



Gaming Commission

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www.gaming.ny.gov

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Todd R. Snyder, Commissioner

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

June 27, 2017

[REDACTED]

Dear [REDACTED]

The New York State Gaming Commission Division of Gaming has reviewed an incident that occurred on May 11-12, 2017 at del Lago Resort and Casino during which an underage person was allowed access to the gaming floor at least four times and allowed to wager at least three times. Specifically, on May 11, 2017 at 8:24 p.m. an underage person later identified as [REDACTED] gained access to the gaming floor through the North entrance. [REDACTED] was accompanied by three other persons; a female wearing an orange shirt, a male in a blue denim jacket and a male in a dark colored hooded sweatshirt. All four were challenged for identification by security. When [REDACTED] presented a New York State Driver's License to Security at 8:26 p.m., the security officer appropriately used the [REDACTED] patron identification validation system. While surveillance coverage indicates that the [REDACTED] system flagged as expired the identification [REDACTED] had presented, [REDACTED] was nevertheless allowed to enter the gaming floor.

Both Senior Gaming Operations Inspector [REDACTED] and Manager of Commercial Gaming [REDACTED] reviewed surveillance images. Their surveillance review found the following:

<u>Time</u>	<u>Observation</u>
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- | | |
|------|--|
| 2024 | [REDACTED] seeks to gain access to the gaming floor from the North Entrance. [REDACTED] who is with other individuals, is challenged for identification. |
| 2026 | [REDACTED] presents an identification to Security Officer [REDACTED]. The Security Officer utilizes the [REDACTED] patron identification validation system, which indicates that the identification is expired. [REDACTED] is nevertheless allowed to enter the gaming floor. THIS IS ACCESS VIOLATION NUMBER 1. |

- 2027 – [REDACTED] is standing observing play at [REDACTED] until 2032.
- 2032 – [REDACTED] leaves [REDACTED] and relocates to [REDACTED]. He sits down, but does not play. [REDACTED] remains at this table until 2048.
- 2048 – [REDACTED] leaves [REDACTED] and returns to [REDACTED] where he stands and observes play until 2058.
- 2058 – [REDACTED] leaves [REDACTED]
- 2059 – [REDACTED] returns to [REDACTED] and remains there until 2106. [REDACTED] only observed play while standing adjacent to this table.
- 2106 – [REDACTED] leaves [REDACTED]
- 2107 – [REDACTED] sits at Bank [REDACTED] and inserts unknown amount of money. [REDACTED] remains at Bank [REDACTED] until 2111. THIS IS CONDUCT VIOLATION 1.
- 2111 – [REDACTED] cashes out a ticket and leaves machine.
- 2112 – [REDACTED] is seated at slot machine # [REDACTED] conducting play until 2118.
- 2120 – [REDACTED] appears the [REDACTED] Cashier Cage and redeems two vouchers totaling \$56.20
- 2121 – [REDACTED] is seated at slot machine [REDACTED]. He inserts one bill of an unknown denomination and plays four spins.
- 2123 – [REDACTED] is seated at slot machine [REDACTED] conducting play until 2130.
- 2131 – [REDACTED] is next observed standing at [REDACTED] where he observes play until 2135.
- 2135 – [REDACTED] departs through North Entrance. [REDACTED] is in parking garage smoking cigarette conversing with an unknown male. [REDACTED] departs garage at 2140.
- 2140 – [REDACTED] re-enters the gaming facility through North Entrance. He is challenged to present identification, which he shows Security Officer [REDACTED] from a distance of approximately four feet. The [REDACTED] system is not engaged by the security officer and [REDACTED] is allowed to enter the gaming floor. THIS IS ACCESS VIOLATION NUMBER 2.
- 2144 – [REDACTED] is next observed standing next to [REDACTED] observing play until 2203.
- 2203 – [REDACTED] momentarily leaves [REDACTED] walks to [REDACTED] and then returns to [REDACTED] at 2204.

- 2205 – [REDACTED] leaves [REDACTED] and returns to [REDACTED]
- 2206 – [REDACTED] sits at [REDACTED] until 2232. [REDACTED] observes play during this time.
- 2233 – [REDACTED] departs through North Entrance. [REDACTED] enters a silver SUV. His activities inside the vehicle are unknown. He leaves garage at 2346.
- 2346 – [REDACTED] returns through the North Entrance. He is not challenged to present identification by Security Officer [REDACTED]. The [REDACTED] system is not engaged by Security Officer [REDACTED] and [REDACTED] is allowed to enter the gaming floor. THIS IS ACCESS VIOLATION NUMBER 3.
- 2352 – [REDACTED] buys in for \$100 at [REDACTED] and plays until 12 May 2017 at 0037. [REDACTED] makes predominately Pass Line wagers, however he was also observed making a Come Wager, a Place Bet Wager, and a Field Wager. He was also the Shooter on three occasions, all three times receiving the dice from the stick person. He is not challenged to present identification by the Pit Manager, Floor Supervisor or Dealer. THIS IS CONDUCT VIOLATION 2.
- 0037 – [REDACTED] leaves [REDACTED] and observes play at [REDACTED] until 0040.
- 0041 – [REDACTED] leaves [REDACTED] and observes play at [REDACTED] until 0050.
- 0050 – [REDACTED] leaves [REDACTED]
- 0051 – [REDACTED] is observed near Main Cage Window 5. [REDACTED] leaves that area at 0052 and walks around the gaming floor until 0055.
- 0055 – [REDACTED] stops at Ciccino's Pizza until 0059.
- 0059 – [REDACTED] momentarily leaves Ciccino's Pizza and retrieves a beverage from a nearby beverage station at 0100. [REDACTED] then returns to Food Court area until 0108.
- 0108 – [REDACTED] leaves Food Court area.
- 0109 – [REDACTED] stops again at the nearby beverage station.
- 0109 – [REDACTED] departs through North Entrance.
- 0111 – [REDACTED] enters a silver SUV on Level 2 of the parking garage. [REDACTED] remains inside the vehicle until 0155. [REDACTED]
- 0156 – [REDACTED] re-enters through North Entrance. He apparently has a brief exchange with Security Officer [REDACTED] but is not challenged to present

identification. [REDACTED] accesses the gaming floor. THIS IS ACCESS VIOLATION NUMBER 4.

- 0156 – [REDACTED] arrives at [REDACTED] and is standing observing play until 0355.
- 0355 – While at [REDACTED] [REDACTED] is passed 20 \$100 chips by unknown male in blue denim jacket.
- 0356 – [REDACTED] walks to [REDACTED] Cashier Cage and redeems 20 \$100 chips for a total of \$2,000.
- 0358 – [REDACTED] returns to [REDACTED] and while standing at [REDACTED] hands an undetermined amount of money to a blue denim jacketed patron. The monies were passed under the table from [REDACTED] to the patron in the blue denim jacket. [REDACTED] stays at table until 0417 observing play.
- 0417 – [REDACTED] is passed an undetermined amount of chips by the patron in the blue denim jacket and departs from table.
- 0418 – [REDACTED] arrives at [REDACTED] Cashier Cage and redeems 10 \$100 chips for a total of \$1,000.
- 0419 – [REDACTED] returns to [REDACTED] and while standing at [REDACTED] hands the blue jacketed patron an unknown amount of money under the table. Surveillance confirms the transfer of money.
- 0420 – [REDACTED] is observed leaving [REDACTED] [REDACTED] then continues to a restroom.
- 0421 – [REDACTED] exits the restroom and returns to [REDACTED] at 0422.
- 0428 – The blue jacketed patron hands [REDACTED] an undetermined amount of chips. The chips are passed to [REDACTED] in open view approximately table height.
- 0429 – [REDACTED] returns to the Main Cage and cashed out \$1,000 in \$100 chips.
- 0430 – [REDACTED] returns to [REDACTED] and hands an undetermined amount of money to the blue jacketed patron. The money is passed in open view approximately table height. [REDACTED] remains at [REDACTED] until 0443. This transaction is visible from surveillance video.
- 0443 – The blue jacketed patron hands an undetermined amount of chips to [REDACTED] is observed, also at 0443 hours, cashing out \$1,000 in \$100 chips at the Main Cage.
- 0445 – [REDACTED] returns to table [REDACTED] and hands an undetermined amount of money to the blue jacketed patron. The money is passed under the table.

- 0447 – The male in the blue denim jacket hands █████ an undetermined amount of chips. As seen via surveillance the chips were passed in the open approximately table height.
- 0448 – █████ returns to the Main Cage and cashed out \$1,000 in \$100 chips.
- 0449 – █████ returns to █████ and surveillance shows him handing an undetermined amount money to the blue jacketed patron. The money was passed under the table.
- 0452 – The blue denim jacketed patron at █████ walks away from the table despite having an active pass line bet. The patron in the blue denim jacket exits out of the West Doors and smokes a cigarette until 0456. █████ stands at the place where the patron departed and, at 0453, accepts pass line bet winnings.
- 0453 – █████ places a pass line bet at █████ At 0455, the pass line bet is lost. █████ observes play at the table. THIS IS CONDUCT VIOLATION 3.
- 0453 – Security Dispatch receives a call from the Main Cage reporting that a male guest, later identified as █████ admitted to having a fake identification while cashing in chips. Security Shift Manager █████ and Dual Rate Supervisor █████ were notified and responded.
- 0456- The patron in the blue denim jacket returns to █████
- 0458 – A patron in a dark colored hoodie (entered with █████ at 2024) on is noted making a pass line bet. At 0459 the patron leaves the table with an active pass line wager and █████ takes his location. █████ is not challenged for identification by the Pit Manager, Floor Supervisor or any Dealer.
- 0500 – The pass line wager wins. █████ does not remove the previous pass line wager on the table. The patron in the blue denim jacket places the pass line winnings on the railing directly in front of █████ takes winnings left by the patron in the blue denim jacket and places wagers on numbers 4 and 10. █████ is not challenged for identification by the Pit Manager, Floor Supervisor or any Dealer.
- 0501 – The table 7's out and all wagers are lost. █████ then places a new \$10 pass line bet. █████ is not challenged for identification by the Pit Manager, Floor Supervisor or any Dealer.
- 0502 – █████ receives dice from stickman (name unknown) and rolls dice. █████ is not challenged for identification by the Pit Manager, Floor Supervisor or any Dealer.
- 0503 – █████ is approached by Security Manager █████ Game play is stopped at Table █████ by █████ █████ was the Shooter at the time and game was stopped until dice were passed to next Shooter. The game continued without

- ██████████ is questioned by Security Officers and is unable to answer questions related to the identification he provided to gain entrance nor produce identification to indicate he is over 21. New York State Senior Gaming Inspector ██████████ is on-site and present when ██████████ is approached.
- 0508 – ██████████ pass line wager is removed from the table by the Base Dealer (name unknown) and is moved to the center of the table in front of the Floor Supervisor. The dice are passed to the next player.
- 0515 – ██████████ departs the casino floor and exits through the North entrance. ██████████ remains under surveillance coverage.
- 0516 – ██████████ entered the backseat of the same silver SUV. Both security and surveillance have visual on SUV and ██████████
- 0518 – Seneca County Sheriff's Deputy ██████████ arrives and is directed to the silver SUV. ██████████ exits the vehicle.
- 0520 – Deputy ██████████ places ██████████ in handcuffs and escorted him to the Sheriff's vehicle.
- 0638 – The Sheriff's vehicle departs with ██████████ in custody.
- 0645 – Security Shift Manager ██████████ contacts Surveillance and advises Surveillance Team Members that the Seneca County Sheriff placed ██████████ under arrest for trespassing and presenting false identification. Security Shift Manager ██████████ further requests ██████████ receive a lifetime ban.

Despite being requested for identification two of the four times ██████████ entered the gaming floor, a breakdown in procedures failed to prevent his access. Additionally, there were numerous opportunities on the part of del Lago staff to intervene and request ██████████ produce identification during the eight hours he spent on the gaming floor. It appears that only when ██████████ himself admitted to a cage cashier that he was using a false identification was staff alerted.

The facts and circumstances detailed above illustrate several violations of 9 NYCRR section 5313.2 (d)(3). That provision provides 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 \$10,000 for a third occurrence, a \$25,000 fine for a fourth occurrence, a \$25,000 fine for a fifth occurrence, and a \$25,000 fine for a sixth occurrence. As a reminder del Lago Resort and Casino's second violation was outlined in my letter of May 22, 2017 (Pagano).

Second, 9 NYCRR section 5313.2(d)(4) was violated. That provision states 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

\$20,000 for a second occurrence, a \$25,000 fine for a third occurrence and a \$25,000 fine for a fourth occurrence. As a reminder, del Lago Resort and Casino's first violation was set forth in my letter of May 22, 2017 (Pagano)

Accordingly, the Division of Gaming hereby levies a cumulative fine of \$155,000 as outlined below.

<u>Violation</u>	<u>Fine</u>
§ 5313.2(d)(3) (third)	\$10,000
§ 5313.2(d)(3) (fourth)	\$25,000
§ 5313.2(d)(3) (fifth)	\$25,000
§ 5313.2(d)(3) (sixth)	\$25,000
§ 5313.2(d)(4) (second)	\$20,000
§ 5313.2(d)(3) (third)	\$25,000
§ 5313.2(d)(3) (fourth)	\$25,000

If you wish to contest the violations 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