

**NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION**

**A. Facility/Vendor:**  
Empire City Casino at Yonkers Raceway

**Date of Notification:** 07-13-2023

**Dates of Violation:** 06-03-2023 &  
06-13-2023

**Case Number:** Gaming 23-010

**B. Facility/Employee Cited:**

<u>Name</u>	<u>License #</u>	<u>Address</u>
Empire City Casino at Yonkers Raceway		810 Yonkers Avenue, Yonkers, NY 10704

**C. Statute, Regulation or Internal Control Violated:**

**§ 5118.9. Hours of Operation.**

The hours of operation of video lottery gaming at all licensed video lottery gaming facility locations shall be 20 consecutive hours per day, unless otherwise approved by the commission in writing after a video gaming agent applies for an exception at least 60 days in advance of a proposed change. In no event shall video lottery gaming be conducted past the time set forth in subdivision b of Section 1617-a of the Tax Law. Public access to the video lottery gaming floor must be restricted at all times video lottery gaming is not in operation. The failure of the video lottery gaming agent to comply with the hours of operation set forth in this section shall be a violation of these regulations.

**D. Summary of Violations:**

On 6/8/2023, ECYR Compliance Manager [REDACTED] self-reported that at 03:14 hours on Saturday 06/03/23, the SAS at bank [REDACTED] 2 appeared to fail communication with Everi system. At 06:00 hours, all machines at bank [REDACTED] locked up except for terminal [REDACTED] where a guest continued to play. At 06:09 hours, the gaming guest printed their TITO, however a second guest began gaming. At 06:21 hours Security Sergeant [REDACTED] ) approached the guests and they attempted to cash out, causing the machine to freeze. At 06:28 hours, VGM Assistant Manager [REDACTED] arrived, rebooted the machine, and reset the SAS. The guest was able to print their TITO and they were escorted out.

Although games may fail, it is the primary responsibility of the staff to manage and secure the facility in accordance with regulation.

On 6/14/2023 ECYR Compliance Manager [REDACTED] self-reported that at 09:22 hours on Tuesday 06/13/23, a patron attempted to open three of the doors at valet but was unsuccessful to gain entry. He then walked away and returned at 09:24 hours, opened the stanchioned off door at valet and gained entry to the gaming floor. The guest walked to the bank [REDACTED] and began gaming at 9:28 hours. At 09:30 hours, Compliance Manager walked by [REDACTED] noticed the patron gaming and approached him, shortly after that notified Surveillance & Security. At 0930 hours, the Security Officer [REDACTED] responded to report a breach of the door at Post [REDACTED] by the patron, later identified as [REDACTED]. At 0932 hours – Security

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approached the guest and at 0934 hours the guest cashed out his voucher and was issued an indefinite exclusion notice by Security, which [REDACTED] refused to sign and was escorted out of the facility.

**E. Fine**

For the 2 incidents is less than 2 weeks, the Division of Gaming hereby levies a fine of \$2,500 for negligence leading to play after the approved 20-hour window. Please remit the fine to the New York State Gaming Commission on or before 8/13/23. [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.

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

ECC acknowledges the severity of the incidents preventing guests playing outside approved gaming hours and agree with the summary of violations listed above. Regarding the 6/3/23 incident, notification to the commission was delayed in part to it not being apparent that the guests were gaming at the time of the incident. When Security approached as part of their sweep, the only issues appeared to be the voucher had not printed. The late play was not discovered until Surveillance investigated the report. Regarding the 6/13/23 incident, the guest was able to breach the building due to a lapse in Security procedures and a malfunctioning self-close feature on the door.

**G. Action Taken By Facility:**

[REDACTED]

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**H. Name of Individual Completing this Form:**

**Printed: Jim Googas**

**Signature:**  \_\_\_\_\_

**Title: Deputy Director, Video Gaming**

**Date: July 13, 2023**

**\*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  
Tom Anapolis, Director, Gaming Division  
Licensing**