



NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION

A. Facility/Vendor:

Batavia Downs Gaming

Date of Notification: 08-21-2018

Date of Violation: 08-18-2018

Case Number: Gaming 18-010

B. Facility/Employee Cited:

Name

Batavia Downs Gaming
[REDACTED]

License #

[REDACTED]

Address

8315 Park Road Batavia, NY 14020
[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:
 - (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.
- (c)(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

D. Summary of Violations:

On August 18, 2018, an adult entered the facility from the track apron carrying a minor. Prior to the guest entering the facility, the guard securing the door was dismissed and reassigned by Sgt. [REDACTED] Sgt. [REDACTED] left the door open for F&B employees to use and left the area unsecure allowing the guest and infant to enter the gaming floor. The guest and minor stayed in the Homestretch Grill area for approximately thirty minutes. The adult then carried the minor onto the gaming floor where the minor was noticed by Gaming Host [REDACTED]. Ms. [REDACTED] pointed out the adult with a minor to Sgt. [REDACTED] who promptly escorted them off the gaming floor. The woman with the minor in her arms did not sit at a gaming device or play any video lottery terminals.

Accordingly, the Division of Gaming hereby levies a fine of \$ 5,000 for allowing a minor on the gaming floor for the 2nd time within 1 year (Gaming Violation 17-009 on 11/20/2017). Please remit the fine to the New York State Gaming Commission on or before 9/20/2018. [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.




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

F. Action Taken By Facility:

G. Name of Individual Completing this Form:

Printed: Thomas Anapolis Signature: 
Title: Director, Division of Gaming Date: 8/21/2018

*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
Chris Palmer, Deputy Director Gaming Division
Licensing