



# Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

July 31, 2018

## Notice of Violation 18-Tioga-01 Sent Via Electronic Mail

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]:

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on July 14, 2018 at Tioga Downs Casino (Tioga) during which an underage person was allowed access to the gaming floor and to consume alcohol.

Specifically, on July 14, 2018 an underage female, identified as [REDACTED] DOB: [REDACTED], gained access to the Tioga gaming floor. Ms. [REDACTED] was accompanied by three other patrons.

NYSGC Senior Gaming Operations Inspector [REDACTED], viewed [REDACTED] [REDACTED] the incident and reviewed Security Incident Report [REDACTED] prepared by Tioga's Security Supervisor [REDACTED]. [REDACTED] confirm the following:

Camera	Time	Occurrence
[REDACTED]	22:07:29	Ms. [REDACTED] walks past security through front entrance without being ID'd by Security Guard [REDACTED].
[REDACTED]	22:11:08	[REDACTED] sits down at slot machine [REDACTED] and puts a monetary bill into the machine.
[REDACTED]	22:11:31	[REDACTED] pulls slot machine handle once.
[REDACTED]	22:12:08	[REDACTED] cashes out voucher.
[REDACTED]	22:12:20	[REDACTED] puts second voucher into machine.
[REDACTED]	22:12:40	[REDACTED] pulls slot machine handle, for the second time.
[REDACTED]	22:12:42	[REDACTED] gets up and goes to corner of sideshow bar with male companion.
[REDACTED]	22:14:04	Male companion purchases beer and [REDACTED] drinks from bottle of beer.
[REDACTED]	22:14:40	[REDACTED] and companion walk toward front of casino.
[REDACTED]	22:15:43	Security stops [REDACTED] and asks for identification. After ID check indicates [REDACTED] is underage, security proceeds to escort [REDACTED] off the gaming floor.
[REDACTED]	22:17:05	[REDACTED] walks out the front entrance and exits the casino.



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The facts and circumstances illustrate clearly a violation of 9 NYCRR §§ 5313.2(d)(3) and (4). Paragraph (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 longer than necessary to reach a destination that is not on the gaming floor. Paragraph (d)(4) provides that a gaming facility licensee shall not allow or permit any person who is under 21 years of age to make any wager at any such gaming facility.

A violation of paragraph (d)(3) carries a fine of \$5,000 for a second violation within one year of a violation. The violation of (d)(3) at issue in this letter is the second violation for Tioga within one year of a violation. As a reminder, the most recent violation, was set forth in my letter of September 18, 2017.

A violation of paragraph (d)(4) carries a mandatory fine of \$5,000 for a first violation. The violation of (d)(4) at issue in this letter is the first violation for Tioga within one year of a violation.

Accordingly, the New York State Gaming Commission hereby levies fines against Tioga of \$5,000 for the second violation of 9 NYCRR § 5313.2(d)(3) and of \$5,000 for a violation of 9 NYCRR § 5313.2(d)(4). Please remit the cumulative amount of these fines (\$10,000) to the New York State Gaming Commission within 30 days of this letter. [REDACTED]

Payments not timely made will be subject to interest and collection fees pursuant to State Finance Law section 18. This violation has been assigned the identification code of "18-Tioga-01".

If you wish to contest either of 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, New York 12305 within 30 days of receipt of this letter. Failure to appeal within 30 days will be considered a waiver of any available appeal, and any requests to appeal received after the 30 days will be rejected as untimely.

Sincerely,

Thomas A. Anapolis  
Director, Division of Gaming