



Gaming Commission

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John A. Crotty, Commissioner
Peter J. Moschetti, Jr., Commissioner
John J. Poklemba, Commissioner
Barry Sample, Commissioner
Todd R. Snyder, Commissioner

Robert Williams, Executive Director
Edmund C. Burns, General Counsel

June 15, 2017

[REDACTED]

Dear [REDACTED],

The New York State Gaming Commission Division of Gaming has reviewed an incident that occurred on April 12, 2017 at del Lago Resort and Casino during which an underage person was allowed access to the gaming floor and allowed to wager.

Specifically, on April 12, 2017 at 11:46 p.m. an underage patron, later identified as [REDACTED] gained access to the del Lago Resort and Casino gaming floor through the North Entrance. After further investigation [REDACTED] was later determined to be underage. His picture and birthday reported on Facebook was matched with his image as seen on surveillance tapes as well as birth date records from his voter registration information. [REDACTED] was observed entering the gaming floor with another white male later identified as [REDACTED] [REDACTED] age 47. The Security Officer posted at the North Entrance did not request age identification from [REDACTED] before allowing him access.

A review of surveillance imagery was performed by both Senior Gaming Operations Inspector [REDACTED] and Manager of Commercial Gaming [REDACTED]. Their surveillance review found the following:

11:46 - On April 12, 2017 [REDACTED] entered the Casino Gaming Floor through the North Entrance, unchallenged by the Security Officer posted at the North Entrance security post.

11:48 - On April 12, 2017 at 11:48 p.m. to 11:50 p.m. [REDACTED] is observed sitting at Slot Machine [REDACTED] [REDACTED] inserts a player's card (name on card unknown), however he does not play the machine. At approximately 11:50 p.m. [REDACTED] steps away from the machine and then sits back down. At approximately 11:53 p.m. [REDACTED]

Jr. presses the cash out button on machine [REDACTED] as [REDACTED] [REDACTED] was playing this machine. [REDACTED] was not observed conducting any slot play at this time.

11:53 - On April 12, 2017 from 11:53 p.m. to 11:58 p.m., [REDACTED] and [REDACTED] [REDACTED] walked through Pit [REDACTED] and around Pit [REDACTED]

11:59 - On April 12, 2017 at 11:59 p.m. to April 13, 2017, at approximately 12:46 a.m., [REDACTED] is observed playing [REDACTED] and did not appear to be challenged by the Pit Manager, Floor Supervisor or Dealer for required ID. [REDACTED] sits at spot [REDACTED] and [REDACTED] [REDACTED] sits at spot [REDACTED] [REDACTED] buys in for \$100, as does [REDACTED] [REDACTED] [REDACTED] played approximately 42 hands and appeared to leave the table with approximately \$275-\$300 in mostly green cheques. During this time, [REDACTED] did step away from the table from approximately 12:10 p.m. – 12:12 p.m. Additionally, [REDACTED] frequently used his cell phone while playing at the table.

12:44 - On April 13, 2017 at 12:44 a.m. [REDACTED] [REDACTED] is observed being served two beers while at table [REDACTED] At approximately 12:45 AM, [REDACTED] reaches and grabs one of the beers. Additionally, during this time, [REDACTED] removed a \$30 wager from his betting circle, prior to the conclusion of winning hand payouts, as he had won the hand. The Dealer noticed what he did and [REDACTED] then put his \$30 wager back. This appeared to be unintentional.

12:49 - On April 13, 2017, from approximately 12:49 a.m. – 12:50 p.m., [REDACTED] is observed as he consumed a beer near Centrifico Bar, while [REDACTED] [REDACTED] is conversing with Security.

12:51 - On April 13, 2017, coverage of [REDACTED] s activities were unavailable from the period of approximately 12:51 a.m. – 1:01a.m.

1:02 - On April 13, 2017, at approximately 1:02 a.m., [REDACTED] can be seen as he walked toward the restroom near the North entrance.

1:03 - On April 13, 2017, coverage of [REDACTED] s activities were unavailable from the period of approximately 1:03 a.m. – 1:16 a.m.

1:17 - On April 13, 2017, at approximately 1:17 a.m., [REDACTED] sits down at BJ102 with cheques in hand (approximately \$85). [REDACTED] does not have a beer at this time. [REDACTED] then plays approximately 13 hands and leaves the table with [REDACTED] [REDACTED] at approximately 1:27 a.m. [REDACTED] does not appear to be challenged by the Pit Manager, Floor Supervisor or Dealer for required identification.

1:28 - On April 13, 2017, coverage of [REDACTED] s activities were unavailable from the period of approximately 1:28 a.m. – 1:45 a.m.

1:46 - On April 13, 2017, at approximately 1:46 a.m., [REDACTED] [REDACTED] is observed purchasing a beer from a server near the North Entrance.

1:49 - On April 13, 2017, at approximately 1:49 a.m., [REDACTED] [REDACTED] and [REDACTED] Jr are observed walking past Centrifico Bar towards Pit 1. [REDACTED] is holding a beer and [REDACTED] [REDACTED] is no longer holding a beer. It is believed that [REDACTED] [REDACTED] passed the beer off that he obtained at 1:46 a.m. to [REDACTED]

1:51 - On April 13, 2017, at approximately 1:51 a.m., [REDACTED] sits down at BJ120 with a beer in his hand. [REDACTED] plays on spot 3 and exchanges 4 green \$25 cheques for \$100 in red cheques at approximately 1:52 a.m. [REDACTED] then plays 11 hands and leaves with approximately \$20 at approximately 1:58 a.m.

1:59 - On April 13, 2017, coverage of [REDACTED]'s activities were unavailable from the period of approximately 1:59 a.m. – 2:03 a.m.

2:04 - On April 13, 2017 at 2:04 a.m. [REDACTED] is observed purchasing beer between Pit 1 & Pit 2. [REDACTED] purchases two beers and hands one of them to [REDACTED]

2:06 - On April 13, 2017, coverage of [REDACTED]'s activities were unavailable from the period of approximately 2:06 a.m. – 2:19 a.m.

2:20 - On April 13, 2017 from 2:20 a.m. to 2:33 a.m. [REDACTED] is observed playing at BJ102 and does not appear to be challenged by the Pit Manager, Floor Supervisor or Dealer for required identification. [REDACTED] sits down and plays at spot 2, buying in for \$40. [REDACTED] is drinking a beer at this time. [REDACTED] plays 21 hands (one of which he played spots 1 & 2) and left the table with approximately \$80.

2:34 - On April 13, 2017, at approximately 2:34 AM, [REDACTED] approached Main Cage Window 5 and passed \$80 in red cheques over the counter. The female cage cashier does not ID [REDACTED] and pays him out \$80.

2:37 - On April 13, 2017 at 2:37 a.m. underage [REDACTED] and [REDACTED] are observed leaving the Del Lago Casino Floor through the North Entrance.

Despite numerous opportunities during [REDACTED]'s 2 hours and 52 minutes on the gaming floor, at no time did any security officer, pit manager, floor supervisor, cage cashier or dealer request [REDACTED] to provide age verification. While [REDACTED] was not observed to conduct any slot play he played approximately 87 total hands at two different blackjack games and consumed a minimum of three beers.

While the Commission appreciates that del Lago Resort and Casino staff self-reported this occurrence after learning of [REDACTED] accounting for his time at del Lago on social media, the facts and circumstances unquestionably illustrate a violation of 9 NYCRR 5313.2(d)(3). That provision 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 this provision carries a fine of \$5,000 for a second occurrence. As a reminder, del Lago Resort and Casino's first such violation was set forth in my letter of March 23, 2017.

Second, del Lago violated 9 NYCRR 5313.2(d)(4), which 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 this provision carries a mandatory fine of \$5,000 for a first occurrence.

The Commission also appreciates that del Lago reported to local law enforcement facts in regard to consumption of alcohol by a minor. Please note that consumption of alcohol by a minor at the

gaming facility also violates Racing Pari-Mutuel Wagering and Breeding Law (“Racing Law”) section 1340 and Commission Rule 5328.7(a). The provisions of the Alcoholic Beverage Control Law generally apply to a casino alcoholic beverage licensee. Racing Law §1340(4). It is unlawful for a casino alcoholic beverage licensee sell, give, dispense, transfer or otherwise dispose of alcoholic beverages other than within the provisions of the Alcoholic Beverage Control Law and the rules and regulations of the State Liquor Authority. Racing Law § 1340(8). The Alcoholic Beverage Control Law provides, “No person shall sell, deliver or give away or cause of permit...to be sold, delivered or given away any alcoholic beverages to [a]ny person, actually or apparently, under the age of twenty-one years...” Alcoholic Beverage Control Law §§ 65 and 65(1). The Commission is authorized to fine the holder of a casino alcoholic beverage license for violations of any provision of the Alcoholic Beverage Control Law, the rules and regulations of the State Liquor Authority and Commission regulations. Racing Law § 1340(10); 9 NYCRR §5328.7(a)The Commission has consulted with the State Liquor Authority in regard to these facts and has determined to assess a fine of \$3,000 for this first violation on June 26, 2017, unless de Lago requests before such date, pursuant to Rule 5328.7(a), a hearing on the determination of such fine.

Accordingly, the Division of Gaming hereby levies a cumulative fine of \$10,000 (\$5,000 for the second violation of 9 NYCRR section 5313.2(d)(3) and \$5,000 for a first violation of 9 NYCRR section 5313.2(d)(4)) and will levy, on June 26, 2017, unless de Lago requests a hearing, an additional fine of \$3,000 for violation of Racing Law section 1340(8), Alcoholic Beverage Control Law section 65(1) and 9 NYCRR 5328.7(a).

The Division of Gaming intends to forward this information to the New York State Police, the Seneca County Sheriff’s Department and the Town of Seneca Falls Police for potential further action in regard to the purchasing of an alcoholic beverage for a minor.

If you wish to contest the violations of 9 NYCRR 5313.2 (d)(3) and 9 NYCRR 5313.2 (d)(4) 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, One Broadway Center, Schenectady, New York 12305 within thirty days of receipt of this letter.

Sincerely,



Thomas A. Anapolis
Director, Division of Gaming