



Gaming Commission

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

July 5, 2023

Notice of Violation 23-TDC-01

Sent Via Electronic Mail [REDACTED]

[REDACTED]

Dear [REDACTED]:

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on June 18, 2023, at Tioga Downs Casino Resort (TDC), during which an underage individual was allowed access to the casino gaming floor.

Tioga Downs Surveillance notified the NYSGC that an underage patron made it onto the gaming floor for approximately 5 minutes on June 18, 2023. At 00:42:32 hours, patron [REDACTED] (DOB [REDACTED]) presented her NYS identification card to Security Officer [REDACTED] at the front entrance podium. Security Officer [REDACTED] took the ID and read it without scanning it. The ID was handed back to Ms. [REDACTED] where she proceeded onto the gaming floor.

Ms. [REDACTED] went straight to the cage to attempt to get a player's club card. Ms. [REDACTED] presented her ID again to Cage Cashier [REDACTED]. Cage Cashier [REDACTED] immediately informed her supervisor Lead Cage Cashier [REDACTED]. Lead Cage Cashier [REDACTED] immediately called Security and Surveillance. Ms. [REDACTED] was handed back her ID and told to leave the gaming floor. Ms. [REDACTED] was escorted off the gaming floor, past the front podium at 00:47:07 hours by Lead Security Supervisor [REDACTED]. Lead Security Supervisor [REDACTED] collected the NYS license information from Ms. [REDACTED] who then exited the property with no further incidents. At no point did Ms. [REDACTED] play or attempt to play any table or slot games nor did Ms. [REDACTED] purchase or obtain any alcoholic beverage.

An independent review was conducted which revealed the following:

Violation Timeline		
Timeline		Narrative Description of Events
00:42:34		██████████ (DOB 2/11/04) hands hers NYS ID to Security Officer ██████████ at the front podium. SO ██████████ reads the ID and hands the ID back to Ms. ██████████ without scanning it. ██████████ footage shows the NYS ID to be clearly vertical.
00:42:50		Ms. ██████████ enters the gaming floor past the front podium.
00:43:00		Ms. ██████████ proceeds to the cage.
00:43:26		Ms. ██████████ waits in line at the cage.
00:44:15		Ms. ██████████ hands her ID to Cage Cashier ██████████ who informs her supervisor Lead Cage Cashier ██████████ ██████████ footage shows the NYS ID to be vertical. Security and Surveillance contacted.
00:46:40		Ms. ██████████ is handed back her ID and escorted by Lead Security Supervisor ██████████
00:47:07		Ms. ██████████ exits the gaming floor past the front podium
00:47:20		Lead Security Supervisor ██████████ collects Ms. ██████████ NYS ID information and she departs property with no further incidents.

Attached please find the TDC Security Report.

After a review of the facts and circumstances as described above, as well as the TDC Security Report related to this incident, evidence shows that an underage individual gained access to the TDC gaming floor in violation of 9 NYCRR § 5313.2(d)(3).

Section 5313.2(d)(3) 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 no longer than necessary to reach a destination that is not on the gaming floor.

Pursuant to 9 NYCRR § 5313.2(e)(1), a first violation of 9 NYCRR § 5313.2(d)(3) carries a mandatory fine of \$1,000. The current violation 9 NYCRR § 5313.2(d)(3) at issue in this letter is TDC's first violation of 9 NYCRR § 5313.2(d)(3) within a one-year period. Pursuant to 9 NYCRR § 5313.2(e)(1), TDC is fined \$1,000 for this violation.

Please remit the total amount of this fine (\$1,000) to the New York State Gaming Commission within 30 days of the date of this letter. ██████████

Payments not timely made will be subject to interest and collection fees pursuant to State Finance Law Section 18. The violation has been assigned 23-TDC-01.

If you wish to contest the violations set forth 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, NY 12305 within 30 days of receipt of this letter. Failure to request a hearing within 30 days of the date of this Notice shall be considered a waiver of any available hearing, and any requests for a hearing received after the 30 days will be rejected as untimely.

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

Attachments (1)
TAA/SM/jb: 23-TDC-01