



Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500

www.gaming.ny.gov

March 26, 2019

Notice of Violation 19-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 March 7, 2019 at Tioga Downs Racetrack, LLC d/b/a Tioga Downs Casino, Racing and Entertainment in the Tioga Downs Casino (Tioga) during which an underage person was allowed access to the gaming floor and to partake in gaming activity.

Specifically, on 3/7/19, at approximately 1811 hours at Tioga, an underage patron entered the gaming floor through the front security entrance without being asked for identification. The patron was later identified via his driver's license as [REDACTED] born [REDACTED]. The employee that allowed [REDACTED] entrance was Tioga Security Officer [REDACTED]. A surveillance review of the incident was conducted, and the following was observed:

During his time on the gaming floor, [REDACTED] played multiple slot machines, Blackjack hands, and was served alcoholic beverages. [REDACTED] entered the gaming floor with another patron later identified as [REDACTED]. Mr. [REDACTED] was observed providing [REDACTED] alcoholic beverages during their time on the gaming floor. [REDACTED] was also directly served two alcoholic beverages from bartender [REDACTED] while sitting at the Side Show Lounge bar.

While playing at Blackjack [REDACTED] [REDACTED] attempted to order another alcoholic beverage and was carded by Beverage Server [REDACTED]. [REDACTED] provided his driver's license which showed his birthdate as [REDACTED] (18 years old). Tioga Security Supervisor [REDACTED] was notified of an underage guest and immediately met with [REDACTED] advised [REDACTED] that he had no cheques or vouchers on his property. [REDACTED] escorted [REDACTED] off the gaming floor at approximately 1959 hours. NYSGC and Surveillance were immediately notified of the incident. NYSGC has as part of the evidence collected Tioga's surveillance footage, Tioga's security reports detailing the incident, and a copy of [REDACTED] drivers license.



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Timeline of events [REDACTED] from 3/7/2019:

Camera	Time	Event that Occurred
[REDACTED]	18:11:04	[REDACTED] enters gaming floor through front podium without being identified
[REDACTED]	18:12:22	[REDACTED] hands [REDACTED] what appears to be an alcoholic mixed drink
[REDACTED]	18:22:45	[REDACTED] sits at slot machine [REDACTED]
[REDACTED]	18:22:45	[REDACTED] puts \$20 into the machine and plays approximately 18 times
[REDACTED]	18:26:21	[REDACTED] puts \$5 into the machine and plays 1 more time
[REDACTED]	18:27:41	[REDACTED] stands up and leaves machine [REDACTED]
[REDACTED]	18:28:05	[REDACTED] sits down at [REDACTED], puts in a monetary bill, and plays an unknown amount of times
[REDACTED]	18:30:27	[REDACTED] stands up and leaves machine [REDACTED]
[REDACTED]	18:57:31	[REDACTED] sits down at [REDACTED] (Side Show Bar) and puts monetary bill into machine
[REDACTED]	18:58:00	[REDACTED] plays an unknown amount of times.
[REDACTED]	18:59:06	[REDACTED] is served a beer by Bartender [REDACTED] and continues play on machine [REDACTED]
[REDACTED]	19:12:41	[REDACTED] is served a mixed drink by Bartender [REDACTED]
[REDACTED]	19:13:55	[REDACTED] stands up and leaves machine [REDACTED]
[REDACTED]	19:28:35	[REDACTED] sits down at Blackjack [REDACTED] and buys in for \$40
[REDACTED]	19:29:00	[REDACTED] plays approximately 21 hands of Blackjack at Blackjack [REDACTED]
[REDACTED]	19:55:37	[REDACTED] buys in for \$25 and plays 1 more hand of Blackjack at Blackjack [REDACTED]



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█	19:56:57	Beverage Server █ requests identification from █
█	19:58:11	Tioga Security Supervisor █ responds to Blackjack █ and checks █ ID
█	19:58:40	Security Supervisor █ begins to escort █ off gaming floor
█	19:59:15	█ is off gaming floor and exits property while being escorted.

After a review of the facts and circumstances as described above, evidence shows an unidentified underage patron to be on the gaming floor for approximately two hours. As such, Tioga Downs Casino 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. 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 (d)(3) carries a fine of \$10,000 for a third violation within one year of a violation pursuant to § 5313.2(e). The violation of (d)(3) at issue in this letter is the third violation within one year of a violation. As a reminder, the most recent violation was set forth in my letter of November 5, 2018.

A violation of paragraph (d)(4) carries a mandatory fine of \$20,000 for a second violation within one year of a violation pursuant to § 5313.2(f). The violation of (d)(4) at issue in this letter is the second violation for Tioga within one year of a violation. As a reminder, the most recent violation, was set forth in my letter of November 5, 2018.

Accordingly, the New York State Gaming Commission hereby levies fines against Tioga of \$10,000 for the second violation of 9 NYCRR § 5313.2(d)(3) and of \$20,000 for a second violation of 9 NYCRR §5313.2(d)(4). Please remit the cumulative amount of these fines (\$30,000) to the New York State Gaming Commission within 30 days of this letter. █

█. Payments not timely made will be subject to interest and collection fees pursuant to State Finance Law section 18. This violation has been assigned the identification code of “19-Tioga-01”.



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If you wish to contest either of 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 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,

A handwritten signature in black ink, appearing to read "T. Anapolis".

Thomas A. Anapolis
Director, Division of Gaming