

**NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION**

**A. Facility/Vendor:** MGM Empire City Casino at Yonkers Raceway  
**Date of Notification:** 8/4/2022  
**Date of Violation:** 07-24-2022  
**Case Number:** Gaming 22-009

**B. Facility/Employee Cited:**

<u>Name</u>	<u>License #</u>	<u>Address</u>
Empire City Casino at Yonkers Raceway (MGM)		810 Yonkers Avenue, Yonkers, NY 10704
[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



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suspension or revocation of the occupational license of any key employee found to be responsible for the violation.

D. Summary of Violations:

At 20:25, an unidentified HF accompanied by a HM and a minor attempted to enter Post Security Officer refused the HF and minor entry into the facility. Immediately after, the HF and the minor departed the area while the HM entered the Gaming Floor. At 20:32, the HM went under the stanchions at Post breached the doors and allowed the HF, minor and an unidentified BM to enter the facility. The HF, HM and minor walked to the bank where the HF proceeded to game at while the minor remained seated next to her. At 20:37, the HF, HM and minor departed the area and walked through the gaming floor.

At 20:38, the HF approached Beverage Server while with the minor on her shoulders near the bank Palacio proceeded to hand over a beverage to the HF and the minor. Moments later, the HF, HM and minor departed the location and proceeded to bank

At 20:40 in the Section VGM Attendant walked past the adults and minor walking in the opposite direction, with the minor sitting on top of the HF's shoulders.

At 20:41, the HF began gaming at bank while the minor remains seated at. At 20:46, the HF, HM and minor departed and conducted a transaction at. At 20:47, they walked over to and conducted a transaction. At 20:48, the HF, HM and minor returned to. The HF proceeded to game at while the minor was seated at. At 20:50, all departed and conducted a transaction at SRU

At 20:50 hours, VGM attendant walked past the location, noticed them, and radioed for assistance. At 20:51, the HF, HM and minor returned to bank. At 20:57, VGM Assistant Manager arrived on scene and spoke to the patrons. The HF, HM and minor were then escorted out of the facility via Post at 20:59.

Accordingly, the Division of Gaming hereby levies a fine of \$5,000 to Empire City Casino at Yonkers Raceway 810 Yonkers Avenue, Yonkers, NY 10704 a second 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.

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)\*:

Horizontal lines for providing a facility explanation of violation.

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**E. Action Taken By Facility:**


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

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**