



**NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION**

**A. Facility/Vendor:**

Batavia Downs Gaming

**Date of Notification:** 06-21-2023

**Date of Violation:** 06-15-2023

**Case Number:** Gaming 23-08

**B. Facility/Employee Cited:**

<u>Name</u>	<u>License #</u>	<u>Address</u>
Batavia Downs Gaming		8315 Park Rd, Batavia, NY 14020
██████████	██████████	████████████████████
██████████	██████████	████████████████████

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

**§ 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:

(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.

(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;

**D. Summary of Violations:**

On June 15, 2023 at approximately 6:56 pm, four adults entered the main lobby through the front doors; one of the adults had a child in a stroller. Security Guard ██████████ was not at his post at the main lobby podium, he was leaning on the secondary podium speaking with Security Guard ██████████. Mr. ██████████ noticed and waved to one of the adults and then momentarily returned to his post before returning to the secondary podium. The family with the child in the stroller proceeded down the ramp located next to the main lobby podium and traversed the main aisle of the gaming floor, entering the restaurant at the end of the aisle. Security Guard ██████████, who was stationed at the valet podium, noticed the stroller as the party approached the restaurant and notified her supervisor. No one in the party played any VLTs during the time they were on the gaming floor.

Accordingly, the Division of Gaming hereby levies a fine of \$1,000 for allowing minors on the gaming floor. Please remit the fine to the New York State Gaming Commission on or before 07-21-2023. ██████████

████████████████████  
████████████████████



**NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION**

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:**

---

---

---

---

---

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

Printed: Jim Googas Signature: 

Title: Deputy Director, Division of Gaming Date: June 21, 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

=====

cc: **Thomas Anapolis, Director, Division of Gaming  
Licensing**