



Gaming Commission

KATHY HOCHUL
Governor

BRIAN O'DWYER
Chair

October 2, 2023

Notice of Violation 23-Tioga-02

Sent Via Electronic Mail ([REDACTED])

[REDACTED]

Dear [REDACTED]:

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on September 15, 2023, at Tioga Downs Casino (TDC), during which unapproved slot machine/software testing took place within the [REDACTED] area of TDC.

On September 15, 2023, at 1:30 pm, the NYSGC was made aware of unapproved slot machine/software testing taking place at TDC. A shipping request submitted by representatives from Light and Wonder, referencing software for lab testing, prompted further review and investigation into the presence of the test lab.

During the review, Supervising Gaming Operations Inspector [REDACTED] spoke with employees of TDC in an attempt to locate the test lab. It was determined that there was in fact a test lab located within the [REDACTED] area of TDC. A visual observation of the test lab indicated that there was one slot machine, one redemption kiosk, and other various gaming equipment. Further, surveillance coverage of the area, as well as access control, were not present. A discussion with slot department representatives revealed the equipment was placed in the test lab days prior in anticipation of an upcoming software upgrade [REDACTED]. Deputy Director [REDACTED] notified and initiated a conversation with Compliance Director [REDACTED] in which Tioga was instructed to cease testing operations until such time that the required approval was granted.

After a review of the facts and circumstances as described above and the failure to seek the required approval from the Commission prior to conducting such testing, the NYSGC finds Tioga Downs Casino in violation of 9 NYCRR § 5321.8 (Live gaming-floor testing and software installation).

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law §§ 116 and 1305(16), which grant the Commission the authority to levy fines for violations of any rule, regulation or order, the Commission has determined that a fine in the amount of \$10,000 shall be assessed to Tioga Downs Casino.

Please remit the total amount of this fine (\$10,000) 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 State Finance Law Section 18. The violation has been assigned the reference number 23-Tioga-02.

If you wish to contest the violations 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, NY 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 A. Anapolis
Director, Division of Gaming

TAA/SM/jb: 23-Tioga-02/Final