



# Gaming Commission

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

February 12, 2021

## Notice of Violation 21-Tioga-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 16, 2021 at Tioga Downs Racetrack, LLC d/b/a Tioga Downs Casino, Racing and Entertainment (Tioga) during which an underage person was allowed access to the casino gaming floor.

On 1/16/2021, at approximately 1935 hours a patron later identified as [REDACTED] (D.O.B. [REDACTED]) attempted to open an account at the Tioga Player's Club at Tioga. Mr. [REDACTED] was denied a Player's Club card due to being underage. At 1936 hours, Mr. [REDACTED] entered the casino gaming floor with another party through the front podium without being asked for identification. The Security Officer at the podium was [REDACTED].

Mr. [REDACTED] proceeded through the casino gaming floor and sat down at slot machine [REDACTED] and the individual accompanying him put a voucher or cash into the machine. Mr. [REDACTED] played approximately 24 spins before cashing out a voucher and moving to machine [REDACTED]. Mr. [REDACTED] sat down at [REDACTED], inserted a voucher or cash, and played approximately 7 spins. Mr. [REDACTED] cashed out a voucher at [REDACTED] and walked towards the middle of the casino gaming floor.

At this time Security Supervisor [REDACTED] stopped and identified [REDACTED] to be underage. Mr. [REDACTED] was immediately removed from the gaming floor at 1954 hours. Mr. [REDACTED] exited the casino to the parking lot at 1956 hours, with no further incidents.



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██████████ the following timeline:

Time	██████████	Event
19:35:33	██████████	██████████ identified at Tioga Player's Club
19:36:28	██████████	██████████ enters casino gaming floor through front podium past Security Officer ██████████. ██████████ did not present identification.
19:37:00	██████████	██████████ walks through casino gaming floor
19:37:47	██████████	██████████ walks through casino gaming floor
19:38:08	██████████	██████████ sits at slot machine ██████████ and an individual accompanying him puts a voucher or cash into the machine
19:38:20	██████████	██████████ plays approximately 24 spins on slot machine ██████████
19:42:16	██████████	██████████ cashes out at slot machine ██████████
19:42:16	██████████	██████████ walks through casino gaming floor
19:42:38	██████████	██████████ walks through casino gaming floor
19:42:41	██████████	██████████ walks through casino gaming floor
19:42:47	██████████	██████████ walks through casino gaming floor
19:42:53	██████████	██████████ sits down at slot machine ██████████, puts voucher or cash and plays approximately 7 spins
19:51:31	██████████	██████████ cashes out and leaves slot machine ██████████
19:51:42	██████████	██████████ walks through casino gaming floor
19:52:01	██████████	██████████ walks through casino gaming floor
19:52:26	██████████	██████████ is approached by Security Supervisor ██████████. ██████████ produced identification showing his birthday to be 10/19/2001
19:53:20	██████████	██████████ is escorted off the casino gaming floor by security
19:56:40	██████████	██████████ exits building to parking lot

After a review of the facts and circumstances as described above, evidence shows an underage individual accessed the Tioga casino gaming floor and made one or more wagers without proper identification verification check. As such, Tioga is in violation of 9 NYCRR 5313.2(d)(3) and (4).

Paragraph (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. A violation of paragraph (d)(3) carries a mandatory fine of \$1,000 for a first violation under 9 NYCRR 5313.2(e)(1). The violation of (d)(3) at issue in this letter is the first violation for Tioga within one year of a violation.

Paragraph (d)(4) provides that a gaming facility licensee shall not allow or permit any person who is under 21 years of age to make any wager at any such gaming facility. A violation of paragraph



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(d)(4) carries a mandatory fine of \$5,000 for a first violation under 9 NYCRR 5313.2(f)(1). The violation of (d)(4) at issue in this letter is the first violation for Tioga within one year of a violation.

If you wish to contest the violations 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 appeal 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,

A handwritten signature in black ink, appearing to be "J. E. ...", written over a white background.

Director, Division of Gaming