



Gaming Commission

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

June 28, 2019

Notice of Violation 19-Tioga-2 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 May 5, 2019 at Tioga Downs Racetrack, LLC d/b/a Tioga Downs Casino, Racing and Entertainment in the Tioga Downs Casino (Tioga) during which three underage persons were allowed access to the gaming floor.

At 17:26 hours, two minors aged 16 and 3 years old entered the gaming floor with their grandmother, traveling to Virgil's Restaurant located on the other end of the casino. A few seconds later, a third minor, aged 1 year old and accompanied by the three minors' mother, also entered the gaming floor, traveling to the same location. Security Officer [REDACTED] was stationed at this post and was observed talking on an office phone and documenting, with his head down. Soon after the entries, a casino employee who observed the minors entering the floor notified [REDACTED] of the event and entered the floor. The employee stopped the family of five in front of [REDACTED] and escorted them back to side podium entrance. At 17:27 hours, all minors were off the gaming floor.

Timeline of events [REDACTED] from 5/5/2019:

Camera	Time	Event that Occurred
[REDACTED]	17:26:38	Two minors enter gaming floor from side podium past S.O. [REDACTED]
[REDACTED]	17:26:44	Third minor enters gaming floor through same entrance
[REDACTED]	17:26:55	Casino employee notifies security officer of minors
[REDACTED]	17:27:09	Minors and family stopped at [REDACTED] by employee
[REDACTED]	17:27:50	All minors escorted off gaming floor back through side entrance

After a review of the facts and circumstances as described above, evidence shows three unidentified underage patrons accessing the gaming floor. As such, Tioga Downs Casino is in violation of 9 NYCRR §§ 5313.2(d)(3). Paragraph (d)(3) states that a gaming facility licensee



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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 (d)(3) carries a fine of \$25,000 for a fourth violation within one year of a violation pursuant to § 5313.2(e). As a reminder, the most recent violations were set forth in my letter of March 26, 2019 and the Stipulation of Settlement executed by Tioga on March 27, 2019 (related to matters MOG 29-2018 (18-Tioga-01) and (19-Tioga-01).

Accordingly, the New York State Gaming Commission hereby levies fines against Tioga of \$25,000 for the fourth violation of 9 NYCRR § 5313.2(d)(3). Please remit the amount of this fine (\$25,000) to the New York State Gaming Commission within 30 days of this letter. [REDACTED]

[REDACTED]. 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-02".

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,

Thomas Anapolis
Director, Division of Gaming