



NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION

A. Facility/Vendor:

Hamburg Gaming

Date of Notification: 05-04-2021

Date of Violation: 04-17-2021

Case Number: Gaming 21-001

B. Facility/Employee Cited:

<u>Name</u>	<u>License #</u>	<u>Address</u>
Batavia Downs Gaming [REDACTED]	[REDACTED]	8315 Park Rd, Batavia, NY 14020 [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:

(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.

(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;

D. Summary of Violations:

At approximately 3:22 PM on 4/17/2021, 4 people attempted to gain access to the gaming floor at Batavia Downs through the front door. The party consisted of 2 adults and 2 people of questionable age. Officer [REDACTED] (working the front door) requested ID from the younger women. ID was not presented and stated as unavailable. The party requested access to Fortune’s restaurant. They were directed to take the route upstairs to gain access to the restaurant and they were escorted by Officer [REDACTED]. Per the Security incident report and shown on video footage, after completing the escort Officer [REDACTED] exits the restaurant and notifies Officer [REDACTED] (the guard working at the side Security podium) of the potential minors in Fortune’s. A few moments later, the 4 guests leave Fortune’s and enter the gaming floor through Gatsby’s Bar in view of Officer [REDACTED]. Video footage shows Officer [REDACTED] working at the side podium. It then shows the valet employee pointing out the guests in question to Officer [REDACTED] leaving the restaurant and accessing the gaming floor. Officer [REDACTED] observes them walking onto the gaming floor. He does not stop them, nor does he radio for assistance or attempt to reach someone by phone. Per his statement [REDACTED] yelled for them to stop several times. The group either ignored his directive or did not hear him. Officer [REDACTED] arrives at the podium and calls Supervisor [REDACTED] for assistance. The guests cross the gaming floor to Player’s Club. While they are in line at the Player’s Club, they are identified by Officer [REDACTED]. She notifies Supervisor [REDACTED] and they are escorted from the gaming floor. In the Security incident report filed (attached), Supervisor [REDACTED] asks the 2 people of questionable age for ID. They state they do not have any. She also asks if they were 18 and they replied no.

Accordingly, the Division of Gaming hereby levies a fine of \$1,000 for allowing minors on the gaming floor. Please remit the fine to the New York State Gaming Commission on or before 06/07/2021. [REDACTED].

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.



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

F. Action Taken By Facility:

G. Name of Individual Completing this Form:

Printed: Thomas Anapolis

Signature:

Title: Director, Division of Gaming

Date:

05/05/2021

***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