

CHAPTER 41A

APPLICATIONS FOR KEY EMPLOYEE LICENSE

SUBCHAPTER 1. (RESERVED)

## SUBCHAPTER 2. GENERAL PROVISIONS

### 19:41A-2.1 Filing of key license applications

(a) An application for a casino key employee license and any supporting documents shall be submitted to and received by the Licensing Unit of the Division of Regulatory Affairs. The Commission staff shall determine the date of filing as to each application received and shall cause to be endorsed thereon the date of such filing. No application for a casino key license shall be deemed filed until the applicant shall satisfy the staff that all the requirements in (a)1 through 5 below are satisfied consistent with the standards set forth in the Act or in the corresponding Division rules:

1. Papers presented conform to all requirements relating to format (N.J.A.C. 13:69A-7.15), signature, oath or affirmation, attorney certification (N.J.A.C. 13:69A-7.10), copies (N.J.A.C. 13:69A-7.16) and the submission of an English translation (N.J.A.C. 13:69A-7.14);

2. Appropriate application and personal history disclosure forms have been properly completed and presented;

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

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

5.Required fees have been properly paid.

19:41A-2.2 Processing

(a) Upon a determination that all prerequisites for filing have been met, the Commission staff shall:

1.Accept the application for filing, assign the application an identification number, and provide a receipt to the applicant for the fees received;

2.Request the Division to promptly and in reasonable order conduct such investigation and provide such information as may be necessary to determine the qualifications of the applicant and any other matter relating to the application; and

3.Analyze, obtain, and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant and any other matter relating to the application.

### SUBCHAPTER 3. MODIFICATION OF KEY LICENSE APPLICATION

#### 19:41A-3.1 Amendment

It shall be the continuing duty of each applicant to promptly file with the Commission staff a written amendment to his or her application 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 or other papers relating thereto. An applicant may be permitted to file an amendment to his or her application at any time prior to final action thereon by the Commission.

#### 19:41A-3.2 Withdrawal

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

key employee application shall become refundable by reason of withdrawal of the application.

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

1.The application matter has been transmitted to the Office of Administrative Law;

2.The application matter has been assigned to any other hearing examiner authorized by law to hear such matter; or

3.The Commission has made a determination to hear the application matter directly.

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

### 19:41A-3.3 Mootness

Any application submitted to the Commission shall constitute a request by the applicant for a determination as to his or her qualifications in accordance with the Act and rules of the Commission and a consent by the applicant to the making of such a determination by the Commission, in its discretion, when the application thereafter becomes moot for any reason whatsoever.

#### SUBCHAPTER 4. RESTRICTIONS ON KEY LICENSE APPLICATION

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

(a) Any natural person whose license or qualification is denied or revoked by the Commission for failure to satisfy the affirmative qualification criteria of the Act or due to a Commission finding that such person is disqualified pursuant to N.J.S.A. 5:12-86 or both, may not, except as otherwise provided by N.J.A.C. 19:41A-4.2 or 4.3, reapply for a casino key employee license or qualification or pursuant to N.J.S.A. 5:12-106.c, be employed by a casino licensee in a position that does not require a license or registration, until five years have elapsed from the date of denial or revocation. Notwithstanding anything in this subsection:

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

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

3. If the Commission approves an agreement resolving an application for,

or a complaint seeking the revocation of a license or qualification that results in denial or revocation but permits reapplication or employment by a casino licensee after a stated period of less than five years, eligibility for reapplication or employment by a casino licensee shall be governed by the terms of the agreement and not by the provisions of this section.

(b) Any natural person whose casino key employee license or qualification is denied or revoked by the Commission on the basis of any of the statutory or regulatory provisions in (b)1 through 5 below may reapply for a casino key employee license or qualification upon satisfaction of the relevant requirements of this subsection. If the denial or revocation is based upon two or more statutory or regulatory provisions, the Commission shall permit reapplication only upon compliance with the requirements of this subsection as to each such provision. Any person seeking to reapply pursuant to this subsection shall file a certified petition stating with particularity how the specified requirements have been satisfied.

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

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

3. Failure to satisfy the age requirement set forth in N.J.A.C. 19:41A-5.3(c): Reapplication is permitted upon attaining the requisite age or upon a Commission finding that such age will be attained before the processing of said reapplication has been completed.

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

5. Any statutory or regulatory provision, which is subsequently repealed or modified: Reapplication is permitted upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or revocation and justifies the conclusion that the prior decision should no longer bar reapplication.

#### 19:41A-4.2 Petition for early reapplication

(a) Any natural person who is barred from reapplication for five years pursuant to N.J.A.C. 19:41A-4.1 may petition for permission to reapply at an earlier date by filing a Request to Determine Employment or Reapplication Eligibility Form as set forth in N.J.A.C. 19:41A-7.6 at any time after one year has elapsed from the date of denial or revocation or at such earlier date as the Commission may order.

(b) The Commission shall offer the Division an opportunity to complete a criminal records check and to provide a written statement of its position on any

petition filed pursuant to this section.

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

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

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

## SUBCHAPTER 5. CASINO KEY EMPLOYEE LICENSE REQUIREMENTS

19:41A-5.1 Persons required to obtain a casino key employee license

(a) Any natural person who will be employed by a casino licensee in a position that includes any responsibility or authority as listed in this section, regardless of job title, shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89:

1. The supervision of specific areas of casino or simulcasting operations.

Such positions shall include, without limitation, persons who:

- i. Function as a table games shift manager;
- ii. Function as a pit boss;
- iii. Function as a poker shift supervisor;
- iv. Function as a slot shift manager;
- v. Supervise the repair and maintenance of slot machines and bill changers;
- vi. Supervise surveillance investigations or the operation of the surveillance department during a shift;
- vii. Supervise security investigations or security department employees;
- viii. Function as a cage manager;
- ix. Supervise the operation of the cashiers' cage, table games cage, or slot machine cage during a shift. Persons who supervise the operation of a cashiers' cage, table games cage, or slot machine cage, in a position directly

subordinate to the cage shift manager, shall be required to obtain a key license where the organization of the cage operations, the size of the casino operation, the nature and volume of the transactions performed by the cage, and the number and locations of cage operations indicate that such person exercises a comparable level of responsibility and authority;

x. Supervise the hard count or soft count room or function as a count room supervisor;

xi. Function as a simulcast counter shift supervisor;

xii. Function as a keno manager;

xiii. Manage or supervise information technology employees;

xiv. Supervise the collection of patron checks; and

xv. Function as a casino accounting department manager.

2. The authority to develop or administer policy or long-range plans to make discretionary decisions regulating casino or simulcast facility operations.

Such positions shall include, without limitation, persons who:

i. Function as an officer or comparable non-corporate employee of the casino licensee;

ii. Function as a casino manager;

iii. Function as a slot department manager;

iv. Function as a director of surveillance;

v. Function as a director of security;

vi. Function as a controller;

vii. Function as an audit department executive;

viii. Function as an MIS department manager or as an MIS security officer;

ix. Function as a marketing director;

x. Function as an assistant manager of a mandatory casino department;

xi. Function as an equal opportunity officer; or

xii. Manage casino administrative operations.

3. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating the management of an approved hotel.

Such positions shall include, without limitation, persons who manage the:

i. Operation of the hotel;

ii. Entertainment activities of the casino licensee;

iii. Food and beverage operations of the casino licensee; and

iv. Human resource activities of the casino licensee.

(b) In addition to the persons required to hold a casino key employee license pursuant to (a) above, any natural person who will be employed in a position designated by the Commission, for reasons consistent with the policies of the Act, as a casino key employee shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89. Such positions shall include, without limitation, any employee of a casino licensee who:

1. Is required to be qualified pursuant to N.J.S.A. 5:12-85.c;

2. Will provide legal representation for the casino licensee in matters before the Commission or provide legal counsel regarding compliance with the Act or the rules and regulations of the Division and/or the Commission;

3. Will purchase or contract for goods and services involving an annual expenditure of \$10,000 or more;

4. May authorize the issuance of patron credit;

5. May authorize the issuance of cash complimentary in the amount of \$10,000 or more;

6. Function as a junket representative; or

7. Will supervise an employee who is required to be licensed as a casino key employee.

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

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

1. A completed PHD-1B as set forth in N.J.A.C. 19:41A-7.2;

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, attached to the original disclosure form;

4. A certification by the Division that the applicant has been fingerprinted in accordance with the rules of the Division; and

5. Any applicable fee required by the rules of the Division.

(b) Each applicant shall file a completed application pursuant to (a) above with the Commission by mail or in person at the address specified in N.J.A.C. 19:40A-3.1.

(c) Except as provided in (d) below, no application shall be accepted for filing unless the applicant is eligible for employment pursuant to N.J.A.C. 19:41A-5.5(b) and (c) and such application includes all materials required by (a) above, completed in accordance with the requirements of the Act and the rules of the Commission and any instructions included with the disclosure form.

(d) The Commission may accept an application for a casino key employee license from an applicant who is at least 17 years and six months of age, provided that the application is accompanied by a signed and dated certification by the applicant stating that he or she will not commence casino employment until he or she is 18 years of age. Such certification shall also be signed by the applicant's parent or legal guardian unless the applicant presents proof that he or she is married, has entered military service, has a child, or has been previously declared by a court or administrative agency to be emancipated.

(e) A casino key employee licensee may downgrade his or her current license in accordance with the rules of the Division.

#### 19:41A-5.3 Temporary casino key employee license

(a) The Commission may, with the consent of the Division, issue a temporary casino key employee license to an applicant who has filed a

completed application in accordance with N.J.A.C. 19:41A-5.2, provided that:

1. The casino licensee that employs the applicant files a petition certifying, and the Commission so finds, the following:

i. An existing casino key employee position is vacant or will become vacant within 60 days of the date of the petition;

ii. The issuance of a temporary license is necessary to fill the vacancy, so as to continue the efficient operation of the casino; and

iii. Such circumstances are extraordinary and not designed to circumvent the licensing procedures of the Act; and

2. The Division certifies that the completed application has been in its possession for at least 15 days or otherwise agrees to report on the petition at some earlier date.

(b) The petition required by (a)1 above shall be submitted to the Division and the Commission electronically.

(c) A temporary casino key employee license shall expire nine months from the date of issuance.

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

1. Such petition shall be filed with the Division's Intake Unit.

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

(a) No casino key employee license may be employed by two or more affiliated casino licensees unless his or her license is endorsed by the Commission as a multi-casino key employee license in accordance with N.J.S.A. 5:12-91.1.

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

1. Such petition shall be filed with the Division's Intake Unit.

#### 19:41A-5.5 Casino key employee license requirements

(a) No casino key employee license shall be issued by the Commission unless the applicant has been found qualified in accordance with the following standards as set forth in the Act:

1. The financial stability, integrity, and responsibility of the person;
2. The good character and reputation of the person for honesty and integrity; and
3. The residency requirements set forth at N.J.S.A. 5:12-89.b(4), except that:
  - i. No employee of a holding company or intermediary company shall be required to establish residency in this State; and
  - ii. The Commission may waive residency upon petition of the applicant

and a finding that the duties of the applicant's particular position require him or her to be located outside the State.

(b) No natural person shall be employed by a casino licensee as a casino key employee 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 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, an Employment Authorization Document, or any other documentation submitted by an applicant that the Commission determines to provide sufficient evidence of such authorization.

(c) No natural person shall be employed as a casino key employee pursuant to N.J.S.A. 5:12-9 and N.J.A.C. 19:41A-5.1, unless he or she is 18 years of age or older.

(d) In determining whether an applicant satisfies the requirements of N.J.S.A. 5:12-89.b(4), the Commission may consider the following indicia of residency, without limitation:

1. A current and valid deed, lease, utility bill, or other document evidencing ownership or leasing of residential property in New Jersey; or
2. A motor vehicle license issued by the State of New Jersey.

19:41A-5.6 Duration of casino key employee license

(a) A casino key employee license shall remain valid unless otherwise suspended or revoked by the Commission or unless the licensee is placed on the Inactive List in accordance with N.J.A.C. 19:41A-6.1(d)1.

(b) Notwithstanding (a) above, the failure to file a complete resubmission with the Commission in accordance with N.J.A.C. 19:41A-6 may result in the Commission taking action to suspend or revoke the casino key employee license.

(c) Notwithstanding (a) above, a casino key employee license or temporary casino key employee license may be given a conditional expiration date to coincide with any employment authorization issued by the United States Citizenship and Immigration Services, which is less than the term of the license. Unless extended pursuant to (d) below, a casino key employee license or temporary casino key employee license with a conditional expiration date shall expire on that date.

(d) A license issued with a conditional expiration date pursuant to (c) 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 the N.J.A.C. 19:41A-5.3(b). However, a casino key employee license shall not be extended beyond the term of the license.

#### 19:41A-5.7 Credentials

The credential issued to a casino key employee shall contain the inscription "State of New Jersey," the seal of the State of New Jersey, the name of the Commission, a picture of the licensee, and a license 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.

#### 19:41A-5.8 Obligation to report and replace lost or destroyed casino key employee license credential

(a) Any holder of a casino key employee license credential shall promptly report the loss or destruction of his or her license credential to the Commission through the Licensing Unit of the Division of Regulatory Affairs.

(b) As soon as possible following the loss or destruction of a casino key employee license credential, the person to whom the license credential was originally issued shall apply to the Commission for a replacement license credential.

19:41A-5.9 Scope and applicability of casino key employee licensing requirements

(a) In determining whether a natural person who will provide services to a casino licensee or applicant must hold a casino key employee license as an employee or, alternatively, be registered as a vendor or junket enterprise in accordance with the rules of the Division, it shall be presumed that any such person will be required to hold a casino key employee license 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 a casino key employee license application pending before 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, junket enterprise, or casino service industry requirements of the Act and the rules of the Division may request, in accordance with the provisions of N.J.A.C. 19:40A-3.7, a declaratory ruling from the Commission 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 a casino key employee license.

(c) The Commission may, upon consideration of the factors in (a)1 through 6 above and any other relevant information, require any natural person to obtain a casino key employee license 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 or junket enterprise registration form has been filed by a casino licensee or applicant on behalf of the natural person with the Division.

## SUBCHAPTER 6. CASINO KEY EMPLOYEE LICENSE RESUBMISSIONS

### 19:41A-6.1 Duty to file resubmissions

(a) For purposes of this section, “license cycle” means five years from the issuance date of a casino key employee license, and every five years thereafter.

(b) Each casino key employee licensee shall file a Personal History Disclosure Resubmission Form and such other information as set forth at N.J.A.C. 19:41A-6.2 with the Commission by no later than five months prior to the end of his or her license cycle. The Commission shall so notify the casino key employee licensee, in writing, no later than two months prior to such filing deadline.

1. Upon the timely receipt of a complete resubmission, the Commission shall transmit the filing to the Division for such investigation as the Division may deem appropriate concerning the continued qualification of the licensee.

(c) No resubmission shall be considered filed in accordance with (b) above, unless it contains all of the information and documents required by this section and all resubmission materials have been completed in accordance with the Act, the rules of the Commission, and any instructions included therewith.

(d) Any licensee who timely files an incomplete resubmission shall be promptly notified by the Commission of any deficiencies in the filing. To qualify as an incomplete resubmission for purposes of this subsection, the filing must include, at a minimum, the fee set forth at N.J.A.C. 19:41A-8.1(b) and the

Personal History Disclosure Resubmission Form set forth at N.J.A.C. 19:41A-6.2. Any licensee filing an incomplete resubmission shall have until the filing deadline determined in accordance with (b) above or 21 days from the date of service of the deficiency notice, whichever is later, to file a completed resubmission.

(e) In lieu of filing a resubmission, a casino key employee licensee may:

1. Submit to the Commission a written request to be placed on an inactive list for the duration of his or her next five-year license cycle. Persons designated on the inactive list may not be employed by a casino licensee or applicant in positions requiring a casino key employee license.

i. A person on the inactive list may request reactivation of his or her license by filing a complete resubmission in accordance with this section, including the requisite resubmission fee.

ii. Unless reactivated, an inactive casino key employee license shall lapse at the end of the five-year license cycle; or

2. Apply to the Division to downgrade his or her current license in accordance with the rules of the Division. Any licensee who seeks to downgrade his or her license shall promptly notify the Commission. If the licensee subsequently fails or elects not to downgrade his or her license, the Commission shall address the failure to file a resubmission in accordance with the rules in this section.

(f) If a casino key employee licensee fails to file a resubmission in accordance with (b) above or to alternatively request either inactive status or a downgraded

license pursuant to (e) above, his or her casino key employee license shall lapse at the end of his or her current license cycle.

(g) Any person whose casino key employee license lapses shall not be employed in a position requiring a casino key employee license unless he or she reapplies for such license by filing a completed application in accordance with N.J.A.C. 19:41A-7.3, including the application fee for the issuance of a casino key employee license set forth at N.J.A.C. 19:41A-8.1(a).

(h) The obligation to file a resubmission in accordance with this section, including the resubmission fee, continues during any period of license suspension. The failure of a suspended licensee to file a resubmission in accordance with the requirements of this section shall not affect the validity of any ongoing proceeding concerning the qualification for licensure of the licensee, but may constitute an additional basis for suspension or revocation of the license.

#### 19:41A-6.2 Personal History Disclosure Resubmission Form—Casino Key Employee

(a) A Personal History Disclosure Resubmission Form shall be in a format prescribed by the Commission 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 since the date of the submission of 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 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 initial license application or last Resubmission Form;
10. Civil and criminal proceedings in any jurisdiction since the submission of 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 New Jersey State financial liens or judgments filed against the applicant; and
11. All assets and liabilities of the applicant, as indicated on the net worth statement and supporting schedules in a format prescribed by the Commission, including the following:
  - i. Bank accounts, including any right of ownership in, control over, or interest in any foreign bank account, and 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, financial and other institutions, and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or the Division.
4. A certification by the Division that the licensee has been fingerprinted in accordance with the rules of the Division;
5. The fee set forth at N.J.A.C. 19:41A-8.1(b); and
6. The documents required for identification by N.J.A.C. 19:41A-1.3.

### 19:41A-6.3 Downgrade of license

In lieu of filing a resubmission with the Commission, a casino key employee licensee may apply to the Division to downgrade his or her current license in accordance with the rules of the Division. Any licensee who seeks to downgrade his or her license shall promptly notify the Commission thereof. In the event that the licensee subsequently fails or elects not to downgrade his or her license, any failure to timely file a resubmission shall be addressed by the Commission in accordance with the provisions of N.J.A.C. 19:41A-6.1.

### 19:41A-6.4 Processing of resubmission

Upon the timely receipt of a complete resubmission, the Commission shall transmit the filing to the Division for such investigation as the Division may deem appropriate concerning the continued qualification of the licensee.

## SUBCHAPTER 7. FORMS

### 19:41A-7.1 Definitions

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

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

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

(a) An applicant for a casino key employee license who is also required to establish his or her qualification pursuant to N.J.S.A. 5:12-85.1 and N.J.A.C. 13:69C-2.2 shall file a Multi-Jurisdictional Personal History Disclosure Form as set forth at N.J.A.C. 13:69A-5.2 and a New Jersey Supplemental Form as set forth at N.J.A.C. 13:69A-5.2A.

(b) The forms set forth in (a) above shall be filed with the Division's Intake Unit.

### 19:41A-7.3 Personal History Disclosure Form 1B (Basic Key Form)

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

1. Name, including any aliases or nicknames;
2. Date of birth;

3. 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;
7. Marital history and other family data;
8. Telephone number at current place of employment;
9. Employment history, including any gaming-related employment;
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, or certification 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 jurisdiction, 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; 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 Commission, 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, 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 and New Jersey tax returns and related information;

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, or in which the applicant served as an officer or director;

vii. 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;

viii. Positions held or interest received in any estate or trust;

ix. Insurance claims in excess of \$100,000 by the applicant or the applicant's spouse or dependent children;

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

xi. Gifts in excess of \$10,000 given or received by the applicant or the applicant's immediate family; and

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

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

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

2. A signed, dated, and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions, and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or the Division; and

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

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

A Request to Determine Employment or Reapplication Eligibility Form is set forth in the rules of the Division at N.J.A.C. 13:69A-5.5B.

## SUBCHAPTER 8. KEY LICENSE FEES

### 19:41A-8.1 Casino key employee license fee; resubmission fee

(a) The fee for a casino key employee license shall include the following:

1. An initial deposit of \$750.00;
2. An additional application charge, at an hourly rate to be set by the Division shall be due and payable upon demand for each hour of Division or Commission professional staff time that is expended on matters directly related to the applicant that is in excess of 1,000 total hours; and
3. Payment for all unusual or out-of-pocket expenses incurred by the Division or Commission for matters directly related to the processing and investigation of the application.

(b) In order to recover costs for monitoring compliance with the Act and the rules of the Commission and for assuring the continued fitness of casino key employees, the fee for the retention of a casino key employee license to be filed with each resubmission shall be \$750.00.