



NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION

A. Facility/Vendor:
Jake's 58

Date of Notification: 06-14-2019

Date of Violation: 06-5-2019

Case Number: Gaming 19-007

B. Facility/Employee Cited:

Table with 3 columns: Name, License #, Address. Row 1: Jake's 58, [redacted], 3635 Express Drive North, Islandia 11749. Subsequent rows are redacted.

C. Statute, Regulation or Internal Control Violated:

New York State Gaming Commission Rules and Regulations § 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: (1) participate as a player at any game in a video lottery gaming facility; (2) receive any complimentary service(s) or item(s) as a result of, or in anticipation of, such person's gaming activity; (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. (1) The commission shall penalize a licensee found to have violated paragraph (1) of subdivision (a) of this section as follows: (i) for a first violation, a fine of \$5,000; (ii) for a second violation within one year of a violation, a fine of \$20,000; (iii) for a third violation within one year of a violation, a fine of \$25,000; and (iv) for a fourth violation or subsequent violation within one year of a violation, a fine of \$25,000 and such further action as the commission may deem appropriate, which may include without limitation the suspension or revocation of the occupational license of any key employee found to be responsible for the 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; (ii) for a second violation within one year of a violation, a fine of \$5,000; (iii) for a third violation within one year of a violation, a fine of \$10,000; and (d)(iv) For a fourth violation or subsequent violation within one year of a violation, a fine of \$25,000 and such further action as the commission may deem appropriate, which may include without limitation the suspension or revocation of the occupational license of any key employee found to be responsible for the violation.



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Summary of Violations:

On June 5th 2019 at 20:31 hours, a minor approximately 5 years of age accompanied by four adults entered the casino through Post [REDACTED] entrance. The Security Officer [REDACTED] did not attempt to prevent the minor’s entry and the group proceeds through the [REDACTED] section of the gaming floor. The group settles at [REDACTED] bank where the minor is noted pressing buttons on several video lottery terminals. However, there was no bet placed. At this time were 2 Floor Attendants namely [REDACTED] and [REDACTED] conversing nearby, within the line of sight.

At 20:34 hours the group leaves the bank and focuses on a neighboring video lottery terminal. The minor presses and pulls the lever of the terminal. Shortly thereafter the group including the minor walk directly towards Floor Attendants [REDACTED] and [REDACTED]. The minor begins pressing buttons of the terminal immediately adjacent to the two Floor Attendants. At no point do either [REDACTED] nor [REDACTED] inhibit the minor from interacting with the terminal and attempt to remove him from the casino floor. The minor repeats his actions at several other terminals of the same bank before the adults gather him and walk past [REDACTED] and [REDACTED] further into [REDACTED] section. Again, at no point do the Floor Attendants attempt to stop the minor and / or remove him from the casino floor.

At 20:36 as the group approaches the back area of [REDACTED] section, the minor begins pressing and pulling the level of one of the end terminals.

The group continues walking towards the patio area at which point Security Officer [REDACTED] spots the group and escorts them back through post [REDACTED] off the casino floor.

Accordingly, the Division of Gaming hereby levies a total fine of \$10,000 to Jake’s 58 in Islandia NY 11749. Please remit the fine to the New York State Gaming Commission on or before 07/14/2018. [REDACTED]

[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.


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

F. Action Taken By Facility:



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G. Name of Individual Completing this Form:

Printed: Thomas A Anapolis Signature: 
Title: Director, Gaming Division Date: 6/14/2019

***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