



NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION

A. Facility/Vendor: Jake's 58 **Date of Notification:** 02-12-2019
Date of Violation: 01-27-2019
Case Number: Gaming 19-001

B. Facility/Employee Cited:

<u>Name</u>	<u>License #</u>	<u>Address</u>
Jake's 58		3635 Express Drive North; Islandia; 11749
██████████	██████████	██
██████████	██████████	██

C. Statute, Regulation or Internal Control Violated:

New York State Gaming Commission Rules and Regulations

§ 5117.1. Underage gaming violations.

(a) No video lottery gaming agent, representative, licensed employee or contractor thereof, shall allow, permit or suffer any person under the age of 18 years (*underage person*) to:

- (1) participate as a player at any game in a video lottery gaming facility;
- (2) receive any complimentary service(s) or item(s) as a result of, or in anticipation of, such person's gaming activity;
- (3) be present on the gaming floor without the escort of a licensed video lottery facility employee and for longer than necessary to reach a destination that is not on the gaming floor.

(b) To insure compliance with this section, each video lottery gaming agent shall post appropriate security personnel at the entrances to the video lottery gaming facility.

(c) Each violation of any of the provisions of subdivision (a) of this section as to a single underage person shall be considered a separate and distinct violation.

(1) The commission shall penalize a licensee found to have violated paragraph (1) of subdivision (a) of this section as follows:

- (i) for a first violation, a fine of \$5,000;
- (ii) for a second violation within one year of a violation, a fine of \$20,000;
- (iii) for a third violation within one year of a violation, a fine of \$25,000; and
- (iv) for a fourth violation or subsequent violation within one year of a violation, a 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.

(2) The commission shall penalize a licensee found to have violated paragraph (3) of subdivision (a) of this section as follows:

- (i) for a first violation, a fine of \$1,000;
- (ii) for a second violation within one year of a violation, a fine of \$5,000;
- (iii) for a third violation within one year of a violation, a fine of \$10,000; and

D. (iv) for a fourth violation or subsequent violation within one year of a violation, a 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.

Summary of Violations:

On January 27th, 2019 at approximately 0225 hours a patron tried to entered Casino Jake's 58 thru post █ He was stopped for an ID check by Security Officer █ █ who identified the patron as █ to be under the age of 18 years. █ turned away █ at 0227 hours and broadcasted the description of the minor over the radio to alert all the security posts.

At approximately 0246 hours the minor, earlier identified as █, entered the casino from valet entrance, security post █.

Security Officer █ was posted at post █ during this time. He observed the minor entering the casino but fails to check his ID. He neglects the radio broadcast of the minor too. He made no efforts to stop the minor from entering the casino.



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████ proceeds to the gaming floor passing the players club, onto the █████ bridge winding thru banks █████ and █████ then leaves the 1st floor and goes down the escalator to Bank █████ wanders in the bank for few minutes and boards the escalator to return to the 2nd floor.

Slot Ambassador █████ was standing at the upper end of the escalator watching everyone coming up but fails to ask for an ID from the minor.

████ then goes to the 2nd and finds a group of 3 individuals and starts to talk to them.

At 0251 hours Security Officer (████) approaches █████ and escorts him out of the casino.

Accordingly, the Division of Gaming hereby levies a total fine of \$25,000 to Jake's 58 in Islandia NY 11749. Please remit the fine to the New York State Gaming Commission on or before 03/11/2018. █████

████. If you wish to contest the violation set forth in this notice, you may request an administrative review by the New York State Gaming Commission including a hearing pursuant to Racing, Pari-Mutuel Wagering and Breeding Law 104(6). Please submit a request for any such administrative review 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 notice.

E. Facility Explanation of Violation (use additional sheets if required) *:

F. Action Taken By Facility:

G. Name of Individual Completing this Form:

Printed: Thomas A Anapolis Signature: 

Title: Director, Gaming Division Date: 02/12/2019



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***To avoid further action pursuant to Video Gaming Regulation §5113.1, please provide sufficient explanation and action taken by facility within 30 days of the date of this notification. Please submit this completed form to:**

**New York State Gaming Commission
Video Gaming Unit
One Broadway Center
Schenectady, NY 12301**

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For New York State Gaming Commission Use Only:

**cc: Edmund Burns, General Counsel
Chris Palmer, Deputy Director, Gaming Division
Licensing**