



Gaming Commission

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

John A. Crotty, Commissioner
Robert L. Megna, Commissioner
Peter J. Moschetti, Jr., Commissioner
John J. Poklemba, Commissioner
Barry Sample, Commissioner
Jerry Skurnik, Commissioner
Todd R. Snyder, Commissioner

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

July 10, 2017

[REDACTED]

Dear [REDACTED],

The N.Y.S. Gaming Commission Division of Gaming has reviewed an incident that occurred on May 28, 2017 at Tioga Downs Casino during which an underage person was allowed access to the gaming floor and allowed to wager.

Specifically, on May 28, 2017 an underage patron later identified as [REDACTED] gained access to the Tioga Downs Casino gaming floor through the Front Entrance. [REDACTED] was observed making wagers at various slot machines during her time on the floor.

Senior Gaming Operations Inspector [REDACTED] [REDACTED] found the following:

Time	Observation
19:55	A woman later identified as [REDACTED] and three unknown females exited the ladies room and approached the side casino entrance security podium. [REDACTED] provided Security Officer [REDACTED] with an identification. [REDACTED] scanned the identification, a New York State Driver License, with the [REDACTED] machine. [REDACTED] denied [REDACTED] entrance to gaming floor and appeared [REDACTED] to make a radio transmission.
20:00	[REDACTED] is next observed approaching front casino entrance security podium. [REDACTED] provides Security Officer [REDACTED] with an identification. [REDACTED] appears to scan the identification with the [REDACTED] machine and then allows [REDACTED] and the three unidentified females to enter the gaming floor. [REDACTED] do not indicate the identification presented nor the results of the apparent scan.

20:02:45	██████████ is observed sitting at slot machine ██████████, placing an unknown amount of currency into and proceeding to engage the machine for play. ██████████ played machine 414-10 23 times.
20:08:30	██████████ is observed cashing out, removing a voucher generated based on play at slot machine ██████████ and exited the seat.
20:09:10	██████████ is next observed sitting at slot machine ██████████, inserting a voucher that was generated based on her previous play at ██████████ and proceeding to engage the machine for play. ██████████ Ms. ██████████ played machine ██████████ 20 times.
20:13:50	██████████ is observed cashing out, removing a voucher and exiting the seat.
20:14:30	██████████ is next observed sitting at slot machine ██████████ and inserting a voucher generated from her play at ██████████. She proceeds to engage the machine for play. ██████████ played machine ██████████ 18 times.
20:18:55	Based on information in the Tioga Downs Casino Security Report as well as ██████████ Security Supervisor ██████████ is requested by Surveillance to verify the identification of a female on the gaming floor seated at slot ██████████ that matches the description of an individual suspected as being under 21 years of age.
20:19:50	██████████ is observed approaching ██████████ who remains seated at slot machine ██████████. It appears ██████████ requests ██████████ provide identification. ██████████ produces a New York State Driver License, which ██████████ scans using the ██████████ machine. The machine indicates that ██████████ is under the age of 21. ██████████ then requires ██████████ cash out and he confiscates a voucher in the amount of \$30.00.
20:21:39	██████████ is observed escorting ██████████ to the front entrance.
20:26:56	██████████ is observed exiting the gaming floor after being met by three unidentified females.
	Total time ██████████ is observed on the gaming floor: 26 minutes and 56 seconds

While laudable that Tioga Downs Casino staff self-reported this incident, 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 \$1,000 for a first occurrence.

We also note that Commission Regulation 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 \$5,000 for a first occurrence.

Accordingly, the Division of Gaming hereby levies a cumulative fine of \$6,000, \$1,000 for the first violation of 9 NYCRR 5313.2 (d)(3), and \$5,000 for a first violation of 9 NYCRR 5313.2 (d)(4).

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,

A handwritten signature in black ink, appearing to read 'T. Anapolis', with a stylized flourish at the end.

Thomas A. Anapolis
Director, Division of Gaming