



# Gaming Commission

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

October 10, 2019

## Notice of Violation 19-Tioga-03 Sent Via Electronic Mail

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

Dear [REDACTED]

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on August 31, 2019 at Tioga Downs Racetrack, LLC d/b/a Tioga Downs Casino, Racing and Entertainment (Tioga) in the Tioga Downs Casino during which an underage person was allowed access to the gaming floor.

On 8/31/19 at approximately 02:15AM an underage person identified as [REDACTED] approached the front entrance of the casino. Tioga Security Officer [REDACTED] was posted at the front entrance podium and asked [REDACTED] to provide identification. [REDACTED] was unable to produce identification and was denied access to the gaming floor by Security Officer [REDACTED]

At approximately 02:16AM, [REDACTED] left the front podium and proceeded toward the side gaming floor entrance of Tioga's property. Security Officer [REDACTED] radioed to Tioga Security Officer [REDACTED] who was posted at the side gaming floor entrance to alert her that an individual without proper identification was heading toward the side entrance of the gaming floor. Security Officer [REDACTED] provided Security Officer [REDACTED] with a description of [REDACTED]

At approximately 02:17AM [REDACTED] arrived at the side gaming floor entrance of the gaming floor. Security Officer [REDACTED] asked [REDACTED] for identification. Security Officer [REDACTED] visually checked the identification [REDACTED] provided and also utilized the identification scanner which registered the identification as valid. [REDACTED] was then allowed entrance to the gaming floor.

After thorough investigation of this instance by Commercial Gaming Inspector [REDACTED] it was determined that although Security Officer [REDACTED] visually and electronically checked the identification presented by [REDACTED] she did not make a visual comparison to [REDACTED] and the photo displayed on the identification [REDACTED] used to gain access to the gaming floor.



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## Timeline of events [REDACTED] from 8/31/2019:

| [REDACTED] | Time    | Event Occurred  |
|------------|---------|---|
| [REDACTED] | 02:15AM | Underage person approaches the front entrance podium and is asked to provide identification by Tioga Security Officer [REDACTED], and is denied entry   |
| [REDACTED] | 02:16AM | Underage person proceeds toward the side entrance of the gaming floor   |
| [REDACTED] | 02:17AM | Underage person approaches the side entrance podium and is asked to provide identification by Security Officer [REDACTED]   |
| [REDACTED] | 02:17AM | Underage person enters the gaming floor via the side entrance   |
| [REDACTED] | 02:18AM | Underage person walking on gaming floor toward pit [REDACTED]   |
| [REDACTED] | 02:18AM | Underage person proceeds up the main aisle and heads toward the back of the casino  |
| [REDACTED] | 02:18AM | Underage person arrives at and enters the bathroom located at the back of the casino floor  |
| [REDACTED] | 02:20AM | Underage person leaves the bathroom and proceeds back toward the side gaming entrance   |
| [REDACTED] | 02:21AM | Underage person sits down at slot bank [REDACTED] and watches   |
| [REDACTED] | 02:22AM | Underage person sits down at slot bank [REDACTED] and watches   |
| [REDACTED] | 02:26AM | Underage person leaves slot bank [REDACTED] and proceeds to slot bank [REDACTED]  |
| [REDACTED] | 02:28AM | Underage person switches to the other side of slot bank [REDACTED] and watches  |
| [REDACTED] | 02:32AM | Underage person leaves slot bank [REDACTED] and proceeds to slot bank [REDACTED]  |
| [REDACTED] | 02:33AM | Underage person switches his position to the other side of slot bank [REDACTED]   |
| [REDACTED] | 02:34AM | Underage person leaves slot bank [REDACTED] and proceeds to the TRU   |
| [REDACTED] | 02:35AM | Underage person proceeds to Pit [REDACTED] Table [REDACTED]. Tioga Security Supervisor [REDACTED] and Tioga Security Officer [REDACTED] approach the underage person and ask for identification. It is determined that the identification provided by the underage person does not belong to the underage person. |
| [REDACTED] | 02:43AM | Underage person is escorted off the gaming floor by Security and asked to leave for the night   |

After a review of the facts and circumstances as described above, evidence shows an underage person later identified as Gurpreet [REDACTED] accessing the gaming floor. As such, Tioga is in violation of 9 NYCRR § 5313.2(d)(3). Paragraph (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



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reach a destination that is not on the gaming floor. It should be noted that the security report provided by Tioga Downs related to this instance verified that the birthdate of [REDACTED] was in fact [REDACTED] making him 19 years of age at the time of the incident.

A violation of § 5313.2(d)(3) normally carries a fine of \$25,000 for a fourth violation within one year of a violation pursuant to 9 NYCRR § 5313.2(e). However, due to Tioga's continued efforts to stop underage access and the effort of Security Guard [REDACTED] the Commission has opted not to levy a fine in this circumstance. Please be advised however that this violation, NOV 19-Tioga-03, is officially handed down and at this time remains on record as the fourth violation within one year of a violation and shall be counted as a violation when calculating the number of violations and related fines pursuant to §§ 5313.2(d)(3) and (e).

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 appeal 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,

Director, Division of Gaming