

**Proposed Amendments: N.J.A.C. 13:69A-5.6A and 8.2; and 13:69C-5.3, 5B.1, and 11.1**

**Proposed New Rules: N.J.A.C. 13:69A-5.6C, 5.6D, and 5.11**

**Applications; Casino Licensees**

**New Application Forms**

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

Authority: N.J.S.A. 5:12-69.a, 70.a(1), 82, 84, 85, and 92.

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

Proposal Number: PRN 2017-156.

Submit written comments by October 6, 2017, to:

Charles F. Kimmel, Deputy Attorney General  
Division of Gaming Enforcement  
1300 Atlantic Avenue  
Atlantic City, NJ 08401  
or electronically at: [rulecomments@njdgc.org](mailto:rulecomments@njdgc.org)

The agency proposal follows:

### **Summary**

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. When submitting license retention documentation, the proposed amendments and new rules will significantly lessen the paperwork requirements on persons and entities required to obtain approval from gaming regulators in jurisdictions other than New Jersey. Specifically, the proposed amendments to N.J.A.C. 13:69A-5.6A and 8.2 and to 13:69C-5.3, 5B.1, and 11.1 will add language acknowledging that certain qualifiers of casino licensees, as well as the companies themselves may file certain multi-jurisdiction forms also filed with gaming regulators in other jurisdictions. The proposed amendments will only require an additional supplemental form for certain informational requirements that are unique to New Jersey.

Proposed new N.J.A.C. 13:69A-5.6C sets forth the content requirements of the Multi-Jurisdictional Business Form for casino companies, intermediary companies, and holding companies. Specifically, the new Multi-Jurisdictional Business Form for casinos will require: the name and addresses of the business and all principal locations; identifying information of at least two contact persons; the date and place of incorporation; a description of the

company's purpose and a copy of its articles of incorporation or other similar documents for other forms of businesses; a description of the applicant's history and activities, including any prior names operated under during the last 10 years, as well as former addresses and prior activities of all branches not identified elsewhere in this form; a description of other applications and permits obtained by the company; details regarding any holding or intermediary companies of the applicant; a description of any former business activities of the applicant; the applicant's business addresses for the last 10 years; identifying information for current and former officers, directors, and principal employees, and the reasons former officers, directors, and principal employees left the company; the identifying information of any officers, director's, or others with knowledge of the applicant's participation in bribery or corruption; the identifying information of any former officer, director, or owner with knowledge of the applicant making loans or contributions to a candidate or for a political cause; identifying information of any former officer, director, or owner with knowledge of the applicant's bank accounts held in its own name or in the name of a nominee; identifying information for the applicant's accountants and auditors; identifying information of any legal consultants and the services rendered during the last 10 years; the names of any representatives or lobbyists acting on the company's behalf and the nature of such representation in New Jersey or elsewhere; a description of any joint ventures entered into by the applicant during the preceding 10 years; a description of securities issues by the applicant; the identity of parties with whom the applicant has contacts exceeding \$ 250,000; disclosure of whether the applicant or any of its officers, directors, or principal employees have ever been involved in bribery or kickbacks during the preceding 10 years; a description of any loans or disbursements made to any foreign or domestic governmental official during the preceding 10 years; a disclosure of any bank accounts of the applicant not otherwise listed on the applicant's books or records; a disclosure of any accounts held by a nominee for the applicant's benefit; a copy of the applicant's credit reports and any reports on the applicant by any securities rating agency; copies of the applicant's tax returns and audited financial statements; the identity of employees who receive more than \$ 250,000 in annual compensation; the identity of any persons or entities with whom the applicant has current outstanding loans or loans repaid in the past five years; the identity of all banks with whom the applicant has had accounts in the past 10 years; the identity of any gambling firms in which the applicant or its related companies have any investment in; copies of minutes of shareholders and directors meetings; a release authorization in favor of the Division; the identity of any person who will be investing in the applicant's gambling business; a description of any insurance claims exceeding \$ 500,000 in the last five years; details of any bonus, pension, or profit sharing plan; a description of any securities issued by the applicant, including details of the exchange on which such securities are traded; a description of any criminal, administrative, or investigative proceedings in any jurisdiction concerning the applicant; a description of any civil proceedings involving the applicant likely to involve damages exceeding \$ 100,000; a description of any bankruptcies involving the applicant; a description of any proceedings against the applicant involving any receiver, administrator, or liquidator; a description of any disciplinary proceedings by any gaming regulatory agency; copies of all public financial reports filed by the applicant with any governmental agency for the past 10 years; copies of any filings made in connection with the issuance of any securities by the applicant; a description of any fines or other disciplinary proceedings against the applicant by any

securities regulatory agency; and a description of any proceedings against the applicant or any subsidiary, officer, director, or trustee involving civil or criminal contempt proceedings or the refusal to take any polygraph exam by such persons.

Proposed new N.J.A.C. 13:69A-5.6D sets forth the requirements for the contents of the New Jersey Supplemental Form that must accompany the Multi-Jurisdictional Business Form for casino companies, intermediary companies, and holding companies. Specifically, the New Jersey Supplemental Form will require: the home and mobile numbers of the primary and alternate contact persons for the applicant; a description of all classes of applicant securities, including the outstanding shares and voting rights of each class; a description of all debt securities and loans of the applicant, including any loans by company insiders or owners, which mature more than a year from issuance and are renewable for a period greater than a year from issuance; the names, positions, and compensation of any individual compensated with between \$ 150,000 and \$ 250,000 per year; the name and branch of all bank accounts and the authorized signatory for such accounts held by the applicant or under the indirect control of the applicant for the last 10 years; the identity and a complete description of all debt of the applicant which matures or can be renewed for greater than one year from the issuance of such debt; identifying information for anyone who currently or formerly owns more than five percent of the applicant's shares, including the price paid for such shares; a description of the financing for any pension, bonus, or profit sharing plan of the applicant, the classes of participants in such plans, the number of participants in a class, and the amounts anticipated to be distributed; identification of any receiver, administrator, or liquidator appointed for the applicant and the reason for the appointment; a copy of any annual reports not provided pursuant to the Multi-Jurisdictional Business Form required by proposed new N.J.A.C. 13:69A-5.6C; a copy of the applicant's last unaudited quarterly statement; copies of any current reports prepared regarding any bankruptcy, receivership, change of control, or acquisition or disposition of property; all addresses from which the applicant will conduct business; the identity, birth date, and last known address of any incorporator or founder of the applicant; the annual compensation of each officer, director, or trustee of the applicant; the identity of and securities class of all non-voting shareholders; a description of any covenants used with any security device of the applicant and the identity of the person or persons holding such instruments, along with the original and present balance of such debt; a description of any and all securities options issued by the applicant, along with the identity of all holders of such options; information regarding a change in beneficial ownership of the applicant's equity securities on the part of any current or former officer, director, or shareholder of more than 10 percent of any class of equity securities within the last five years; copies of the most recent proxy statement of the applicant; copies of any registration statements of the applicant for the past five years; any reports of independent auditors pertaining to financial statements, managerial advisory services or internal controls for the past five years; an affidavit of truth; a release authorization in favor of the Division to all courts, probation departments, employers, banks, educational institutions, and governmental agencies; a consent to inspection, search, and seizure as permitted by the Casino Control Act; and a waiver of liability for the State and its agents against any damages resulting from disclosure or publication of information obtained during the license or investigation process.

Proposed new N.J.A.C. 13:69A-5.11B sets for the content requirements for the Personal History Disclosure Form to be filed by outside directors of holding and intermediary companies of casino service industry enterprises. This form represents a timesavings for such individuals because it lessens the informational filings that would otherwise be required. The Personal History Disclosure Form will require an outside director to: identify himself or herself with a nickname, alias, date of birth, description, current address, and any additional addresses for the past five years; disclose the applicant's Social Security number and citizenship status; disclose the applicant's marital history, employment history, and military service; identify any licenses or approvals applied for or held with other jurisdictions, including and denial or revocation; disclose a driver's license and any revocation or suspension thereof; disclose any criminal or grand jury proceedings of the applicant, including any arrests; disclose any lawsuits to which the applicant was a party for the past 10 years; disclose any governmental financial liens tax liens, child support arrearages, unemployment judgments, defaulted student loans, welfare judgments, or any other governmental obligation; disclose financial data, including any business the applicant has held an ownership interest in for the past 10 years, bank accounts, safe deposit boxes, judgments, and any bankruptcies in any non-public company in which the applicant owned a greater than five percent interest in the past 20 years; disclose any voluntary or involuntary wage garnishment in the past 10 years; identify references who can attest to the applicant's good character; and provide a certificate of truth and a notarized release form in favor of the Division.

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 proposed amendments and new rules should allow for greater ease for casinos and their qualifiers as the rulemaking allows such entities and individual qualifiers to file the same form with the Division as they file with gaming regulators in other jurisdictions. In addition, a streamlined form will now be offered to certain natural person qualifiers of casino service industry enterprises. This should also lessen the burden for outside directors of such companies to obtain regulatory approval. The Division believes the new forms represent a significant reform in casino regulation and as such, continue a pattern of de-regulation of the casino industry, which began in 2011. The Division has attempted to streamline numerous regulations to assist in maintaining a vital casino industry. The casino industry is vital to the interests of the State, and in particular to the southern New Jersey area.

### **Economic Impact**

The proposed amendments and new rules are not anticipated to have any significant economic impact as they do not create a new business opportunity or increase regulatory burdens. They may save time spent on paperwork for certain natural person qualifiers of casino entities and casino service industry enterprises. Use of the Multi-Jurisdiction Business Form may conceivably encourage entities to participate in the New Jersey casino industry. The new forms continue a series of reforms instituted since 2011, which have assisted in

making the industry vital again. A vital casino industry is of tremendous benefit to the economy of the southern New Jersey area.

### **Federal Standards Statement**

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

### **Jobs Impact**

The proposed amendments and new rules will not have any impact on the number of jobs in the State of New Jersey.

### **Agriculture Industry Impact**

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

### **Regulatory Flexibility Statement**

The proposed amendments and new rules will only affect the operations of New Jersey casino licensees and casino service industry enterprises which employ and utilize outside directors, none of which qualify as a "small business" as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because they employ more than 100 persons full-time in the State of New Jersey. Accordingly, a regulatory flexibility analysis is not required.

### **Housing Affordability Impact Analysis**

The proposed amendments and new rules will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in the average costs associated with housing because the rulemaking concerns the forms to be filled out by certain persons affiliated with the casino industry.

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

The proposed amendments and new rules will not have an impact on smart growth and there is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rulemaking concerns the conduct of gambling at New Jersey casinos and the forms to be filled out by certain persons affiliated with the casino industry.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 69A  
APPLICATIONS

SUBCHAPTER 5. FORMS

13:69A-5.6A Business Entity Disclosure **Form; Multi-Jurisdictional Business Form/New Jersey Supplemental 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 **or 13:69A-5.6C and 5.6D, as applicable**, 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 **or 5.6C(a)25, as applicable**, 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 **or 5.6C(a)25, as applicable**, 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 **or 5.6D(a)20, as applicable**, 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 **or 5.6C(a)25**, as applicable, 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 **or 5.6C(a)25**, as applicable, and [N.J.A.C.] 13:69C-8.5;
- 6.-10. (No change.)

**13:69A-5.6C Multi-Jurisdictional Business Form--Casino Company; Casino Holding and Intermediary Company**

(a) **A Multi-Jurisdictional Business Form (MJBFB) shall be in a format adopted by the Division and prescribed by the International Association of Gaming Regulators and may require the applicant to provide the following information:**

1. **The name and registered business address of the applicant and all addresses**

where principal activities of the applicant are conducted;

2. The name, phone number, website, and e-mail address of a primary and alternate person to be contacted in reference to the application;

3. The date and place of incorporation or formation, type of business entity, and business registration or incorporation number;

4. A description of the company purpose and background, a copy of the company's business plan, and copies of the following documents and any amendments thereto:

i. Certificate of incorporation;

ii. Constitution or memorandum of association;

iii. Articles of association;

iv. Trust documents (including type of trust, trust beneficiaries, and trust deed);  
or

v. Any other formation documents;

5. A description of the applicant's history and activities, all trading names and trademarks under which the applicant, its holding company, and subsidiaries have operated for the last 10 years, and the dates of use;

6. A description of applications by the applicant, its parent, or any subsidiary for a license or permit issued by a government agency charged with regulating gambling or other regulated activities not related to games of chance;

7. Details of all companies related to the applicant as intermediary, holding, and subsidiary companies, including, but not limited to:

i. The entity registration number;

ii. The place, country, and date of incorporation;

iii. A description of the business, including principal products, services, markets, and methods of distribution; and

iv. A current corporate structure chart depicting the relationships of all related companies;

8. A description of any former business the applicant and its related companies was engaged in during the last 10-year period and the reason for cessation of such

business, including relevant timeframes;

9. All addresses where the applicant has been registered or conducted business for the past 10 years with relevant timeframes;

10. The full name and date of birth of each current director, secretary, principal executive officer, executive officer, and senior management personnel;

11. The name, title, address, and date and country of birth of former officers, directors, partners, trustees, and company secretaries, and the dates such position was held during the last 10 years and reason for leaving;

12. The name and address of the applicant's auditors and accountants, the dates such position was held during the last 10 years, and details of any investigations conducted regarding misconduct;

13. The name and address of legal consultants, advisers, or solicitors engaged during the last 10-year period and a description of the services rendered, including relevant timeframes;

14. A description of any joint venture arrangement between the applicant and any other company regarding the development, ownership, management, or operation of any casino, gaming, wagering, junket, gaming machine manufacturer/supplier, or test service provider during the last 10-year period, including the name of the joint venture entity and relevant timeframes;

15. A description of the nature, type, number of shares, and average value per share of all classes of securities or other ownership interests issued by the applicant including voting rights;

16. The name, address, and principal activities of all branch offices not identified elsewhere on the application;

17. The name and address of all persons with whom the business entity has contracts or agreements of \$ 250,000 or more in value or who have supplied goods and services having a value of \$ 250,000 or more within a recent timeframe, and the nature of such contract or the goods and service provided;

18. The name of any person or company acting on the applicant's behalf, including lobbyists, in this jurisdiction, that is, the State of New Jersey or, elsewhere, and the nature of that representation;

19. As to the last 10 year-period, set forth whether the applicant, its parent, or any subsidiary, director, officer, employee, or any third-party acting for or on behalf of the business entity has made or received any bribes or kickbacks or made or received payments alleged to have been bribes or kickbacks to any



employee, company, organization, or government or public official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage, and if so, the following information is to be provided:

- i. The name of the offering party;
- ii. The name of the receiving party;
- iii. Details of the transaction;
- iv. Total amount of the bribe or kickback; and
- v. Date of the transaction;

20. As to the last 10-year period, set forth whether the applicant, its parent, or any subsidiary, related company, director, officer, employee, or any third-party acting for or on behalf of the applicant has performed any of the following transactions and if so, the name of the offering and receiving party and details of the transaction, including total amount and date:

- i. Donated or loaned the business entity's funds, property, or anything of value for the purpose of opposing or supporting any government, political party, candidate, or committee either foreign or domestic; or
- ii. Made any loans, donations, or disbursements to any of its directors, officers, employees, or third parties for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic;

21. As to the last 10-year period, set forth whether the applicant, its parent, or any subsidiary maintained a bank account, either domestic or foreign, not reflected on the books or records of the business entity, and if so, the name of the company, the name, place, and country of the bank, the account number and type, and details of the account;

22. The following information for each account held in the name of a nominee for the business entity for the last 10 years:

- 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;
- iv. Details of the account; and

v. Account holder name;

23. The names and addresses of any current or former directors, officers, employees, or third parties who would have knowledge or information concerning (a) 19, 20, 21, and 22 above;

24. A copy of any applicant credit ratings published by companies such as Dun & Bradstreet, Standard & Poors, Moody's, or Fitch, and a copy of the applicant's credit or analyst report;

25. A copy of each of the following:

i. All of applicant's audited and/or published financial statements prepared in the last five years, including, but not limited to, income statements, balance sheets, statements of sources, and applications of funds, including notes to the accounts and any exceptions taken to such statements by an independent auditor retained by the applicant and the management response thereto;

ii. All unaudited financial statements prepared in the last five years if entity does not normally have its financial statements audited;

iii. Interim financial statements if the current year audited statements are unavailable;

iv. Annual reports of the applicant for the last five years; and

v. Annual tax returns for the last five years that were provided to the local, Federal, or foreign regulators;

26. The name and address of any persons, companies, or institutions from which the applicant has current loans or has obtained loans for the past five years, the date, amount, and purpose of the loan, and copies of all loan and finance agreements;

27. The names of individuals who are being compensated more than \$ 250,000, including the amount of compensation for the last fiscal year and the form of compensation;

28. The bank name, account number, branch, and authorized signatories for all bank or other financial institution accounts held by the applicant for the last 10 years;

29. The name of each casino, gaming, betting, or similar company in which the applicant or any of its related companies holds securities or other investments, including loans, warrants, debts, and equity holdings, and the details of those investments;

**30. Provide the following, if requested:**

**i. Income tax returns, including confirmation by tax authorities that the applicant has complied with tax laws;**

**ii. Minutes of shareholders and directors meetings;**

**iii. Information relevant to published financial statements; and**

**iv. Authorization to release any other information reasonably required by the Division;**

**31. The name of any person that has or will have an interest in the ownership or other beneficial interest of the relevant gaming business that is registered under the applicant's name and details of that interest;**

**32. The name of any party holding a debt to be repaid by the applicant or that has forgiven a debt of \$ 100,000 or greater for the past five years, the date of the debt/forgiveness, and the amount of the debt;**

**33. A description of any insurance claims in the amount of \$ 500,000 or greater made by the applicant in the last five years, including the date and amount of the claim;**

**34. Details of any bonus, profit sharing, pension, retirement, deferred compensation, and similar plans operated by the applicant, including the name, address, and specifications of the plan and trustee;**

**35. If the applicant or its related companies are publicly listed:**

**i. The name of any securities exchanges on which the applicant is listed;**

**ii. Copies of announcements to any stock exchange by the applicant, its parent company, or its related companies for the past five years; and**

**iii. Names of regulatory authorities for the applicant, including, but not limited to, law enforcement, gaming, and financial regulators;**

**36. A description of any criminal, administrative, and investigatory proceedings in any jurisdiction, involving the business entity and each director, trustee, or officer, including the name of case and docket number, the date and nature of charge or complaint, the name and address of the law enforcement agency involved, and the disposition and sentence, for each of the following:**

**i. Any indictment, charge, or conviction for any criminal or disorderly persons**

offense; and

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

37. A description of existing civil litigation in any jurisdiction, to which the business entity, its parent or any subsidiary is a party, if damages are reasonably expected to exceed \$ 100,000, except for claims covered by an insurance policy, including the title and docket number, name and location of the court, the parties, and the general nature of the claims;

38. The name of the company and details of the inquiry, including the approximate dates of the investigation, if the applicant or any of its related companies have been the subject of derogatory findings arising out of a royal commission, judicial inquiry, or other governmental inquiry;

39. The title of the case and docket number, date filed, name and address of court or agency, and the nature of judgment or relief and the date entered, for each bankruptcy or insolvency petition filed by or against the applicant or its related companies in the last 10-year period;

40. The name of the company and date and details of each charge brought against the applicant or its related companies or officers of the applicant or its related companies as a result of an administrator, receiver, or liquidator being appointed;

41. The name of the company, date, and details of any agreement or arrangement that the applicant or its related companies has entered into with its creditors to forestall receivership, liquidation, or insolvency;

42. The name of the company, date, and details of any appointment of an administrator, receiver, manager, liquidator, or provisional liquidator to the applicant or its related companies due to insolvency;

43. A description of any investigation or issuance of show cause notices, consent notices, consent agreements, fines, and other disciplinary actions by any casino, gaming, or betting regulatory body conducted or issued due to the insolvency of the applicant or a related company, including the date and outcome of any such investigation or issuance of notices;

44. Copies of all quarterly, semi-annual, or annual reports prepared for submission to government agencies in the last 10-year period;

45. Copies of any legally-required reports submitted to government agencies in relation to any debt or equity offerings in a recent period, excluding those provided in response to other questions on the application;

**46. The name of an applicant or any related company that has been fined, suspended, or reprimanded for breaches of any stock exchange listing rules, including dates, details, judgment, order, consent decree, or consent order pertaining to violation or alleged violation of Federal antitrust, trade regulation, securities laws, or similar laws, in any jurisdiction; and**

**47. The name and address of the court or other agency, the date, nature, and disposition of the proceedings and investigation, whether a civil or contempt citation was issued, and the disposition of the contempt citation, if the business entity or any of its subsidiaries, directors, trustees, or officers ever refused to testify before, to answer a question asked by, or to take a polygraph exam administered by any governmental agency, court, committee, royal commission, charging body, grand jury, or investigatory body, including, but not limited to, municipal, state, county, province, Federal, and national bodies.**

**13:69A-5.6D New Jersey Supplemental Form to the Multi-Jurisdictional Business Form--Casino Company; Casino Holding and Intermediary Company**

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

- 1. The home and mobile phone numbers of a primary and alternate person to be contacted in reference to the application;**
- 2. The terms, conditions, rights, and privileges of all classes of voting, nonvoting, and security or other ownership interest issued, and the number of outstanding shares, and an explanation if the right of holders of any class of security may be modified otherwise than by a vote of a majority or more of the outstanding shares so affected, voting as a class;**
- 3. A description of the nature, type, terms, covenants, conditions, and priorities of all outstanding bonds, loans, mortgages, notes, debentures, or other forms of indebtedness issued or executed, including loans made by shareholders, or to be issued or executed by the business entity, which mature more than one year from the date of issuance or which, by their terms, are renewable for a period of more than one year from the date of issuance;**
- 4. The names, positions, and amount of compensation for individuals being compensated between \$ 150,000 and \$ 250,000;**
- 5. The bank name, account number, branch, and authorized signatories for all bank or other financial institution accounts, whether foreign or domestic, held by the business entity, any nominee of the business entity, or entity under the indirect control of the business entity for the last 10 years;**

**6. 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;**

**7. The name and address, date of birth, type and debt class of debt instrument held, original amount of debt, and current balance of debt for each person or entity holding any outstanding bonds, mortgages, trust deeds, notes, debentures, or other forms of indebtedness, regardless of amount, executed or issued by the business entity, that mature more than one year from the date of issuance or which, by their terms, are renewable for a period of more than one year from the date of issuance;**

**8. For bonus, profit sharing, pension, retirement, deferred compensation, and similar plans operated by the applicant, provide material features and methods of financing the plan, classes of participants, approximate number of persons in each class, and amounts distributed to each class of persons during the last fiscal year;**

**9. The name of the person appointed, the court, and the reason for appointment of any administrator, receiver, manager, liquidator, or provisional liquidator appointed to the applicant or its related companies due to insolvency;**

**10. Copies of the following documents:**

**i. Annual reports of the business entity that were submitted to shareholders or other persons during the last five years if not already submitted in response to the Multi-Jurisdictional Business Form;**

**ii. The last quarterly, unaudited financial statements prepared by or for the business entity; and**

**iii. Any current report prepared due to the occurrence of the following events: 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;**

**11. All addresses from which the business entity is or will be conducting any business, as part of an agreement with a casino hotel;**

**12. The name, last known address, occupation(s) and date of birth of each incorporator or founding person of the business entity;**

**13. The annual compensation of each officer, director, or trustee of the business entity and form of compensation for the last calendar year and the amount to be received during the subsequent calendar year;**

**14. The name, home address, and date of birth of each shareholder, the class held, number of shares held, and the percentage of outstanding nonvoting securities or other ownership interest held;**

**15. A description of the nature, type, terms, conditions, and covenants of any other outstanding evidence of indebtedness or security device utilized by the business entity;**

**16. The name, address, and date of formation or birth of each person holding the debt or security devices in (a)15 above, the type of debt instrument held, the original debt amount, and current balance;**

**17. A description of the nature, type, terms, and conditions of all securities options issued by the applicant, including the title and amount of securities subject to option;**

**18. The name and address of each option holder in (a)17 above, the options held, and the market value at the time of issuance;**

**19. 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, including the date and nature of the transaction, the parties to the transaction, including positions, and the names of the securities involved;**

**20. Copies of the following documents:**

**i. The last definitive Proxy or Information Statement filed pursuant to any securities laws;**

**ii. All Registration Statements filed in the last five years pursuant to any securities laws; and**

**iii. All reports and correspondence, 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, including the name, address, and telephone number of the current outside auditor(s).**

**(b) In addition to the information in (a) above, a completed New Jersey Supplemental Form to the Multi-Jurisdictional Business Form 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. 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 business entity as requested by the Division;

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

4. 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. 5:12-80.b.

**13:69A-5.11B Personal History Disclosure Form 2-Outside Directors of Holding and Intermediary Companies of Casino Service Industry Enterprises**

(a) A Personal History Disclosure Form 2 (or PHD-2) 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 telephone number, and residence history for the past five years;

5. Social Security number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under [42 U.S.C. § 405\(c\)\(2\)\(C\)\(i\)](#) and N.J.S.A. 54:50-25 and for child support enforcement as provided under [42 U.S.C. § 666\(a\)\(13\)](#) and N.J.S.A. 2A:17-56.60;

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



**9. Education and training;**

**10. Record of military service;**

**11. Licenses and other approvals held by or applied for by the applicant in this State or any other jurisdiction, including:**

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

**ii. Any denial, suspension, or revocation by a government agency of a license, permit, or certification; and**

**iii. Motor vehicle registrations and operator licenses and any revocation or suspension thereof;**

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

**i. Arrests, charges, or offenses committed by the applicant;**

**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 10 years;**

**13. 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.**

**14. Financial data, as follows:**

**i. Any business in which the applicant has held an ownership interest for the past 10 years;**

**ii. Bank accounts and safe deposit boxes;**

**iii. Judgments or petitions for bankruptcy or insolvency concerning the applicant, including a copy of the bankruptcy petition and discharge, if granted, and any such judgment or petition concerning 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; and**

**iv. 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 holder of the obligation.**

**(b) In addition to the information in (a) above, a completed PHD-2 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;**

**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 to release any and all information pertaining to the applicant as requested by the Division.**

#### SUBCHAPTER 8. APPLICATION AND RESUBMISSION

##### 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. (No change.)

2. That all appropriate application, registration, and business entity disclosure **or multi-jurisdictional business disclosure and accompanying New Jersey supplemental, as applicable**, personal history disclosure and qualifier entity disclosure forms have been properly completed and presented;

3.-5. (No change.)

#### CHAPTER 69C CASINO LICENSEES

#### SUBCHAPTER 5. INVESTIGATION REQUIREMENTS

##### 13:69C-5.3 Materials required to be submitted in connection with a casino license

(a) The investigative materials required to be submitted in connection with a casino license shall include, without limitation, the following information, which shall be completed and submitted in accordance with the requirements of the Act and the rules of the Division and any instructions included with the materials:

1. A Business Entity Disclosure Form (BED) as set forth in N.J.A.C. 13:69A-5.6 **or a Multi-Jurisdictional Business Form (MJBFB) and New Jersey Supplemental Form as set forth in N.J.A.C. 13:69A-5.6C and 5.6D, as applicable**, for each of the following:

i.-iii. (No change.)

2.-9. (No change.)

(b) (No change.)

#### SUBCHAPTER 5B. QUALIFICATION OF FINANCIAL BACKERS

13:69C-5B.1 Qualification of financial backers and others delineated in N.J.S.A. 5:12-[85.1e]**85.1.e**

(a) Notwithstanding any other rule to the contrary, financial backers and others delineated in N.J.S.A. 5:12-[85.1e]**85.1.e** that are required to be qualified shall submit the following documentation and information to the Division:

1.-11. (No change.)

12. Any other information that the Division may direct, including, but not limited to, the submission of a Business Entity Disclosure Form **or a Multi-Jurisdictional Business Form (MJBFB) and New Jersey Supplemental Form**, if the circumstances should so warrant.

#### SUBCHAPTER 11. CASINO LICENSE RETENTION

13:69C-11.1 Continuing casino licensure

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

(c) The documentation and information to be submitted to the Division shall consist of, but is not limited to:

1. The Business Entity Disclosure (BED) Resubmission forms **or Multi-Jurisdictional Business Form (MJBFB) and New Jersey Supplemental Form, as applicable**, required by N.J.A.C. 13:69A-5.6A for a casino license;

2.-9. (No change.)

(d)-(e) (No change.)