

PART 5303

General Provisions [in Regard to] for Licensing and Registration

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§ 5303.1. General.

(a) The terms *application*, *applicant*, *license*, *licensee*, *registration* and *registrant*, as used in Parts 5303 through 5307 of this Subchapter, relate to occupational licensing and enterprise and vendor licensing and registration as set forth in Titles 3 and 4 of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law.

(b) It shall be the affirmative responsibility of each applicant, licensee and registrant to establish by clear and convincing evidence its qualifications for licensure or registration.

[(c) All licensees and registrants shall have a duty to inform the commission of any action that they believe would constitute a violation of the Racing, Pari-Mutuel Wagering and Breeding Law. No person who so informs the commission shall be discriminated against by an applicant, licensee or registrant because of the supplying of such information.]

§ 5303.2. Identification.

(a) Every natural person applying for a license or registration pursuant to [this Part] Parts 5303 through 5307 shall establish such person's identity to the satisfaction of the commission pursuant to the requirements of the license or registration application. For the purposes of this Part, applicants for licenses and registrations shall submit to the commission the information as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1323(2) or 1324(4), respectively.

(b) Any natural person may request that the commission change the name designated on such person's application, license or registration by establishing appropriate identity information as may be required by the commission, including, without limitation, as the case may be, a certificate of marriage, a certified copy of a divorce decree or other appropriate court order.

§ 5303.3. Fingerprinting.

(a) Each applicant, licensee or registrant, including each gaming facility principal, casino vendor enterprise principal, casino key employee and other employees, shall, at the time of application and upon renewal, be fingerprinted under the supervision of the commission or a duly authorized representative approved by the commission. In the alternative, the commission may permit a person to submit sets of classifiable fingerprints on fingerprint impression cards provided by the commission.

(b) In the event that the commission cannot obtain usable fingerprints for processing after two good-faith attempts, the commission shall undertake a search of a person's background via other means available to the commission.

(c) Nothing in this [part] Part shall relieve a person who submits fingerprint sets pursuant to subdivision (a) of this section from the duty to disclose any criminal arrests as required by this Part.

(d) Each gaming facility licensee shall remit fingerprinting fees directly to the fingerprinting service provider approved by the commission. However, if the applicant is submitting fingerprints via fingerprint impression cards, the gaming facility licensee shall remit the fee to the commission, payable to the fingerprinting service provider approved by the commission.

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§ 5303.7. Filing.

No application for a license or registration shall be deemed filed with the commission pursuant to this [part] Part until:

(a) all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification, if applicable, and copies, as the commission may require;

(b) all appropriate application, registration, business disclosure and personal history disclosure forms have been properly completed and submitted;

(c) all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly submitted;

(d) all other information, documentation, assurances and other materials required or requested at the filing stage pertaining to qualifications have been submitted properly; and

(e) all required fees have been [properly and all required surety has been properly furnished] paid.

§ 5303.8. Processing.

The commission shall process only complete applications. The processing of any application shall not constitute any agreement or acceptance by the commission that the requirements of [the] article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and Parts 5303 through 5307 of this Title have been satisfied.

§ 5303.9. Amendment.

(a) [All applicants, licensees and registrants shall have a duty to ensure that information, documentation and assurances submitted to the commission:] Information contained in an application submitted by an applicant, licensee or registrant shall be updated on a form prescribed by the commission. Each applicant, licensee and registrant shall file promptly with the commission an update explaining any new or changed facts or circumstances whenever any material or significant new or changed fact or circumstance occurs with respect to any matter set forth in the application.

[(1)remains current; and]

[(2)] (b) All applicants, licensees and registrants shall have an obligation to ensure that information, documentation and assurances are submitted to the commission are not misleading in light of the circumstances in which such information, documentation and assurances were submitted.

[(b)] (c) The commission may permit any applicant, licensee or registrant to file an amendment to its application at any time prior to final action thereon by the commission.

[(c)] (d) The failure of an applicant, licensee or registrant to comply with this [part] Part shall be grounds for rejection of the application or for suspension or revocation of a license or registration.

§ 5303.10. Withdrawal.

(a) Prior to [a final] the commission [action on any application] granting or denying any application pursuant to this Part, without regard to whether a temporary license has been issued, an applicant or the associated gaming facility licensee may withdraw a filed application by filing with the commission a written notice of such withdrawal. Upon the receipt of such notice, the commission will cease the processing of such application, but will retain such application and materials in accordance with applicable law and commission policy.

(b) If an applicant has previously withdrawn an application, the commission may refrain from processing any application submitted by such applicant within one year from the date of such withdrawal.

(c) No fee or other payment relating to an application shall become refundable by reason of withdrawal of the application, unless the commission determines otherwise for good cause shown. In no event, however, shall a fee for fingerprinting be refundable.

§ 5303.11. Investigations.

The commission, or its designee, shall make or cause to be made an inquiry or investigation concerning an applicant, licensee or registrant, or any affiliate, intermediary, subsidiary or holding company of an applicant, licensee or registrant, as the commission may deem appropriate, and in accordance with [the] article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law, either at the time of the initial application or at any time thereafter.

§ 5303.12. Issuance of a license or registration.

(a) The commission shall notify [the applicant or] the human resource department or other applicable department of the gaming facility licensee in writing or via electronic communications when a license or registration is granted.

(b) Licenses and registrations issued by the commission are nontransferable.

[§ 5303.13. Disqualifying criteria.]

[Subject to notice and an opportunity for hearing, the commission shall deny a license or registration to any applicant who the commission determines is disqualified on the basis of the criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318.]

§ [5303.14] 5303.13. Fees.

All fees payable to the commission pursuant to Parts 5303 through 5307 of this Subchapter shall be paid by electronic funds transfer and shall be deposited into the commercial gaming revenue fund.

(a) *Application fee.* Upon submission of an application for a license or registration the New York State Police will charge the gaming facility licensee an amount that reflects the anticipated costs of the investigation of such applicant.

(b) *License fee.* Upon approval of an application for a license or registration the commission [will] may charge the gaming facility licensee a license fee as set forth in the applicable license application.

(c) *Renewal application fee.* Upon submission of a renewal application for a license or registration, the New York State Police will charge the gaming facility licensee an amount that reflects the anticipated costs of the investigation of such applicant.

(d) *Renewal license fee.* Upon approval of a renewal application for a license or registration the commission [will] may charge the gaming facility licensee a renewal fee as set forth in the applicable renewal license application.

§ [5303.15] 5303.14. Application and employment after denial or revocation.

[(a) Any natural person whose application for a license or registration is denied, or whose license or registration is suspended or revoked by reason of a failure to satisfy the affirmative qualification criteria required by this Part, or due to a finding by the commission that such person is disqualified, or both, may re-apply for such license or registration at any time after the failure or disqualification is cured.]

[(b)] (a) Any natural person whose license, [or] registration or application was denied, [or whose license or registration was] suspended or revoked by the commission on the basis of any of [the statutory or regulatory] the following provisions [in paragraphs (1) through (4) of this subdivision, may reapply for a license or registration upon satisfaction of the relevant requirements set forth in in this subdivision. If the denial, suspension or revocation is based upon two or more such regulatory provisions, the commission shall permit reapplication only upon compliance with the requirements of this subdivision as to each such provision. Any person seeking to reapply pursuant to this subdivision shall file a certified petition stating with particularity how the specified requirements have been satisfied. The bases that require such certified petition are:] may reapply at any time after the failure or disqualification is cured:

(1) failure to demonstrate financial stability, after which reapplication is permitted only upon achieving financial stability;

(2) failure to satisfy the age requirement, after which reapplication is permitted only upon attaining the requisite age [or upon a commission finding that such age will be attained before the processing and approval of such reapplication has been completed];

(3) [pending disposition of a charge of any criminal offense,] if the commission has determined to deny a license or registration application or suspend or revoke a license or registration [while such charge is pending, after which] based upon a pending disposition of a criminal offense, reapplication is permitted [only] upon disposition of the pending charge; and

(4) any statutory or regulatory provision that is subsequently repealed or modified, after which reapplication is permitted only 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 determination should not be a basis for denying a license or registration application.

(b) Any person seeking to reapply pursuant to subdivision (a) of this section shall file with the commission a petition stating with particularity how the failure or basis for disqualification has been cured.

(c) Except as otherwise set forth in this Part, any person whose application has been denied or whose license or registration has been revoked may reapply after one year. The reapplication [must] shall include submission of sufficient evidence demonstrating that the factual circumstances upon which the denial or revocation was based have been cured to the satisfaction of the commission.

§ [5303.16. Disciplinary action.]

[If the commission determines, after investigation, that any licensee or registrant has violated any provision of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter, the commission is permitted to levy and collect penalties as provided in Racing, Pari-Mutuel Wagering and Breeding Law section 116 and article 13 and may suspend, limit, restrict or revoke any license or registration.]

§ [5303.17] 5303.15. Restrictions on wagering.

Wagering by casino key employees and gaming employees is restricted as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1336.

PART 5304

Casino Key Employee Licensing

Section

[5304.1 Persons required to obtain a casino key employee license]

[5304.2] 5304.1 Standards for issuance of a casino key employee license

[5304.3] 5304.2 Casino key employee license application and disclosure forms

[5304.4 Temporary license for casino key employee]

[5304.5] 5304.3 Duration of license

[§ 5304.1. Persons required to obtain a casino key employee license.]

[A person, as defined in Racing, Pari-Mutuel Wagering and Breeding Law section 1301(8), is required to obtain a casino key employee license prior to being involved in any gaming licensed activities, unless the commission has granted such casino key employee applicant a temporary license pursuant to 5304.4 of this Part.]

§ [5304.2] 5304.1. Standards for issuance of a casino key employee license.

[(a) Each applicant for a casino key employee license shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1323(2)(a) through (c).]

[(b) The commission shall provide an applicant for a casino key employee license with a copy of criminal history information as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1323(4).]

The specific criteria and standards for casino key employee licensing are set forth in Racing, Pari-mutuel Wagering and Breeding Law sections 1301(8) and 1323(1) through (6).

§ [5304.3] 5304.2. Casino key employee license application and disclosure forms.

[A] An applicant for a casino key employee license [applicant] shall [be required to] file a [casino key employee application] multi-jurisdictional personal history disclosure form and other disclosure forms as [determined] required by the commission.

[§ 5304.4. Temporary license for casino key employee.]

[The commission may issue a temporary license to an applicant for a casino key employee license in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1323(5) and (6).]

§ [5304.5] 5304.3. Duration of license.

[(a)] Casino key employee licenses shall remain valid [as set forth in] for five years, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6).

[(b) Each casino key employee license shall indicate an expiration date.]

PART 5305

Gaming Employee Registration

Section

[5305.1 Persons required to register as a gaming employee]

[5305.2] 5305.1 Standards for issuance of a gaming employee registration

[5305.3] 5305.2 Gaming employee registration forms

[5305.4] 5305.3 Duration of registration

[§ 5305.1. Persons required to register as a gaming employee.]

[(a) A person, as defined in Racing, Pari-Mutuel Wagering and Breeding Law section 1301(22), is required to obtain a gaming employee registration prior to being involved in any gaming licensed activities.]

§ [5305.2] 5305.1. Standards for issuance of a gaming employee registration.

[(a) Each applicant for a gaming employee registration shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in sections 5303.1 through 5303.6 of this Title.]

(a) The specific criteria and standards for casino key employee licensing are set forth in Racing, Pari-Mutuel Wagering and Breeding Law sections 1301(22) and 1324(1) through (5).

[(b) The commission shall provide an applicant for a gaming employee registration with a copy of criminal history information as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1324(5).]

[(c) Subsequent to the registration of a gaming employee, the executive director of the commission may revoke, suspend, limit or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. Notwithstanding, a gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to article 23-A of the Correction Law.]

(b) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1324(3), a Gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to Article 23-A of the Correction Law.

§ [5305.3] 5305.2. Gaming [Employee] employee [Registration] registration form.

A gaming employee registrant shall file a gaming employee registration form the commission supplies and may amend from time to time.

§ [5305. 4] 5305.3. Duration of registration.

[(a) Gaming] Except as otherwise provided in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6) a gaming employee [registrations] registration shall remain valid [as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6)] for five years.

[(b) Each gaming employee registration shall indicate an expiration date.]

PART 5306

Non-Gaming Employee Registration

Section	
5306.1	Persons required to register as a non-gaming employee
5306.2	Standards for issuance of a non-gaming employee registration
5306.3	Non-gaming employee registration forms
5306.4	Duration of registration

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§ 5306.2. Standards for issuance of a non-gaming employee registration.

(a) Each applicant for a non-gaming employee registration shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in sections 5303.1 through 5303.6 of this Title.

(b) Subject to notice and an opportunity for a hearing, the commission shall deny a registration to an applicant for a non-gaming employee registration who the commission determines is disqualified on the basis of the criteria contained in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. Subsequent to the registration of a non-gaming employee, the executive director of the commission may revoke, suspend, limit or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of the criteria contained in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. Notwithstanding, a non-gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to article 23-A of the Correction Law.

§ 5306.3. Non-gaming employee registration forms.

A non-gaming [employee registration applicant] employee registrant shall be required to file a non-gaming employee registration form that the commission supplies and may amend from time to time.

§ 5306.4. Duration of registration.

[(a) Non-gaming registrations shall remain valid as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6).]

[(b) Each non-gaming registration shall indicate an expiration date on the registration.]

A non-gaming employee registration shall remain valid for five years.

PART 5307

Vendor Licensing and Registration

Section

- 5307.1 [Persons] Entities required to obtain a casino vendor enterprise license
- 5307.2 [Persons] Entities required to obtain an ancillary casino vendor enterprise license
- 5307.3 Registration of other vendors
- 5307.4 Standards for issuance of vendor [license] licenses and registrations
- 5307.5 Vendor application and disclosure forms
- 5307.6 Temporary service providers; badges
- 5307.7 Duration of license and registration

§ 5307.1. [Persons] Entities required to obtain a casino vendor enterprise license.

(a) Any vendor offering goods or services that directly relate to casino or gaming activity, as described in Racing, Pari-Mutuel Wagering and Breeding Law section 1326(1) and (2), shall be required to be licensed as a casino vendor enterprise. In addition, the executive director of the commission may permit an applicant for a casino vendor enterprise license to conduct business transactions with the gaming facility applicant or licensee prior to the licensure of such casino vendor enterprise applicant, effective only for the transaction for which such permission is requested.

(b) In addition to any vendor required to be licensed by this Part, the commission may require a license for any person if the issuance of such license would be consistent with this Part and consistent with the protection of commercial gaming in the State of New York.

§ 5307.2. [Persons] Entities required to obtain an ancillary casino vendor enterprise license.

[Any vendor offering goods and services ancillary to gaming activity shall be required to be licensed as an ancillary casino vendor, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326(3). Goods and services ancillary to gaming activity include, without limitation, licensors of games, non-casino alcoholic beverage operators, lessors of casino property not required to hold a casino license, trash haulers, limousine operators and food suppliers.]

(a) Junket enterprises.

(b) Any vendor providing goods or services to the gaming facility, not otherwise licensed pursuant to section 5307.1 of this Part, that the commission determines to be supporting gaming activities directly enough that registration pursuant to section 5307.3 of this Part would be insufficient to protect the integrity of gaming.

§ 5307.3. Registration of other vendors.

(a) Any vendor offering goods and services to a gaming facility applicant or licensee that is not a casino vendor enterprise or an ancillary casino vendor enterprise shall be required to be registered as a vendor registrant, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326(5).

(b) Notwithstanding the requirements set forth in this Part, entities engaged in the following fields of commerce that provide goods or services to a gaming facility applicant or licensee, shall not be required to be licensed or registered as a vendor:

(1) insurance companies and insurance agencies;

(2) television, radio newspaper, internet or other similar media outlets used for advertising purposes;

- (3) governmental entities performing traditional governmental functions;
- (4) professional legal, accounting and financial services;
- (5) physicians;
- (6) utility companies;
- (7) telecommunication companies;
- (8) training seminars, publication subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee;
- (9) non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;
- (10) professional entertainers and/or celebrity appearances; and
- (11) any other person who, by submission of a written petition, demonstrates to the commission that registration as a non-gaming vendor is not necessary to protect the public interest.

§ 5307.4. Standards for issuance of vendor licenses and registrations.

(a) Each applicant for a casino vendor enterprise license, ancillary casino vendor enterprise license or vendor registration shall meet the qualification criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326.

§ 5307.5. Vendor application and disclosure forms.

(a) Each applicant for a casino vendor enterprise license, ancillary casino vendor enterprise license, or vendor registration shall file a vendor application and registration form and other disclosure forms as determined by the commission.

(b) Owners, managers and supervisory personnel [and employees of a casino vendor licensee or ancillary casino vendor licensee who provide services to the gaming area of a gaming facility] are required to fill out a casino key employee application form and comply with the standards for issuance of a casino key employee license as set forth in section 5304.2 of this Title.

(c) Employees of a casino vendor enterprise licensee or ancillary casino vendor enterprise licensee who provide services to the gaming area of a gaming facility are required to complete a vendor employee license application form and comply with the standards of a casino key employee as set forth in Part 5304 of this Subchapter.

(d) Employees of vendor registrants are required to fill out a non-gaming employee application form and comply with the standards of a non-gaming employee as set forth in Part 5306 of this Subchapter.

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§ 5307.7. Duration of license and registration.

Casino vendor enterprise licenses, ancillary casino vendor enterprise licenses and vendor registrations shall remain valid as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1327.