

August 10, 2018

Sent Via Electronic Mail



Re: Notice of Violation 18-DEL-02

Dear [REDACTED],

The New York State Gaming Commission, Division of Gaming has investigated an incident that occurred on July 21, 2018 at del Lago Resort and Casino during which an individual identified by del Lago Resort and Casino as an underage male was allowed access to the gaming floor.

On 7/21/2018 at 12:21:PM New York State Gaming Commission Senior Inspector [REDACTED] received notification from Security Shift Supervisor [REDACTED], that a 15-year old Minor gained access to the gaming floor at 12:09PM. Supervisor [REDACTED] stated that the Minor entered the gaming floor with an Adult Male through the West Entrance. The Adult Male and the Minor were approached by Security Officers at the East Men's Restroom and escorted off the gaming floor through the West Entrance.

[REDACTED] Review showed the following:

		Violation Timeline and Narrative
Timeline	[REDACTED]	Narrative Description of Events
12:09:51 to 12:09:52	[REDACTED]	At the West entrance, Patron 1- teenage Minor wearing black and white baseball cap backwards, black, gray and white T-shirt and black shorts enters the gaming floor with patron 2 (later identified as [REDACTED] Minor Patrons father) wearing a black baseball cap, gray T-shirt and black shorts unchallenged by Security Officer [REDACTED] and Security Officer [REDACTED].
12:09:52 to 12:09:59	[REDACTED]	Observed Minor and Patron 2 (father) walking between the [REDACTED] section and the [REDACTED] section of the gaming floor.
12:09:58 to 12:10:16	[REDACTED]	Observed Minor and Patron 2 (father) walking between [REDACTED] section and the [REDACTED] section of the gaming floor.
12:10:15 to 12:10:32	[REDACTED]	Observed Minor and Patron 2 (father) walking on the gaming floor between [REDACTED] section, [REDACTED] section and near Pit [REDACTED]
12:10:33 to 12:10:51	[REDACTED]	Observed Minor and Patron 2 (father) walking near Pit [REDACTED] and [REDACTED] on the gaming floor.

12:10:46 to 12:11:05	██████████	Observed Minor and Patron 2 (father) walking near Pit █████ and the █████ section of the gaming floor.
12:10:58 to 12:11:15	██████████	Observed Minor and Patron 2 (father) walking in the █████ section of the gaming floor.
12:11:15 to 12:11:31	██████████	Observed Minor and Patron 2 (father) walking through the █████ gaming floor and enter the Men's Restroom.
12:11:28 to 12:13:49	██████████	Observed Minor and Patron 2 (father) enter the East Men's Restroom.
12:13:24	██████████	Security Shift Supervisor ██████████ enters the East Men's Restroom.
12:13:36 to 12:13:49	██████████	Observed Security Shift Supervisor ██████████ challenges both patrons for Identification just outside the East Men's Restroom and the █████ section of the gaming floor. Patron 2 Identifies himself as █████ -Minors father and states that Minor is 15 years of age. No other information was given to Security Supervisor ██████████
12:13:38 to 12:14:17	██████████	Observed Security Shift Supervisor ██████████ and Security Officer ██████████ escort Minor and Patron 2 (father) off the gaming floor.
12:14:13 to 12:14:23	██████████	Observed Security Shift Supervisor ██████████ and Security Officer ██████████ escort Minor and Patron 2 (father) off the gaming floor and they observed them leave the building and proceed to the parking area.

At no time did Security Officer ██████████ or Security Officer ██████████ challenge the Minor for identification when he entered the gaming floor through the West Entrance and passed by the entrance security podium. The 15-year old Minor was on the gaming floor for a total of 5 minutes and 23 seconds. At no time was the Minor observed gambling or consuming alcoholic beverages. Minor was on Surveillance coverage the entire time that he was on the gaming floor. Surveillance coverage was unavailable when he was in the East Men's Restroom. These findings will be forwarded to the New York State Gaming Commission Office in Schenectady for review.

After a review of the facts and circumstances as outlined above, evidence shows an individual described by del Lago Resort and Casino as an underage male accessed the gaming floor. As such, del Lago Resort and Casino is in violation of 9 NYCRR § 5313.2(d)(3). Paragraph (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. A violation of paragraph (3) carries a fine of \$25,000 for a fourth occurrence within a year of a violation. As a reminder, the most recent occurrence was set forth in my letter of January 12, 2018.

Please remit the amount of this fine (\$25,000) to the New York State Gaming Commission within 30 days of this letter. [REDACTED]

[REDACTED] Payments not timely made will be subject to interest and collection fees pursuant to State Finance Law section 18.

If you wish to contest the violation contained 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, P.O. Box 7500, Schenectady, New York 12301 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,

A handwritten signature in black ink, appearing to read 'T. Anapolis', with a long horizontal stroke extending to the right.

Thomas A. Anapolis
Director, Division of Gaming