appropriate Personal History Disclosure (PHD) Form, as follows:

i. An applicant for a casino employee registration shall file a PHD-3 as set forth in N.J.A.C. 13:69A-5.5;

ii. An applicant required to qualify pursuant to N.J.S.A. 5:12-85.1a, b or e by virtue of his or her position with a casino licensee or applicant shall file the PHD Form required by N.J.A.C. 13:69C-2.6;

iii. An applicant required to qualify pursuant to N.J.S.A. 5:12-85.1c by virtue of his or her position with a holding company or intermediary company of a casino licensee or applicant shall file the PHD Form required by N.J.A.C. 13:69C-2.7;

iv. An applicant required to qualify pursuant to subsections 92a and b of the Act by virtue of his or her position with a casino service industry enterprise or junket enterprise shall file a Multi-Jurisdictional Personal History Disclosure Form and New Jersey Supplemental Form as set forth in N.J.A.C. 13:69A-5.2 and 5.2A, respectively; and

v. An applicant required to qualify pursuant to N.J.S.A. 5:12-93 by virtue of his or her position with a labor organization or affiliate shall file a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 13:69A-5.14;

2. The documents required for identification by N.J.A.C. 13:69A-7.2A;

3. A photograph of the applicant, taken within the preceding 12 months, which shall be attached to the original disclosure form;

4. Proof of fingerprinting in accordance with N.J.A.C. 13:69A-7.7; and

5. Any applicable fee required by N.J.A.C. 13:69A-9.8 through 9.16.

(b) Each applicant shall file a complete application pursuant to (a) above with the Division by mail or in person at the address specified on the application form.

(c) No application shall be accepted for filing unless the applicant is eligible for employment pursuant to N.J.A.C. 13:69A-1.3 and such application includes all materials required by (a) above, completed in accordance with the requirements of the Act and the rules of the Division and any instructions included with the disclosure form.

13:69A-7.1B Application for casino employee registration; filing requirements

(a) A completed application for casino employee registration as set forth in N.J.A.C. 13:69A-7.1A shall be filed as follows:

1. The applicant for registration may provide the casino licensee or applicant for casino license with his or her written authorization to file the application on his or her behalf; or

2. The applicant for registration may submit the completed application directly to the Division by mail or in person at the address specified on the application form.

#### 13:69A-7.1C Duration of registrations

(a) Casino employee registrations shall be issued for an indefinite term.

(b) If a casino employee registrant has not been employed in a position with a casino hotel facility for a period of three years, the registration of that casino employee shall lapse.

(c) If a vendor registrant has not conducted business with a casino hotel facility for three years, the registration of that vendor shall lapse.

(d) Notwithstanding (a) through (c) above, a casino employee registration may be given a conditional expiration date to coincide with any employment authorization issued by the United States Department of Homeland Security, Citizenship and Immigration Services.

(e) A license or registration issued with a conditional expiration date pursuant to (d) above may be extended upon the presentation of proof of United States citizenship, or upon proof of authorization to work in the United States in accordance with N.J.A.C.

#### 13:69A-1.3.

(f) Unless extended pursuant to (e) above, a casino employee registration with a conditional expiration date shall expire on that date.

#### 13:69A-7.2 Duty to disclose and cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, registrant and qualifier to provide all information, documentation and

assurances pertaining to qualifications required or requested by the Division and to cooperate with the Division in the performance of its 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 Division or who fails to reveal any fact material to qualification.

#### 13:69A-7.2A Identification

(a) Each natural person who seeks to apply for a license or registration under the Act, obtain a license credential, modify his or her credential in any manner or obtain employment as a CHAB employee pursuant to N.J.A.C. 13:69A-8.11 shall establish his or her identity to a reasonable certainty.

(b) A natural person may establish his or her identity pursuant to (a) above by providing either:

1. One of the following authentic documents:

- i. A current and valid United States passport;
- ii. A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United States Department of Homeland Security, Citizenship and Immigration Services (USCIS); or
- iii. A current and valid 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; or

v. A current and valid casino employee or casino key employee license, a casino employee or casino key employee license that expired within the last five years, or a valid casino service employee registration issued after February 2003; or

3. A current and valid foreign passport with an employment authorization issued by the USCIS, 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; or

v. A current and valid casino employee or casino key employee license, a casino employee or casino key employee license that expired within the last five years, or a valid casino service employee registration issued after February 2003.

(c) 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. Legal proof accepted is a certified marriage or civil union certificate, divorce decree or court order linking the new name with the previous name. Note: A divorce decree may be used as authority to resume using a previous name only if it contains the new name and permits a return to use of the previous name.

(d) 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. 13:69A-1.3(a).

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

(f) Any person whose application or name change is not accepted for failure to meet the requirements of (b) or (c) above may request a hearing in accordance with N.J.A.C. 13:69B-2.3.

#### 13:69A-7.3 Duty to promptly furnish information

It shall be the duty of each applicant to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, handwriting exemplars or other materials required or requested by the Division. Failure to furnish same within five days after receipt of request therefore shall constitute grounds for delaying consideration of the application.

#### 13:69A-7.4 Consent to inspections, searches and seizures

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

#### 13:69A-7.5 Waiver of liability for disclosure of information

Each applicant, licensee, registrant and person required to be qualified shall, in writing, waive liability as to the State of New Jersey and its instrumentalities and agents

for any damages resulting from any disclosure or publication of any material or information acquired during the license consideration process or during any inquiries, investigations or hearings.

#### 13:69A-7.6 Consent to examination of accounts and records

Each applicant, licensee, registrant and person required to qualify shall, in writing, consent to the examination of all accounts, bank accounts and records in his possession or under his control and authorize all third parties in possession or with control of such accounts or records to allow such examination thereof as may be deemed necessary by the Division.

#### 13:69A-7.7 Fingerprinting

(a) Each applicant, licensee, registrant and natural person required to be qualified shall be fingerprinted under the supervision of the Division without charge. The Division may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Division.

(b) Nothing in this section shall relieve a natural person who submits fingerprints pursuant to (a) above from the continuing duty imposed pursuant to N.J.A.C. 13:69A-7.3 or N.J.S.A. 5:12-78.

#### 13:69A-7.8 Photographing

Each applicant, licensee, registrant and natural person required to be qualified shall be photographed by the Division without charge.

#### 13:69A-7.9 Handwriting exemplars

Each applicant, licensee, registrant, intermediary company, holding company and person required to be qualified shall, in writing, consent to the supplying of handwriting exemplars in the form and manner directed upon the request of the Division.

#### 13:69A-7.10 Oath or affirmation and attorney certification

All application, registration, business enterprise disclosure and personal history disclosure forms and all other papers relating thereto submitted to the Division by or on behalf of an applicant shall be sworn to or affirmed and subscribed and dated by the applicant and, if different, the author of the said form or paper before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths or affirmations. The following statement shall immediately precede the signature of the affiant: "I swear (or affirm) that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment". The affiant, if requested, shall again swear to or affirm and subscribe and date any such paper in the presence of a representative of the Division. If required by the applicable form, each such form and papers also shall be signed by the applicant's attorney of record, if any, which shall constitute a certification by him that he has read the said paper and that, to the best of his knowledge, information and belief, its contents are true.

#### 13:69A-7.11 Untrue information

The Division shall deny a license or registration to any applicant who shall supply information to the Division which is untrue or misleading as to a material fact pertaining to the qualification criteria.

#### 13:69A-7.12 Signatures

(a) All application, registration, business enterprise disclosure and personal history disclosure forms shall be signed by any of the following persons:

1. If of a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary or its treasurer;
2. If of a partnership, by any of its partners; if a limited partnership, only by one of its general partners;
3. If of any other business enterprise, organization or association or of a governmental agency, by its chief executive officer, its secretary or its treasurer; and
4. If of a natural person, by the person himself or herself.

#### 13:69A-7.13 Form of signature

All signatures shall be signed in ink and dated on all original papers, but may be photocopied, typed, stamped or printed on any copies of such papers. The name and address of the signatory shall be typed, stamped or printed beneath each signature.

#### 13:69A-7.14 Duty to submit English translation of documents in foreign language

Any registrant, applicant, qualifier or licensee that submits a document which is in a language other than English to the Division with an application or in response to a Division request for information shall, at the request of the Division, also submit an English translation of the non-English language document, except that the Division may permit the submission of an English summary in lieu of a complete translation. The translation or summary shall be printed or typed and shall include the signature, printed or typed name, address and telephone number of the person performing the translation or summary.

#### 13:69A-7.15 Format of papers

All application papers submitted to the Division shall be on paper approximately 8 1/2 by 11 inches in size of customary weight and quality and bound on the left margin

or upper left corner in volumes not to exceed 150 sheets. Where larger sheets are required for exhibits, they shall be folded substantially to the size indicated. All such papers, unless printed, shall be typed in a type size of pica or larger and double-spaced with margins of at least one inch. Copies may be reproduced by any method capable of providing plainly legible copies.

#### 13:69A-7.16 Number of copies

(a) Unless otherwise specified by Division rules, an applicant for any license or registration required by the Act shall file an original of each application and all papers submitted as a part thereof.

(b) Additional conformed copies of any such papers shall be supplied upon request of the Division.

### SUBCHAPTER 8. APPLICATION AND RESUBMISSION

#### 13:69A-8.1 Receipt

All application and resubmission papers, unless otherwise directed by the Director, with the exception of an application and resubmission papers for a casino key employee license, shall initially be submitted to and received by the Division, or such members of the Division staff as the Director may designate, who shall cause to be endorsed thereon the date of such receipt.

#### 13:69A-8.2 Filing

(a) The Director, or such members of the Division staff as the Director may designate, shall determine the date of filing as to each application and resubmission papers received and shall cause to be endorsed thereon the date of such filing. No application or resubmission papers shall be deemed filed until the applicant, licensee or registrant shall satisfy the Director or the Director's designee:

1. That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification and copies;

2. That all appropriate application, registration, and business entity disclosure, personal history disclosure and qualifier entity disclosure forms have been properly completed and presented;

3. That all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly presented;

4. That all other information, documentation, assurances and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and

5. That all required fees have been properly paid and all required bonds have been properly furnished.

#### 13:69A-8.3 Processing

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

1. Accept the application and resubmission papers for filing and cause same to be docketed by the Division's Application Unit;

2. Notify the applicant, licensee, registrant or his or her attorney, if any, in writing, of the fact that the application and resubmission papers have been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof and of the further fact that such acceptance for filing and docketing of the application and resubmission papers shall constitute no evidence whatsoever that any requirement of the Act or of the rules of the Division have been satisfied;

3. The staff of the Division will analyze, obtain, investigate and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant, licensee or registrant and any other matter relating to the application or resubmission papers; and

4. The Division shall have the authority, in its discretion, to publish on the Division's website legally available information regarding any application or resubmission papers that have been filed.

#### 13:69A-8.4 Public inspection of information

Information in the possession of the Division relating to any application or resubmission papers shall not be made available for public inspection until such time as said application or resubmission papers are the subject of a public proceeding, provided no sealing is appropriate.

#### 13:69A-8.5 Amendment

It shall be the continuing duty of each applicant, licensee and registrant to promptly file with the Director, or such members of the Division staff as the Director shall designate, a written amendment to his or her application, license or registration explaining any new or changed facts or circumstances whenever any material or significant new or changed facts or circumstances occur with respect to any matter set forth in the application, registration, resubmission papers or other documents relating thereto. Any applicant, licensee or registrant may be permitted by the Director or the Director's designee to file any other amendment to his or her application, resubmission or registration at any time prior to final action thereon by the Division or Commission.

### 13:69A-8.6 Withdrawal

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

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

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

(c) Notwithstanding (a) and (b) above, the Division may accept and consider a written notice of withdrawal after the time specified in this section if the Division is satisfied that there exists extraordinary circumstances justifying withdrawal.

(d) Any person or entity holding a credential issued by the Division, including, without limitation, a casino employee registration, vendor registration, or casino service industry enterprise license, may offer to surrender such credential by written request signed by the credential holder or a person authorized to sign on behalf of an entity. Surrender shall be for a term of five years from the date the request is granted by the Division. No refund of any kind shall be authorized or granted in connection with the surrender of a credential. Surrender shall be granted at the sole discretion of the Division.

#### 13:69A-8.7 Mootness

Any application or resubmission papers submitted to the Division shall constitute a request by the applicant, licensee or registrant for a determination as to his or her qualifications in accordance with the Act and rules of the Division. The submission of any application or resubmission papers also constitutes consent by the applicant, licensee or registrant to the making of a determination regarding his or her qualifications by the Division, in its discretion, or Commission, as appropriate, even when the application or resubmission materials become moot for any reason.

#### 13:69A-8.8 Restriction on application and employment after denial or revocation

(a) Any person whose license, registration, qualification or approval is denied or revoked by the Division or Commission for failure to satisfy the affirmative qualification criteria of the Act or due to a Division or 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. 13:69A-8.9, 8.10 or 8.11, reapply for a license, registration, qualification or approval or, pursuant to N.J.S.A. 5:12-106c, be employed by a casino licensee in a position that does not require a license or registration, until five years have elapsed from the date of denial or revocation. Notwithstanding the foregoing:

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

2. If the denial or revocation was based on acts constituting a disqualifying offense pursuant to N.J.S.A. 5:12-86c and 86g and reapplication is to be evaluated under the standards of N.J.S.A. 5:12-89, reapplication is permitted after the lapse of 10 years from the date of the conduct in question; and

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

(b) Any person whose license, registration, qualification or approval is denied or revoked by the Division or Commission on the basis of any of the statutory or regulatory provisions in (b)1 through 5 below may reapply for a license, registration, qualification or approval upon satisfaction of the relevant requirements specified below. If the denial or revocation is based upon two or more statutory or regulatory provisions, the Division

shall permit reapplication only upon compliance with the requirements of this subsection as to each such provision. Any person seeking to reapply pursuant to this subsection shall file a certified petition stating with particularity how the specified requirements have been satisfied.

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

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

3. Failure to satisfy the age requirement set forth in N.J.A.C. 13:69A-1.3: Reapplication is permitted upon attaining the requisite age or upon a Division or Commission finding that such age will be attained before the processing of said reapplication has been completed.

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

5. Any statutory or regulatory provision which is subsequently repealed or modified: Reapplication is permitted upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or

revocation and justifies the conclusion that the prior decision should no longer bar reapplication.

#### 13:69A-8.9 Petition for early reapplication

(a) Any person who is barred from reapplication for five years pursuant to N.J.A.C. 13:69A-8.8 may petition for permission to reapply at an earlier date by filing a Request to Determine Employment or Reapplication Eligibility Form as set forth in N.J.A.C. 13:69A-5.5B at any time after one year has elapsed from the date of denial or revocation or at such earlier date as the Division may order.

(b) The Division shall grant a petition for early reapplication if it finds that the facts and circumstances presented would be reasonably likely to result in licensure, registration, qualification or approval if considered in the context of a plenary hearing. Factors to be considered by the Division may include, where appropriate, evidence which would support a finding of rehabilitation pursuant to N.J.S.A. 5:12- 91d.

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

(d) Notwithstanding (c) above, a petition to reapply for a casino employee registration shall be deemed to include a request for permission to obtain employment in a position which does not require a license or registration.

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

(f) If the Division denies a petition for early reapplication or a petition for permission to obtain employment in a position which does not require a license or registration that was filed pursuant to a settlement agreement in accordance with N.J.A.C. 13:69A-8.8(a)3, the petitioner shall be restricted from filing another petition for early reapplication for a casino employee registration for two years from the date that the petition is denied, notwithstanding any provision of the settlement agreement which may permit the filing of a petition for reapplication at an earlier date.

(g) The filing of a petition for early reapplication must be accompanied by the fee charged for obtaining a casino employee registration as set forth in N.J.A.C. 13:69A-9.15. If a petition is denied as to casino employee registration, no refund of such fee is permitted. If the petition is granted as to casino employee registration, then the fee for obtaining a casino employee registration shall be waived if a registration is filed and is deemed a complete filing within 90 days of the date of the Division's grant or permission to reapply early.

13:69A-8.10 Petition for permission to obtain employment not requiring a  
license or registration

(a) Any person who is barred from employment by a casino licensee for five years pursuant to N.J.S.A. 5:12-106c may petition for permission to obtain employment in a position which does not require a license or registration by filing a Request to Determine Employment or Reapplication Eligibility as set forth in N.J.A.C. 13:69A-5.5B. Such petition may be filed at any time after one year has elapsed from the date of denial or revocation or at such earlier date as the Division may order.

(b) The Division may complete a criminal records check.

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

(d) If the Division denies a petition for permission to obtain employment not requiring a license or registration filed pursuant to this section or a request for permission to obtain employment in a position that does not require a license or registration filed pursuant to N.J.A.C. 13:69A-8.9(f), the petitioner shall be restricted from filing another petition pursuant to this section for a period of one year from the date that the petition or request is denied.

(e) A petitioner seeking permission to obtain employment in a position which does not require a license or registration prior to expiration of his or her period of prohibition shall pay a fee to the Division to offset the administrative costs incurred in the processing of such petition. The amount of the fee shall be set forth in N.J.A.C. 13:69A-9.18.

13:69A-8.11 Petition for permission to obtain employment as a casino hotel  
alcoholic beverage employee

(a) Any unlicensed or unregistered person who has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1), who is not barred from employment pursuant to N.J.S.A. 5:12-106c, may petition for permission to obtain employment as a casino hotel alcoholic beverage (CHAB) employee by filing a Request to Determine Employment or Reapplication Eligibility as set forth in N.J.A.C. 13:69A-5.5B. Such petition may be filed at any time after one year has elapsed from the date of the conviction or release from incarceration, whichever is later.

(b) The Division may complete a criminal records check.

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

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

(e) Any person who is barred from reapplication for five years pursuant to (d) above may file a petition for early reapplication pursuant to N.J.A.C. 13:69A-8.9, a petition for permission to obtain employment in a position which does not require a license or registration pursuant to N.J.A.C. 13:69A-8.10 or a petition for permission to obtain employment as a CHAB employee pursuant to this section after one year from the date that the petition is denied.

## SUBCHAPTER 9. FEES

### 13:69A-9.1 General description of fees and policy

(a) Under the Act, the Division and Commission are required to be financed exclusively from fees charged each fiscal year to applicants, licensees and registrants. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. Section 139 of the Act requires the Division to establish, by regulation, fees for the issuance and retention of casino licenses. The statutory basis for the casino license issuance fee is the cost of investigation and consideration of the application. The statutory basis for the casino license resubmission fee is the cost of maintaining the control and regulatory

activities of the Division and the Commission. In contrast, Section 141 of the Act requires the Division to establish, by regulation, issuance and retention fees for all non-casino licenses, but indicates no cost basis for establishing such fees.

(b) The differing treatment of these categories reflects a legislative recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the agencies in implementing that process. Moreover, the actual cost of investigating and considering applications for individual employee licenses and casino service industry licenses frequently exceeds the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by this subchapter is designed to respond to these policies and problems.

(c) To the extent fairly possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to that applicant or licensee. However, since individual employees and casino service industry enterprises cannot always be expected to cover the full amount expended, there will be an amount of the annual combined budgets of the agencies which will not be recoverable through specified fees for particular services. This amount cannot be predicted with precision because of the necessarily variable allocation of Division and Commission efforts.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities from casino license retention fees and given the fact that all such activities are undertaken for the direct or indirect benefit or protection of casino operations, the obligation to supply additional funds necessary to recover the otherwise

uncollected expenditures of the agencies should be allocated among the licensed casino facilities.

(e) In the event that the Casino Control Fund has a surplus as of the close of a fiscal year, other than a surplus due to estimated payments against an expected deficiency, the surplus should be credited to the extent possible to the individual licensees who made the surplus payments. Since, as noted in (c) above, fees charged to persons other than casino licensees are no more than and frequently less than the actual cost of the investigatory and regulatory services actually attributable to them and since the casino licensees, through various hourly and other charges, contribute the overwhelming majority of all fees generated by the agencies, any surplus in the Casino Control Fund may be attributable to payments made by the casino licensees. Further, since it is not feasible to ascertain precisely the source of the surplus due to the variety of charges levied against the casino licensees and the numerous variables affecting the revenues and expenditures of the agencies, it is reasonable and equitable to distribute the surplus by granting credit to the casino licensees against future fee obligations and to allocate the credit among the licensees in proportion to the relative amount of total fees incurred or paid by each casino licensee with respect to the fiscal year.

#### 13:69A-9.2 Fiscal year

For purposes of this subchapter, a fiscal year shall be the period commencing on July 1 and ending the subsequent June 30.

#### 13:69A-9.3 Payment of fees and civil penalties

(a) No application shall be accepted for filing by the Division or processed by the Division except upon proper and timely payment of all required fees and civil penalties in accordance with the Act and the rules of the Division. Any portion of a fee which is

incurred or determined after the filing of the application or resubmission papers or which is estimated in accordance with this subchapter, and any civil penalty imposed by the Division, shall be payable upon demand made by the Division. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee or civil penalty unless the Division finds cause to permit an extension of time in which to remit the demanded amount.

(b) Any fee or civil penalty required to be paid in accordance with this subchapter or pursuant to an order of the Division shall be paid before the Division shall consider the application for issuance or retention of licensure, unless the Division finds cause to permit an extension of time in which to pay such fee or civil penalty.

(c) All fees and civil penalties shall be paid by check or money order made payable, in the case of fees, to the "Casino Control Fund" and in the case of civil penalties to the "Casino Revenue Fund." The Division also may accept credit cards and debit cards for payment of any fee or civil penalty that does not exceed \$5,000. No check, credit card or debit card so presented shall be deemed payment until the Division shall be satisfied that the appropriate funds have been credited to the Division's account.

(d) Unless otherwise directed by the Division, all payments of fees or civil penalties received from licensees, registrants or applicants shall be credited against, in chronological order (the oldest shall be paid first), any outstanding debts for fees or civil penalties that the person owes pursuant to the Act and the rules of the Division.

(e) A required fee or civil penalty shall be considered paid only if the Division is satisfied that the person obligated to pay the fee or civil penalty owes no other debts for fees or civil penalties.

(f) Any required fee or civil penalty that a person fails to pay despite demand therefore shall constitute cause for the Division to take the following administrative actions, as applicable, with regard to such person:

1. Dismiss any application or resubmission papers submitted by such person;
2. Suspend any license or registration held by such person;
3. Suspend any permission granted to such person pursuant to N.J.A.C. 13:69A-8.10 or 8.11;
4. Prohibit the filing of an application for or retention of any license or registration;
5. Prohibit employment by a casino licensee or applicant in a position that does not require a license or registration;
6. Prohibit the transaction of any direct or indirect business with a casino licensee or applicant;
7. Prohibit the holding of a position with any casino service industry enterprise licensee or applicant for which such person would be required to establish his or her qualification pursuant to N.J.S.A. 5:12-92b; and

8. Prohibit the holding of a position with any casino licensee for which such person would be required to establish his or her qualification pursuant to N.J.A.C. 13:69C-2.2.

(g) The provisions of (f) above shall apply without regard to whether the license or registration was issued, the permission was granted, the application was submitted or the Vendor Registration Form was filed before the debt arose.

#### 13:69A-9.4 Casino license fees

(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. "Casino license" means a plenary casino license issued under Section 87 of the Act;

2. "Licensed casino facility" means a casino hotel facility as to which a casino license has been issued to authorized gaming operations;

3. "Casino operator" means a casino licensee is designated as the primary obligor for payment of gross revenues taxes in accordance with N.J.A.C. 13:69L; and

4. "Initial license fee" or "Issuance fee" means the total fee which is required by the Act and this subchapter to be paid prior to consideration or issuance of a plenary casino license to an unlicensed applicant and which is based upon the cost of investigating and considering the application.

(b) No application for the issuance or retention of a casino license shall be accepted for filing by the Division unless a nonrefundable deposit of \$100,000 shall first

have been paid in full. Such deposit shall be applied to the initial license fee or retention fee if the application is approved.

(c) No casino license shall be issued unless the applicant shall first have paid in full an issuance fee of not less than \$200,000.

(d) As a component of its initial license fee and as a condition of casino licensure, each applicant or licensee shall be required to pay for the efforts of the Division and the Commission on matters directly related to the applicant or licensee at hourly rates to be set by the Division in accordance with this subsection, and to reimburse any unusual costs or out of pocket expenses incurred by the Division or the Commission in regard to such matters.

1. Prior to the start of each fiscal year, the Division shall determine the hourly fee rates to be paid by licensees and applicants pursuant to this subchapter. These rates shall be based upon the hourly costs of services provided by Division professional staff and the Commission professional staff during the fiscal year, as estimated from the projected fiscal year budget for the Division and the Commission.

2. The projected hourly fee rates established pursuant to (d)1 above may be adjusted by the Division during the fiscal year based upon the final fiscal year budget approved for the Division and the Commission by the Legislature.

3. Notice of the hourly fee rates established pursuant to (d)1 above shall be published in the New Jersey Register.

(e) A licensed casino facility shall be required to pay a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share for each licensed casino facility shall be the amount

which bears the same proportion to the total liability of all licensees as the proportion which that licensed casino facility's average daily authorized casino room and casino simulcasting facility square footage bears to the total average daily authorized casino room and casino simulcasting facility square footage for all licensed casino facilities. For purposes of this calculation any part of a calendar day shall be considered a full day. Any days during which a necessary casino license or operation certificate for a licensed casino facility has been suspended shall also be counted in determining the share of such facility. Further, the operation of the facility by a conservator or trustee shall be deemed continued operation by the casino operator for these purposes. The obligation to pay the assessed share of a licensed casino facility shall be that of the casino operator; provided, however, that if a change of casino operators occurs during the fiscal year, each such operator shall be liable for an amount of the share apportioned according to the time during which each operator functioned. Any share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Division may estimate from time to time during the fiscal year the share for each licensed casino facility incurred to that time and require payment of such estimated share on a monthly or other periodic basis during the fiscal year.

13:69A-9.5 Fees for testing of gaming and simulcast wagering equipment and related devices and software

(a) Any person seeking to have prototype gaming or simulcast wagering equipment or related devices or software approved pursuant to N.J.A.C. 13:69E shall be required to pay the following fee:

1. An initial minimum charge of \$500.00, which shall be credited to the total fee;

2. Payment for the efforts of the Division on matters directly related to the examination, testing and consideration of the prototype at hourly rates to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d); and

3. Payment for all unusual or out-of-pocket expenses incurred by the Division for matters directly related to the examination, testing and consideration of the prototype.

#### 13:69A-9.6 Slot machine fees

In addition to any other tax or fee imposed by the Act or the rules of the Division and as required by Section 140 of the Act, each casino operator shall pay an annual license fee of \$500.00 upon every slot machine maintained for use in or in use in the licensed casino establishment. The annual slot machine license fee shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and a pro rata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

#### 13:69A-9.7 Casino hotel alcoholic beverage licenses

(a) Under Section 103(f) of the Act, no business may expose for sale, solicit or promote the sale of, possess with intent to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel unless said business possesses an appropriate casino hotel alcoholic beverage license.

(b) The fee for the issuance or retention of a casino hotel alcoholic beverage license for a casino licensee conducting alcoholic beverage activity in a casino hotel shall be assessed as follows:

1. Payment for the efforts of the Division on matters directly related to the casino hotel alcoholic beverage license or application at hourly rates to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d); and

2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Division on matters directly related to the casino hotel alcoholic beverage license or application.

(c) The fee for the issuance or retention of a casino hotel alcoholic beverage license for a casino hotel alcoholic beverage casino service industry enterprise licensee which is not affiliated with any casino licensee shall be \$1,000 for each location approved by the Division for any or all of the activities listed in Section 103(g) of the Act.

(d) The fee for the issuance or retention of a restricted brewery authorization shall be assessed as follows:

1. For a casino licensee, in accordance with (b) above; and

2. For a casino hotel alcoholic beverage casino service industry enterprise licensee which is not affiliated with any casino licensee, a fee of \$1,000.

(e) The fee for the issuance of any permit or approval required by the Act or Title 33 of the Revised Statutes for alcoholic beverage activity which is not included within a casino hotel alcoholic beverage license shall be assessed:

1. For a casino licensee, in accordance with (b) above; and

2. For all other persons, at a rate of \$50.00 per day.

### 13:69A-9.8 Casino service industry enterprise license fee

(a) In accordance with Subsections 92a and b of the Act, all casino service industry enterprises offering goods and services which directly relate to casino, simulcast wagering or gaming activity, including gaming equipment manufacturers, suppliers and repairers, independent testing laboratories, junket enterprises and junket representatives and any person employed by a junket enterprise or junket representative in a managerial or supervisory position, shall meet the standards established for casino key employees in order to be licensed. Such a license shall be issued with subsequent resubmissions not later than every five years thereafter. In addition, in accordance with Subsection 92c(2) of the Act, and at the direction of the Director, all casino service industry enterprise applicants or licensees required to hold a casino hotel alcoholic beverage license shall meet the standards established for casino key employees.

(b) In order to recover the cost of the investigation and consideration of license applications by enterprises engaged in these industries, the initial license application and issuance fee for a casino service industry enterprise license, with the exception of an applicant or licensee of a casino hotel alcoholic beverage license, shall be assessed as follows:

1. A minimum application charge of \$5,000 shall be due at the time of application;
2. An additional application charge of \$5,000 shall be due when the total number of hours of Division professional staff time expended on matters directly related to the applicant exceeds 333 hours;

3. An additional application charge of \$5,000 shall be due when the total number of hours of Division professional staff time expended on matters directly related to the applicant exceeds 667 hours;

4. An additional application charge, at an hourly rate to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d), shall be due and payable upon demand by the Division for each hour of Division professional staff time that is expended on matters directly related to the applicant that is in excess of 1,000 total hours; and

5. Payment for all unusual or out-of-pocket expenses incurred by the Division for matters directly related to the processing and investigation of the application.

(c) In order to recover costs for monitoring compliance with the Act and the rules of the Division and for assuring the continued fitness of enterprises engaged in casino service industries, the fee for the retention of a casino service industry enterprise license shall be assessed in accordance with (b) above.

(d) Any enterprise required to apply for the issuance or retention of a casino service industry enterprise license may request an installment plan for payment of the application fee. The Division shall propose a payment plan for the applicant which shall include, if the applicant chooses to accept the payment plan, an additional fee of \$100.00 for the cost of processing the payment plan.

13:69A-9.9 Casino hotel alcoholic beverage casino service industry enterprise  
license fee

(a) Pursuant to Section 92c(2) of the Act, the Director of the Division may, at his or her discretion, direct a casino service industry enterprise engaged in alcoholic beverage activities to apply for a casino service industry enterprise license pursuant to Section 92a of the Act. Such an enterprise shall then be licensed to the standards established by the Division for casino service industry enterprises with resubmissions not later than every five years thereafter, pursuant to Section 94h of the Act.

(b) The fee for a casino hotel alcoholic beverage casino service industry enterprise (CHAB CSI) license shall be \$3,000.

(c) The fee for retention of a CHAB CSI license shall be \$3,500.

(d) Any CHAB CSI required to apply for the issuance or retention of a CHAB CSI license may request an installment plan for payment of the application fee in accordance with the following schedule:

1. Upon filing of the application, an initial installment payment equal to one-fourth of the total application fee and an additional fee of \$100.00 for the cost of processing such payment plan; and

2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

13:69A-9.9A (Reserved)

13:69A-9.10 Labor organization registration fee

Under Section 93 of the Act, each labor organization seeking to represent employees licensed or registered under the Act and employed by a casino hotel or a

casino licensee shall register with the Division biennially. The fee for each biennial registration of a labor organization shall be \$250.00.

13:69A-9.11 through 9.14 (Reserved)

13:69A-9.15 Casino employee registration fee

(a) Under Section 91 of the Act, no person may be employed as a casino employee unless such person is registered with the Division. A casino employee registration shall remain in effect unless revoked, suspended, limited, or otherwise restricted by the Division in accordance with the provisions of the Act. The one time registration fee for a casino employee shall be \$95.00.

(b) The Division may waive the fee in (a) above for an applicant for initial licensure if:

1. The applicant chooses to have such application filed on his or her behalf by or through an agency funded by State or Federal funds, the purpose of which agency is the administration or operation of job training or retraining programs; and
2. Such agency certifies to the Division that its job training or retraining programs would customarily absorb the initial license fee on behalf of the applicant.

(c) A petition for early reapplication shall require a fee of \$95.00.

13:69A-9.16 Fee for conversion of a license to a registration

(a) Pursuant to N.J.A.C. 13:69A-15, a casino employee license shall be converted to a casino employee registration upon the expiration date of that casino employee license. The one-time fee for converting such licenses is \$95.00.

(b) A casino key employee may convert to a casino employee registration at any time. The one-time fee for converting such a license is \$95.00.

(c) Notwithstanding (a) and (b) above, a casino employee licensee who also has a valid registration is not required to pay a conversion fee.

#### 13:69A-9.17 Miscellaneous administrative fees

(a) Lost licenses shall be replaced for a fee of \$6.00.

(b) Requests to change a name or address on a license shall require a fee of \$6.00.

(c) A processing fee of \$15.00 shall be imposed upon any applicant for a casino service industry enterprise license which submits a check in payment of an application fee which is dishonored and returned by a bank after deposit.

#### 13:69A-9.18 Fee for non-credentialed employment

A petitioner seeking non-credential employment with a casino licensee pursuant to N.J.A.C. 13:69A-8.10 shall pay a \$95.00 fee.

#### 13:69A-9.19 Obligation to pay fees; nonrefundable nature of fees; credits

(a) Any fee obligation arising in accordance with the Act and this subchapter shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license. In accordance with N.J.S.A. 5:12-82c(10), each party to an agreement to lease the casino hotel or the land thereunder, to jointly own a casino hotel or the land thereunder, or to manage a casino, shall also be liable for any amounts chargeable to the casino operator except as otherwise provided in the Act.

(b) Except as otherwise provided in (e) below, amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable.

(c) Payments made by a casino licensee for its estimated share under N.J.A.C. 13:69A-9.4(e) which exceed its actual share as finally determined by the Division for the fiscal year shall be credited toward the payment of additional fees by that casino licensee.

(d) Any surplus which exists in the Casino Control Fund as of the close of a fiscal year which is not due to excess payments of estimated shares collected pursuant to N.J.A.C. 13:69A-9.4(e) shall be credited toward the payment of additional fees by casino licensees. The share for each casino licensee shall be the amount which is in the same proportion to the total surplus subject to this subsection as the proportion of the total amount of fees incurred or paid by the casino licensee with respect to the fiscal year is to the total amount of all fees incurred or paid by all casino licensees with respect to the fiscal year.

(e) Any former casino licensee which would be entitled to a credit toward the payment of additional fees pursuant to (c) or (d) above and which ceases to hold any license and which does not owe and will not accrue additional fee or other obligations to the State under the Act may claim a refund of any amount to which it is found to be entitled to a credit.

#### 13:69A-9.20 Fees for services provided to other governmental bodies

(a) Whenever the Division is authorized by law to provide services to any State, county or municipal department, board, bureau, commission, authority or agency, and to receive compensation for the performance of such services, the Division shall assess fees for the cost and expense of providing these services as follows:

1. Payment for the efforts of the Division on matters directly related to other governmental bodies at hourly rates to be set by the Division in accordance with N.J.A.C. 13:69A-9.4(d); and

2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Division on matters directly related to the performance of the services which are being provided.

#### 13:69A-9.21 Powers and duties of Division

Nothing in this subchapter shall be construed to limit the powers and duties of the Division as provided in the Act or the rules of the Division.

SUBCHAPTERS 10. AND 11. (RESERVED)

#### SUBCHAPTER 12. LABOR ORGANIZATIONS REGISTRATION

##### 13:69A-12.1 Definitions

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

"Affiliates" means labor organizations chartered by the same parent body, or governed by the same constitution and bylaws, or labor organizations having the relation of parent and subordinate.

"Certified bargaining representative" means a labor organization which has been certified as the representative of employees under the National Labor Relations Act, as amended.

"Fiduciary to pension or welfare system" means a person is a fiduciary with respect to a pension or welfare system to the extent he or she:

1. Exercises any discretionary authority or discretionary control

respecting management of such plan or exercises any authority or control respecting management or disposition of its assets;

2. Renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so; or

3. Has any discretionary authority or discretionary responsibility in the administration of such plan.

"Labor organization" means any organization of any kind, any union, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or systems board, or joint council which is subordinate to a national or international labor organization.

"Labor organization agent" or "agent" means any person, whether compensated or not, who is authorized or allowed to represent a labor organization in any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or who undertakes on behalf of the labor organization to promote, facilitate or otherwise influence the relations between the labor organization and the casino licensee.

"Labor organization officer" or "officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary/treasurer or other executive functions of a labor organization, and any member of its executive board or similar governing body.

"Labor organization principal employee" or "principal employee" means any employee of a labor organization who, by reason of remuneration or of a management, supervisory or policy making position exercises any authority, discretion or influence with regard to any matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee.

"Officers and agents of pension or welfare systems" means all elected officials and key administrative personnel, whether elected or appointed, including administrators, trustees, and all other fiduciaries to the system.

"Pension or welfare system maintained by a labor organization" means any pension or welfare system created or established by a labor organization or one or more of the trustees or one or more members of the governing body of which is selected or appointed by the labor organization.

"Pension system" means any plan, fund or program which is maintained by a labor organization, or by a labor organization and an employer, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund or program provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

"Welfare system" means any plan, fund or program which is maintained by a labor organization or by a labor organization and an employer, to the extent that such plan, fund or program was established or is maintained for the purposes of providing for its participants, or their beneficiaries, through the purchase of insurance or otherwise,

medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or any other such benefit other than pension on retirement or death, and insurance to provide such pensions.

#### 13:69A-12.2 Registration required

Each labor organization, union or affiliate representing or seeking to represent employees who are employed in a casino hotel, casino, or casino simulcasting facility by a casino licensee shall register with the Division biennially in accordance with N.J.S.A. 5:12-93.

#### 13:69A-12.3 Registration exemption; standards and findings

(a) The Division may in its discretion exempt any labor organization, union, or affiliate from registration in accordance with the requirements of N.J.S.A. 5:12-93a.

(b) The Division may find that a labor organization which is an affiliate of a registered labor organization is exempt from the registration requirements of Section 93 of the Act based upon the information provided to the Division by the registrant labor organization. Where the Division bases an exemption finding on such information, the exemption shall be subject to revocation upon disclosure to the Division either by the registrant or otherwise of any information which indicates that the affiliate does not meet the standards for exemption.

#### 13:69A-12.4 Initial filing of registration statement

(a) Within 30 days of the date on which it begins organizing activities directed at the employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or within such additional time as the Division may permit,

upon a showing of good cause, a labor organization, union or affiliate shall file with the Division a labor organization registration in accordance with N.J.A.C. 13:69A-12.5.

(b) For purposes of this section, organizing activities shall include, without limitation, soliciting membership by means of any direct personal contact, or any public notices such as the posting or distribution of fliers, posters or advertisements.

#### 13:69A-12.5 Initial and renewal labor registration filing requirements

(a) Initial and renewal labor organization registration shall consist of the fee established by the Division along with a completed and one copy of a Labor Organization Registration Statement and Labor Organization Individual Disclosure Form for each officer, agent and principal employee.

(b) Renewal registration shall be filed biennially pursuant to N.J.S.A. 5:12-93a and no later than 120 days prior to the expiration of the current registration period.

(c) Each officer, agent or principal employee required to file a Labor Organization Individual Disclosure Form shall do so initially at the time the pertinent labor organization, union or affiliate registers or should register, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Division may, upon a showing of good cause, permit.

(d) Notwithstanding (a) and (c) above, a Labor Organization Individual Disclosure Form need not be filed by an officer of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee provided that the Division may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of

any other officer of a labor organization which is required to register pursuant to N.J.S.A. 5:12-93.

(e) Each individual who has filed an initial Labor Organization Individual Disclosure Form shall file the following with the Division biennially at the time the pertinent labor organization files for renewal of its registration in accordance with (b) above:

1. An original and one copy of a Labor Organization Individual Disclosure Form; and
2. Proof of having been fingerprinted in a manner approved by the Division.

(f) Notwithstanding the requirements of N.J.S.A. 5:12-93 and this section, the Division may waive any disqualification criterion of N.J.S.A. 5:12-86 with respect to any officer, agent or principal employee of a labor organization, union or affiliate in accordance with the standards set forth in N.J.S.A. 5:12-93b.

#### 13:69A-12.6 Continuing duty to disclose

Every registered labor organization shall be under a continuing duty to promptly disclose any change in the information contained in the Labor Organization Registration Statement or any information otherwise requested by the Division.

#### 13:69A-12.7 Federal reports exception

Notwithstanding the reporting requirements imposed by N.J.S.A. 5:12-93, no labor organization, union, affiliate or person shall be required to furnish any information which is included in a report filed by any labor organization, union, affiliate or person with the Secretary of Labor pursuant to 29 U.S.C. §§ 431 et seq. (Labor-Management Reporting and Disclosure Act) or 29 U.S.C. §§ 1001 et seq. (Employee Retirement

Income Security Act) if a copy of such report, or if the portion thereof containing such information, is furnished to the Division pursuant to the aforesaid Federal provisions.

#### 13:69A-12.8 Interest in casino hotel or casino licensee prohibited

In accordance with N.J.S.A. 5:12-93c, neither a labor organization, union or affiliate nor its officers and agents not otherwise individually licensed under the Act and employed by a casino licensee may hold any financial interest whatsoever in the casino hotel, casino, casino simulcasting facility or casino licensee whose employees they represent.

#### 13:69A-12.9 Failure to comply; consequences

(a) The Division may impose any sanction permitted by the Act including the imposition of fines or the revocation of any registration, if:

1. A labor organization, union or affiliate fails to properly register with the Division or fails to provide all information requested by the Division in accordance with the provisions of the Act;
2. Any officer, agent or principal employee of such labor organization, union or affiliate has been found disqualified by the Division in accordance with the provisions of the Act;
3. The labor organization, union, affiliate or any officer or agent thereof holds a prohibited interest in a casino hotel, casino, or casino simulcasting facility, or casino licensee; or
4. An officer, agent or principal employee of a labor organization, union or affiliate fails to properly register with the Division or fails to provide all information requested by the Division in accordance with the provisions of the Act.

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. RETENTION OF PHD-1 QUALIFICATION

13:69A-14.1 (Reserved)

13:69A-14.2 Time for filing

(a) A PHD-1 resubmission form shall be submitted in connection with a casino license resubmission by a person, such as a trustee or beneficiary, who previously filed a PHD-1.

(b) No submission for retention of such qualification shall be considered filed in accordance with (a) above unless:

1. The submission contains all materials required by N.J.A.C.

13:69A-14.3; and

2. All materials have been completed in accordance with the requirements of the Act, the Division's rules and any instructions included with the materials.

(c) Any qualifier who files an incomplete submission shall be promptly notified by the Division of any deficiency in the materials. To qualify as incomplete for purposes of this section, the materials must include, at a minimum, a Casino Key Employee License Resubmission Form, pursuant to N.J.A.C. 13:69A-14.3. Any qualifier filing an incomplete application shall have 21 days from the date of service of the deficiency notice to file a complete submission.

(d) Failure of a qualifier to file a complete submission with the Division in accordance with (a) through (c) above shall be deemed a failure to submit for retention of his or her qualification.

13:69A-14.3 Contents of submission

(a) A PHD-1 submission for retention of qualification shall include:

1. A completed Personal History Disclosure Resubmission Form, as set forth in N.J.A.C. 13:69A-5.4, signed by the applicant and notarized by a person authorized to administer oaths. This form shall contain all information since the initial filing for qualification or his or her most recent submission;

2. A Release Authorization signed by the qualifier and notarized by a person authorized to administer oaths in the State of New Jersey, which Release Authorization shall direct all courts, probation departments, selective service boards, employers, education institutions, banks, financial and other institutions, and all governmental agencies, Federal, state and local both foreign and domestic, to release any and all information pertaining to the qualifier as requested by the Division;

3. The documents required for identification by N.J.A.C. 13:69A-7.2A as needed; and

4. Additional information and/or documentation that the Division may require.

(b) An application for retention of qualification also may include:

1. A Personal Financial Statement certified and signed by the qualifier containing a detailed, itemized list of the qualifier's assets and liabilities in a form required by the Division; and

2. Copies of any Federal and New Jersey income tax returns filed by the qualifier with the Internal Revenue Service and State of New Jersey since the qualifier's initial qualification was granted or most recent Resubmission Form was filed, whichever occurred later.

SUBCHAPTER 15. CONVERSION OF CASINO EMPLOYEE LICENSE

13:69A-15.1 Scope of subchapter; converting a casino employee license to a  
casino employee registration

(a) This subchapter shall govern the submission for conversion of a casino employee license to a casino employee registration.

(b) No casino employee licensee may, after the expiration date of that license, be employed on the basis of that license by a casino licensee in any position that requires the employee to be registered as a casino employee, unless the former licensee is currently a casino employee registrant.

(c) A casino employee registrant, who has been suspended or revoked, may not be employed on the basis of that registration by a casino licensee in any position that requires the possession of a current and valid casino employee registration.

13:69A-15.2 Time for filing

(a) Materials to convert a casino employee license to a casino employee registration shall be mailed to each casino employee licensee at the address on file with the Division at least five months prior to the expiration date of the current casino employee license term. The completed application to convert shall be filed with the Division no later than the last day of the month that is two months prior to the month in which the current license term expires. The filing deadlines for employee submissions to convert a casino employee license are as follows:

If the current license ends On the Last Day of:	Then the Conversion Application Must Be Filed by the Last Day of:
January	November of prior year
February	December of prior year
March	January of current year
April	February of current year
May	March of current year
June	April of current year
July	May of current year
August	June of current year
September	July of current year
October	August of current year
November	September of current year
December	October of current year

- (b) No submission for conversion of a casino employee license shall be considered filed in accordance with (a) above unless:
1. The submission contains all materials required by N.J.A.C. 13:69A-7.1A(a);
  2. All materials have been completed in accordance with the requirements of the Act and the Division's rules; and
  3. Any casino employee licensee seeking to convert his or her casino employee license who files an incomplete application for conversion within the filing deadline specified in (a) above shall be promptly notified by the Division of any deficiency in the materials. Any casino employee licensee filing an incomplete application to convert his or her casino employee license to a casino employee registration shall have until the filing deadline established in (a) above or 21 days from the date of service of the deficiency notice, whichever is later, to file a complete application to convert his or her casino employee license to a casino employee registration.

(c) Failure of a casino employee licensee to file a complete application to convert his or her casino employee license to a casino employee registration with the Division in accordance with (a) through (b) above shall be deemed a failure to apply for a casino employee registration.

13:69A-15.3 Contents of an application to convert a casino employee license  
to a casino employee registration

(a) An application to convert a casino employee license to a casino employee registration shall include:

1. A completed Casino Employee License Conversion Application, as set forth in N.J.A.C. 13:69A-5.5C, signed by the applicant and notarized by a person authorized to administer oaths. This form shall contain all information since the applicant's initial application for licensure or action date on that license's last submission;
2. A Release Authorization signed by the applicant and notarized by a person authorized to administer oaths in the State of New Jersey, which Release Authorization shall direct all courts, probation departments, selective service boards, employers, education institutions, banks, financial and other institutions, and all governmental agencies, Federal, state and local, both domestic and foreign, to release any and all information pertaining to the applicant as requested by the Division;
3. Payment of the appropriate registration fee due in accordance with N.J.A.C. 13:69A-9.16; and
4. The documents required for identification by N.J.A.C. 13:69A-7.2A.

#### 13:69A-15.4 Duration of a casino employee registration

- (a) A casino employee registration shall remain valid unless it is suspended, revoked, expired or is voided by law.
- (b) The Director may at any time revoke, suspend, limit, or otherwise restrict a casino employee registration upon a finding that the registrant is disqualified on the basis of the criteria contained in N.J.S.A. 5:12-86.
- (c) A casino employee registration shall lapse if the registrant has not been employed in any position within a casino hotel facility for a period of three years.

#### SUBCHAPTER 16. MULTI-CASINO EMPLOYEES

##### 13:69A-16.1 Procedures

- (a) If a casino licensee wishes to make one or more of its employees available for assignment on a per diem basis to an affiliated casino, it shall maintain internal control procedures setting forth the methodology of assigning employees and of maintaining inter-casino financial obligations for salary and benefits of such employees. Such procedures shall ensure that each person is counted as only one employee for any statistical purpose.
- (b) Casinos shall maintain accurate records regarding each employee designated for assignment to an affiliated casino.
- (c) The IT Director of each casino shall ensure that employees designated for assignment from an affiliated casino are properly granted and removed from computer access as appropriate.