



# Gaming Commission

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

February 28, 2019

**Sent Via Electronic Mail**

[REDACTED]

**Re: Notice of Violation 19-DEL-01**

Dear [REDACTED],

The New York State Gaming Commission, Division of Gaming has investigated an incident that occurred on January 19, 2019 at del Lago Resort and Casino (“del Lago”) during which an individual identified by del Lago as [REDACTED], an underage male, was allowed access to the gaming floor.

At approximately 01:20 on 01/19/2019 Senior Inspector [REDACTED] and Inspector [REDACTED] were notified by Security Shift Manager [REDACTED] of an underage guest on the casino gaming floor. The underage guest, [REDACTED], gained access to the casino gaming floor by entering through the North entrance unchallenged by Security Officers [REDACTED], [REDACTED] and Security/EMT Officer [REDACTED]. [REDACTED] remained on the casino gaming floor for approximately 6 minutes before he exited the gaming floor through the hotel entrance/exit. During [REDACTED] time on the gaming floor he did not participate in any gaming and did not consume any alcohol. Security became aware of the situation when [REDACTED] attempted to regain access to the casino gaming floor through the hotel entrance. [REDACTED] was asked for identification by casino security, presented his driver’s license to the security guard and when it was placed in the [REDACTED] for verification it indicated that he was under 21. At that time, security notified surveillance and a review was conducted. [REDACTED] waited in the Sociale lounge area for approximately 30 minutes, during this time he was approached by Security Supervisor [REDACTED] and provided identification to Security Supervisor [REDACTED]. Approximately 30 minutes after he was denied access, [REDACTED] exited via the hotel lobby main entrance.

[REDACTED] Review showed the following:

VIOLATION TIMELINE AND NARRATIVE		
00:03:15- 00:03:45	[REDACTED]	[REDACTED] DOB: [REDACTED] (20 years of age) approaches the North podium unchallenged by Security Officers [REDACTED]



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		██████████ and Security/EMT Officer ██████████ and enters the casino floor.
00:03:21	██████████	██████████ DOB: ██████████ (20 years of age) is observed alone entering the North entrance of the casino floor unchallenged by Security Officers ██████████, ██████████, and Security/EMT Officer ██████████.
00:03:45-00:03:52	██████████	██████████ is observed walking toward the North restrooms in the ██████████ Section of the casino.
00:03:52	██████████	██████████ is observed entering the North restrooms in the ██████████ Section of the casino.
00:05:13	██████████	██████████ is observed exiting the North restrooms in the ██████████ Section of the casino.
00:05:13-00:05:20	██████████	██████████ is observed in the ██████████-Section of the casino outside the North restrooms.
00:05:20-00:07:26	██████████	██████████ is observed walking through ██████████-Section of the casino and briefly stopped at an ATM machine with another guest.
00:07:26-00:08:01	██████████	██████████ is observed walking through the ██████████-Section of the casino toward the ██████████-Section of the casino.
00:08:00-00:08:49	██████████	██████████ is observed walking from the ██████████-Section of the casino into the ██████████-Section of the casino toward the ██████████-Section of the casino.
00:08:46-00:09:22	██████████	██████████ is observed walking through the casino ██████████-Section toward the hotel entrance.
00:09:22-00:09:28	██████████	██████████ exits the casino floor through the hotel entrance/exit.
00:09:28-00:50:16	██████████	██████████ appears to enter Sociale for dining purposes.
00:50:16-00:51:00	██████████	██████████ attempts to return to the casino floor through the hotel entrance but he is challenged by Security Officer ██████████ and is denied access when his driver's license scans red and indicates he is under 21 on the ██████████ system. □
00:51:00-01:01:05	██████████	Security Officer ██████████ appears to make notifications of the situation by telephone, and ██████████ takes a seat at a table in the Sociale lounge area.
01:05:27-01:06:50	██████████	Security Supervisor ██████████ approaches ██████████ and ██████████ appears to provide Security Supervisor ██████████ his driver's license. Security Supervisor ██████████ appears to take a photo of ██████████ identification. After brief conversation, Security Supervisor ██████████ walks away from ██████████



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01:19:30	████	████████████████████ is observed exiting out the hotel lobby main entrance.
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In conclusion, an individual under the age of 21, identified as ██████████, gained access to the de Lago casino gaming floor alone without being challenged and/or having his identification checked by three del Lago Security Officers (██████████, ██████████, and ██████████). ██████████ was on the casino gaming floor for approximately six minutes.

After a review of the facts and circumstances as outlined above, evidence shows an individual described by del Lago as underage male ██████████ accessed the casino gaming floor. As such, del Lago Resort and Casino is in violation of 9 NYCRR § 5313.2(d)(3). Paragraph (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 (3) carries a fine of \$25,000 for a fourth occurrence within a year of a violation. As a reminder, the most recent occurrences were set forth in a stipulation agreement awaiting execution by the parties.

Please remit the amount of this fine (\$25,000) to the New York State Gaming Commission within 30 days of the date of this letter. ██████████. Payments not timely made will be subject to interest and collection fees pursuant to State Finance Law Section 18.

If you wish to contest the violation contained 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, P.O. Box 7500, Schenectady, New York 12301 within 30 days of receipt of this letter. Failure to appeal within 30 days will be considered a waiver of any available appeal, and any requests to appeal received after the 30 days will be rejected as untimely.

Sincerely,

Thomas A. Anapolis  
Director, Division of Gaming