

**NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION**

**A. Facility/Vendor:**  
MGM Empire City Casino at Yonkers Raceway

**Date of Notification:** 07-21-2022

**Date of Violation:** 07-20-2022

**Case Number:** Gaming 22-008

**B. Facility/Employee Cited:**

<u>Name</u>	<u>License #</u>	<u>Address</u>
[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:

- (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 Rules and Regulations Chapter IV (Division of Gaming) Subchapter A (Video Lottery Gaming) 9 NYCRR §§ 5100-5122.4 892 updated (06/16)

(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
- (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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### D. Summary of Violations:

At 13:58 hours, a minor entered Post [REDACTED] with a BM adult and walked past Security Officers [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]). The minor and BM proceeded through the [REDACTED]-Section of the gaming floor to the passenger elevators. At 14:00 hours EVS Manager [REDACTED] ([REDACTED]) was in the elevator which then stopped at the basement. [REDACTED] exited the elevator and immediately approached Security Central and notified Security Sergeant [REDACTED] ([REDACTED]). At 14:01 hours, the minor and the BM exited the elevator on the 4th Floor. Later, Sergeant [REDACTED] exited Central and proceeded to the 4th Floor. At 14:03, Sergeant [REDACTED] approached the minor and BM and escorted them out via Post 05 at 14:07 hours. The minor and the BM walked in the direction of the General Parking Lot.

Accordingly, the Division of Gaming hereby levies a fine of \$1,000 to Empire City Casino at Yonkers Raceway 810 Yonkers Avenue, Yonkers, NY 10704 a first violation of paragraph (3) of subdivision (a) of §5117.1. Please remit the fine to the New York State Gaming Commission on or before 09/04/2022. [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.

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

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E. Action Taken By Facility:

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F. Name of Individual Completing this Form:

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Printed: Thomas Anapolis Signature:   
Title: Director, Division of Gaming Date: 8/11/2022

**\*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  
Jim Googas, Video Gaming  
Licensing**