



Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500
www.gaming.ny.gov

October 11, 2019

Sent Via Electronic Mail

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

Re: Notice of Violation 19-DEL-05

Dear [REDACTED]

The New York State Gaming Commission, Division of Gaming (the Commission) has reviewed an incident that occurred on September 4, 2019 at the del Lago Resort and Casino, operated by Lago Resort & Casino, LLC (Lago), in the casino during which an underage person was allowed access to the gaming floor.

At approximately 11:58pm on September 3, 2019, an underage patron (later identified as [REDACTED]) attempts to use an identification to gain entry at Lago's West podium and is denied entry by Lago Security Officer [REDACTED].

At approximately 01:15am on 09/4/2019 NYSGC Inspector [REDACTED] was notified by Lago Security Manager [REDACTED] that an underage patron was on the casino gaming floor. At 06:00am Surveillance advised that the underage patron's name was [REDACTED] with a Date of Birth (DOB) of [REDACTED]. [REDACTED] entered the gaming floor through Lago's North Entrance where he used borrowed Identification belonging to a [REDACTED] DOB [REDACTED]. The identification was validated as being for someone over 21 by the [REDACTED] system.

Security Supervisor [REDACTED] provided Inspector [REDACTED] with Involuntary Exclusion paperwork issued to patron [REDACTED], for intentionally allowing a minor to borrow his identification to gain access to the gaming floor.

Inspector [REDACTED] conducted a review, [REDACTED]. While conducting this review the following issues were observed:



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Violation Timeline		
Timeline		Narrative Description of Events
11:48:00pm – 11:49:00pm	██████████	Underage patron ██████████ attempts to use an identification to gain entry at Lago’s West podium and is denied entry by Lago Security Officer ██████████
12:27:40am-12:28.00am	██████████	Underage patron ██████████ uses the identification of ██████████ to gain entry at Lago’s North podium, Security Officer ██████████ scanned the Identification through the ██████████ system, and it registered green.
12:28am-12:32:48am	██████████	Underage patron ██████████ walks floor, with no gambling or drinking.
12:32:48am-1:13:43am	██████████	Underage patron ██████████ is observed playing at table ██████████
1:13:43am-1:14:45am	██████████	Underage patron ██████████ walks floor, with no gambling or drinking.
1:14:45am-1:14:52am	██████████	Underage patron ██████████ cashes two (2) red chips in at the Cage totaling \$10.00.
1:14:52am-1:1:26:18am	██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████	Underage patron ██████████ walks floor, with no gambling or drinking.
1:26:18am-1:26:34am	██████████	Underage patron ██████████ is approached by Lago Security Supervisor ██████████.
1:26:34am-1:28:04am	██████████	Underage patron ██████████ is escorted to the North exit by Lago Security.
1:28:04	██████████	Underage patron ██████████ exits property. ██████████ was on the gaming floor for 1 hour and 1 minute.

After a review of the facts and circumstances as outlined above, evidence shows an underage individual accessed the Lago casino gaming floor using identification that did not belong to him. As such, Lago Resort & Casino, LLC is in violation of 9 NYCRR §§ 5313.2(d)(3) and (4).



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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 reach a destination that is not on the gaming floor. A violation of paragraph § 5313.2(d)(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 June 28, 2019 (19 DEL-04), and this violation constitutes such fourth occurrence.

Paragraph (d)(4) states 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. A violation of paragraph (d)(4) carries a mandatory fine of \$5,000. The violation of (d)(4) at issue in this letter is the first (d)(4) violation for Lago within one year of a violation.

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

[REDACTED] Payments not timely made will be subject to interest and collection fees pursuant to New York State's State Finance Law § 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 request a hearing within 30 days will 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