



Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500
www.gaming.ny.gov

April 30, 2019

Sent Via Electronic Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Notice of Violation 19-DEL-02

Dear [REDACTED]

The New York State Gaming Commission, Division of Gaming (“Commission”) has investigated an incident that occurred on March 25, 2019 at del Lago Resort and Casino (“del Lago”) during which an individual identified by documents on file at del Lago as [REDACTED], an underage male, was allowed access to the gaming floor.

As outlined in del Lago’s Security Incident Report: [REDACTED]

On 03/25/19, at approximately 1713 hours, Security Supervisor [REDACTED] was called to the Buffet for a patron who appeared to be underage. Food and Beverage Supervisors for the Buffet, [REDACTED] and [REDACTED] explained that one of their workers thought they knew a family of four that was eating in the atrium and that one was not of age. Supervisor [REDACTED] approached the unidentified young man and asked for ID, as well as from the young lady that was next to him. The male did not have identification on him, so we were unable to prove his age. The female handed over her driver license and was identified as [REDACTED] of Seneca Falls, born [REDACTED]. The older female in the party also offered her license, which identified her as [REDACTED], also of Seneca Falls, born [REDACTED]. The older male seated next to [REDACTED], declined to give his identification. Security Vice President [REDACTED] was contacted regarding the situation and arrangements were made to allow them to finish eating and have an escort waiting to take them out when they finished. Officer [REDACTED] waited at the exit of the Buffet and escorted the family out the South Entrance at 1751 hrs.

Additional information was obtained by Senior Gaming Operations Inspector [REDACTED] which confirmed that the subject, [REDACTED], is underage with a DOB [REDACTED], making him 19 years of age. This has been verified by the attached copy of the subject’s driver’s license obtained through [REDACTED]. The subject was employed by del Lago Resort and Casino November 8, 2017 and terminated on April 26, 2018 [REDACTED].

[REDACTED] Review showed the following:



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VIOLATION TIMELINE AND NARRATIVE		
Timeline	██████	Narrative Description of Events
1641 - 1644	██████ ██████	Party of four with underage ██████ enters through the S. Entry. All pass the podium unchallenged by Security Officer ██████ and proceed to the Buffet line.
1644 - 1646	██████ ██████ ██████ ██████	Party of four with underage ██████ reach the Buffet point of sale, await seating and is seated.
1703 - 1715	██████ ██████ ██████ ██████	<p>Server ██████ sees ██████ in the Buffet line between 1646 – 1700; notes seating location and informs supervisor.</p> <p>At 1703 ██████ arrives and speaks to Supervisors ██████ ██████.</p> <p>At 1704 Party of four with underage ██████ is approached by ██████ ██████</p> <p>At 1706 ██████ speaks to ██████ and ██████ / ██████ on cell phone</p> <p>At 1708 Party of four with underage ██████ is approached by ██████ ██████ / ██████ on cell phone</p> <p>At 1711 ██████ received ID from younger female and older female; documents information</p> <p>At 1713 ██████ returns ID to older female</p> <p>At 1714 ██████ places ID of younger female on table as she had departed.</p> <p>At 1715 ██████ departs</p>
1715 - 1718	██████	██████ exits the Buffet and proceeds to the S. Podium where she engages in conversation with Security Shift Manager ██████ until they depart up the escalator.
1720 - 1722	██████ ██████ ██████ ██████	██████ returns to S. Podium and speaks with Security Officer ██████ ██████. ██████ and ██████ enter the Buffet and proceed to the table with the Party of four with underage ██████; briefly speak and depart the table. ██████ speaks with ██████ and departs the Buffet leaving ██████ in the entry of the Buffet to await the departure of the Party of four with underage ██████ to escort out.



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1749 - 1750	<div style="background-color: black; width: 100%; height: 100%;"></div>	Party of four with underage <div style="background-color: black; width: 100px; height: 1em; display: inline-block;"></div> depart table and meet <div style="background-color: black; width: 50px; height: 1em; display: inline-block;"></div> in the entry way and are escorted out the S. entry.
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In conclusion, an individual under the age of 21, identified as , gained access to the de Lago casino gaming floor without being challenged and/or having his identification checked by del Lago Security Officer . was on the casino gaming floor for approximately one hour and ten minutes.

After a review of the facts and circumstances as outlined above, evidence shows an individual identified 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 my letter of February 28, 2019.

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