



# Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

February 16, 2022

## Notice of Violation 22-DEL-01

Sent Via Electronic Mail ([REDACTED])

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED],

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on January 10, 2022, at the del Lago Resort and Casino, operated by Lago Resort & Casino, LLC (del Lago), during which an underage person was allowed access to the gaming floor.

On Monday, January 10, 2022, at approximately 3:25 p.m., the NYSGC received notification from del Lago VP of Security [REDACTED] that an underage patron, [REDACTED] (DOB [REDACTED], NYS ID [REDACTED]) gained access to the gaming floor.

Attached you will find an Incident Report from del Lago's Surveillance Department and a del Lago Incident Report Form which further depict the violation in question, as well as a copy of the NYS Identification Card of the underage individual.

A Surveillance review conducted by NYSGC staff [REDACTED] revealed the following:

| Violation Timeline |            |  |
|--------------------|------------|--|
| Timeline           | [REDACTED] | Narrative Description of Events  |
| 2:50:57 to 2:51:36 | [REDACTED] | Underage patron [REDACTED] hands a NYS ID to del Lago Security Officer [REDACTED]. Security Officer scans the NYS ID (ID scanner did not work). Security Officer hands the NYS ID back to [REDACTED] and allows [REDACTED] to enter. |
| 2:51:57 to 2:51:54 | [REDACTED] | [REDACTED] walks near Pit [REDACTED].  |



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|                          |                            |   |
|--------------------------|----------------------------|---|
| 2:51:55<br>to<br>2:52:03 | ██████<br>██████           | ██████████ walks near Pit █.  |
| 2:52:04<br>to<br>2:52:11 | ██████<br>████             | ██████████ walks near the Sportsbook section of the gaming floor.   |
| 2:52:12<br>to<br>2:57:09 | ██████<br>██████           | ██████████ enters the Sportsbook line at the Sportsbook window, attempts to place a bet and turns over a NYS ID and betting funds.  |
| 2:57:10<br>to<br>2:28:29 | ██████<br>██████           | ██████████ waits while Sportsbook counts the funds and checks the NYS ID.   |
| 2:28:30<br>to<br>3:08:05 | ██████<br>██████           | ██████████ waits while Sportsbook Supervisor ████████ contacts Security to come to the Sportsbook office for an Underage Patron at the window. Security Shift Supervisor ████████ checks the NYS ID and then advises ████████ that a bet will not be able to be placed. Sportsbook returns all betting funds and Security Shift Supervisor ████████ begins to escort ████████ off the gaming floor. |
| 3:08:06<br>to<br>3:08:26 | ██████<br>████             | Security Shift Supervisor ████████ continues to escort ████████ off the gaming floor.   |
| 3:08:27<br>to<br>3:08:45 | ██████<br>██████           | Security Shift Supervisor ████████ continues to escort ████████ off the gaming floor.   |
| 3:08:46<br>to<br>3:09:01 | ██████<br>██████<br>██████ | ██████████ exits the gaming floor through the █ Security Entrance, escorted by Security Shift Supervisor ████████   |

After a review of the facts and circumstances as described above, evidence shows an underage individual accessed the del Lago gaming floor. As such, del Lago is in violation of 9 NYCRR § 5313.2(d)(3).

Section 5313.2(d)(3) states that a gaming facility licensee shall not allow or permit any person who is under 21 years of age to be present on the gaming floor without the escort of a licensed gaming facility employee and for longer than necessary to reach a destination that is not on the gaming floor. Pursuant to 9 NYCRR § 5313.2(e)(4), a violation of 9 NYCRR § 5313.2(d)(3) carries a mandatory fine of \$25,000 and such further action as the Commission may deem appropriate, which may include without limitation the suspension or revocation of the occupational license of any key employee found to be responsible for the violation for a fourth violation or subsequent violation within one year of a violation. The current violation of 9 NYCRR §



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5313.2(d)(3) at issue in this letter is del Lago's fourth violation of 9 NYCRR § 5313.2(d)(3) within a one-year period. Pursuant to 9 NYCRR § 5313.2(e)(4), del Lago is fined \$25,000 for this violation. The Commission has determined not to take any further action beyond the \$25,000 fine in response to this violation. Please note that the Commission may take further action in addition to the mandatory fines in response to subsequent violations of 9 NYCRR § 5313.2(d)(3) within a one-year period.

Please remit the total amount of this fine (\$25,000) to the New York State Gaming Commission within 30 days of the date of this letter. [REDACTED]

[REDACTED]. Payments not timely made will be subject to interest and collection fees pursuant to New York State's State Finance Law Section 18. This violation has been assigned the following reference number: 22-DEL-01.

If you wish to contest the violation set forth in this letter, you may request a hearing pursuant to Article 3 of the State Administrative Procedure Act and Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law. Please submit a request for a hearing to Kristen Buckley, Acting Secretary to the Commission, New York State Gaming Commission, One Broadway Center, Schenectady, New York 12305 within 30 days of receipt of this letter. Failure to request a hearing within 30 days of the date of this Notice shall be considered a waiver of any available hearing, and any requests for a hearing received after the 30 days will be rejected as untimely.

Sincerely,

Thomas Anapolis  
Director, Division of Gaming