

**NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION**

<b>A. Facility/Vendor:</b> MGM Empire City Casino, Yonkers NY 10704	<b>Date of Notification:</b> 03-8-2023 <b>Date of Violation:</b> 03-03-2023 <b>Case Number:</b> Gaming 23-003
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**B. Facility/Employee Cited:**

<u>Name</u>	<u>License #</u>	<u>Address</u>
Empire City Casino [REDACTED]	[REDACTED]	810 Yonkers Ave, Yonkers, NY 10704 [REDACTED]

**C. Statute, Regulation or Internal Control Violated:**

**§ 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 Rules and Regulations Chapter IV (Division of Gaming) Subchapter A (Video Lottery Gaming) 9 NYCRR §§ 5100-5122.4 892 updated (06/16)

(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
- (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.

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**D. Summary of Violations:**

On 3/3/2023 at 11:27 hours, a Patron identified as ██████ entered thru Post █ and approached Security Officer ██████. Officer ██████ scanned the minor's ID in the ██████ system and allowed ██████ to enter gaming floor. Surveillance later calculated and confirmed ██████ age to be 17 years old (DOB ██████) and notified security central. At 12:06 hours Security Manager ██████ requested a visual at ██████. Surveillance confirmed ██████ was gaming at ██████. At 12:07 hours security acquired the ██████ ID and rescanned it in ██████ system at Post █ which showed ██████ age accurately to be 17 years old. At 12:10 hours ██████ was brought to Security Central. At 12:16 hours the ID was again tested at the ██████ system at Post █ which also showed the accurate age of 17 years old. At 12:30 hours ██████ exited Security Central and at 12:32 hours, ██████ exited Post █. At 12:36 hours, ██████ was off property. Further review showed ██████ gamed exclusively at ██████ 38 minutes. Manager ██████ advised that two vouchers (\$1,210.50, \$800.00) were confiscated from ██████.

Accordingly, the Division of Gaming hereby levies a fine of \$6,000 to MGM Empire City Casino, Yonkers NY 10704 for a violation of paragraph (3) of subdivision (a) and (2) (i) of §5117.1. Please remit the fine to the New York State Gaming Commission on or before 04/7/2023. ██████. 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.

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

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**E. Action Taken By Facility:**

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**F. Name of Individual Completing this Form:**

Printed: Thomas Anapolis Signature:   
 Title: Director, Division of Gaming Date: 03/07/2023



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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  
Jim Googas, Deputy Director, Division of Gaming  
Licensing**