



**NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION**

**A. Facility/Vendor:**

**Batavia Downs Gaming**

**Date of Notification: 07-14-2023**

**Date of Violation: 07-12-2023**

**Case Number: Gaming 23-09**

**B. Facility/Employee Cited:**

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

**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 ensure 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:
    - (ii) for a second violation within one year of a violation, a fine of \$5,000;

**D. Summary of Violations:**

On July 12, 2023, at approximately 6:38 pm, two adults entered the main lobby with an infant in a baby carrier. They entered the gaming floor via a ramp located next to a security podium. The security guard seated at that podium, [REDACTED], was engaged in conversation with other guards in the lobby. His head was turned away from the entrances; he subsequently did not observe the patrons' entry onto the gaming floor with the minor. Security Guard [REDACTED], who was seated at the other podium, did not notice the minor either. The family was stopped on the gaming floor by Manager – VGO [REDACTED] after they entered. She immediately escorted them to the front lobby. The family then left the facility.

**E. Fine**

Accordingly, the Division of Gaming hereby levies a fine of \$ 5,000 for allowing a minor on the gaming floor for the 2nd time within 1 year (Gaming Violation 23-008 on 6/15/23). Please remit the fine to the New York State Gaming Commission on or before 8/13/2023. [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.



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

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**G. Action Taken By Facility:**

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

Printed: Jim Googas Signature:   
Title: Deputy Director, Gaming Division 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: Tomas Anapolis, Director Gaming Division  
Licensing