



# Gaming Commission

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

October 6, 2021

## Notice of Violation 21-DEL-01

Sent Via Electronic Mail ( [REDACTED] )

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

Dear [REDACTED] [REDACTED]

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on August 11, 2021, at the del Lago Resort and Casino, operated by Lago Resort & Casino, LLC (del Lago), during which an underage person was allowed access to the gaming floor and participated in gaming activity.

On August 11, 2021 at approximately 10:58pm, NYSGC staff was notified by del Lago Surveillance that del Lago Security Manager [REDACTED] informed them that an underage individual received a Players Card at del Lago Promotions- [REDACTED]

Del Lago Security Officer [REDACTED] was stationed at the West Entrance security podium when the underage individual, later identified as [REDACTED] (DOB [REDACTED]), along with several other patrons entered the casino floor. Security Officer [REDACTED] did not request identification from [REDACTED] nor anyone that entered with her. [REDACTED] was on the gaming floor for approximately 35 minutes, entering del Lago Resort and Casino at approximately 10:24pm and escorted out by del Lago Security at 10:59pm.

Surveillance video depicts [REDACTED] seated at Slot Machine [REDACTED] from approximately 10:47pm until she was escorted out at 10:59pm. She did not engage in any slot play on Slot Machine [REDACTED] however surveillance video depicts Seymour activating the Spin/and or the monetary button on the deck of the adjacent machine, [REDACTED] on several occasions (4). In review of her Players Card Account [REDACTED], [REDACTED] did not place any funds, nor play any slots/games using her Players Card. She did not consume alcohol while she was on the gaming floor.

[REDACTED] was able to obtain a Players Card utilizing her New York State Identification Card as identification, which indicates her DOB is [REDACTED]. This identifies her as being under the age of 21 until [REDACTED]. Del Lago's player tracking system [REDACTED] has [REDACTED] DOB entered as [REDACTED], representing that she is 27 years old.



# Gaming Commission

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

Attached to this NOV are reports detailing the incident from del Lago's Surveillance Department, a Property-generated Incident Report, and a copy of [REDACTED] New York State Identification Card that she presented to the promotions desk.

A Surveillance review conducted by NYSGC staff [REDACTED] revealed the following:

Violation Timeline		
Timeline	[REDACTED]	Narrative Description of Events
10:24	[REDACTED]	Underage individual approaches/enters through the West Security entrance with six (6) other individuals. Del Lago Security Officer [REDACTED] was posted at the Security Podium and at no point was identification requested from anyone in the group.
10:24 -10:25	[REDACTED]	Underage individual, later identified as [REDACTED], walks through [REDACTED] section.
10:25 -10:32	[REDACTED]	[REDACTED] approaches promotions with another individual.
10:32-10:36	[REDACTED]	[REDACTED] walks through [REDACTED] down main isle, in front of Pit [REDACTED] and through [REDACTED] section.
10:36	[REDACTED]	[REDACTED] and two (2) other individuals walk through [REDACTED] section. [REDACTED] sits at [REDACTED] but does not play.
10:37	[REDACTED]	[REDACTED] and two (2) other individuals walk through [REDACTED] section.
10:37 -10:38	[REDACTED]	[REDACTED] sits at [REDACTED] but does not play.
10:38 -10:39	[REDACTED]	[REDACTED] walks through [REDACTED] section.
10:39	[REDACTED]	[REDACTED] approaches Promotions.
10:39	[REDACTED]	[REDACTED] is at West Drink station.
10:40	[REDACTED]	[REDACTED] proceeds through [REDACTED] section.
10:40 -10:42	[REDACTED]	[REDACTED] sits at [REDACTED] but does not play.
10:42	[REDACTED]	[REDACTED] proceeds back to West Drink station on way to Promotions.
10:43	[REDACTED]	[REDACTED] appears at Promotion desk.
10:43	[REDACTED]	[REDACTED] presents her New York State Identification Card as ID to Players Card Rep [REDACTED].
10:44	[REDACTED]	[REDACTED] ID is scanned by Players Card Rep Ramos.



# Gaming Commission

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

10:45	█	Players Card Rep █ proceeds to Retail storage to obtain a t-shirt.
10:46	██████████	Players Card Rep █ hands █ a t-shirt and her Players Card █.
10:46 -10:47	██████████	██████████ leaves promotions and proceeds through Delta section.
10:47	█	██████████ sits down at █
10:49	█	Player seated at █ places money (\$20) into Bally Pro Wave – Fu Dao Le with an asset number of █
10:49:20	█	██████████ appears to press/activate the Spin and/or the monetary button on the deck of █ live game (#1).
10:49:27	█	██████████ appears to press/activate Spin and/or the monetary button on the deck of █ live game (#2).
10:50:22	█	██████████ appears to press/activate Spin and/or the monetary button on the deck of █ live game (#3).
10:50:35	█	██████████ appears to press/activate Spin and/or the monetary button on deck of █ live game (#4).
10:51:37	█	Voucher is cashed out by the individual sitting at █ for .26 and placed on the deck of █
10:51:52	█	██████████ seated at █ appears to grab voucher of .26 from the deck of █ and place it in █ machine.
10:52:04	█	██████████ attempts to place a bet on █ but is unable to as the minimum bet is .38.
10:52:16	█	Voucher is cashed out of █ in the amount of .26.
10:52-10:58	█	██████████ remains seated at █ with no further play at █
10:56:40-10:57	██████████	Security Supervisor █ appears at Promotion desk.
10:58	█	Security Supervisor █ approaches █ at █ and requests ID.
10:59	██████████	██████████ leaves █ bank and proceeds through █
10:59:48	█	██████████ is escorted by del Lago Security to the West Entrance and departs the casino floor.

After a review of the facts and circumstances as described above, evidence shows an underage individual accessed the del Lago gaming floor and made one or more wagers. As such, del Lago is in violation of 9 NYCRR §§ 5313.2(d)(3) and (4).



## Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500

[www.gaming.ny.gov](http://www.gaming.ny.gov)

Section 5313.2(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. Pursuant to 9 NYCRR § 5313.2(e)(1), a violation of 9 NYCRR § 5313.2(d)(3) carries a mandatory fine of \$1,000 for a first violation. The current violation of 9 NYCRR § 5313.2(d)(3) at issue in this letter is the first del Lago has received within a one-year period.

Section 5313.2(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. Pursuant to 9 NYCRR § 5313.2(f)(1), a violation of 9 NYCRR § 5313.2(d)(4) carries a mandatory fine of \$5,000 for a first violation. The current violation of 9 NYCRR § 5313.2(d)(4) is the first del Lago has received within a one-year period.

Please remit the total amount of these fines (\$6,000) to the New York State Gaming Commission within 30 days of the date of this letter. Fines must be wired to the OSC General Checking Account. [REDACTED] not timely made will be subject to interest and collection fees pursuant to New York State's State Finance Law Section 18. This violation has been assigned 21-DEL-01.

If you wish to contest the violation 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 request a hearing within 30 days of the date of this Notice shall be considered a waiver of any available hearing, and any requests for a hearing received after the 30 days will be rejected as untimely.

Sincerely,

Thomas Anapolis  
Director, Division of Gaming