



Gaming Commission

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

November 5, 2018

Notice of Violation 18-Tioga-02 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 October 10, 2018 at Tioga Downs Casino (Tioga) during which an underage person was allowed access to the gaming floor and to partake in gaming activity.

Specifically, on October 10, 2018 an underage male identified as [REDACTED], DOB: [REDACTED] gained access to the Tioga gaming floor by entering past the side security podium. Mr. [REDACTED] identification was not checked when entering.

NYSGC Senior Gaming Operations Inspector [REDACTED] reviewed [REDACTED] the incident and reviewed Security Incident Report [REDACTED]. [REDACTED] confirm the following:

Camera	Time	Occurrence
[REDACTED]	5:09:49PM	Patron walked past side security podium onto gaming floor without being asked for identification
[REDACTED]	5:10:18PM	Patron sits at 1 st slot machine
[REDACTED]	5:10:35PM	Patron inserts money into 1 st slot machine
[REDACTED]	5:11:00PM	Patron initiates 1 st spin/play on slot machine
[REDACTED]	5:19:05PM	Patron prints voucher after playing approximately 50 spins
[REDACTED]	5:19:49PM	Patron moves to 2 nd slot machine, inserts voucher and initiates 1 st spin
[REDACTED]	5:22:49PM	After playing unknown number of spins, patron prints voucher and leaves machine
[REDACTED]	5:24:21PM	Patron sits at 3 rd machine and inserts voucher
[REDACTED]	5:24:36PM	Patron initiates 1 st spin
[REDACTED]	5:27:41PM	Patron prints voucher after approximately 30 spins and leaves machine
[REDACTED]	5:32:35PM	Patron sits down at BJ [REDACTED]
[REDACTED]	5:33:34PM	Patron buys in for \$60 and receives \$60 in red cheques
[REDACTED]	5:34:10PM	Patron plays 1 st hand at \$5 a hand



Gaming Commission

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

█	6:00:32PM	Patron requests drink from server and is asked for identification by server
█	6:06:24PM	Patron approached by Security Supervisor █ and is again asked to produce identification
█	6:07:05PM	Patron's \$62.50 worth of cheques are confiscated by Security Supervisor █ and Patron begins to be escorted from the gaming floor after playing approximately 49 hands of Blackjack
█	6:07:59PM	Patron exits gaming floor escorted by security
█	6:10:02PM	Patron exits building after his ID is scanned

After a review of the facts and circumstances as described above, evidence shows an unidentified underage patron to be on the gaming floor for approximately one hour. As such, Tioga Downs Casino is in violation of 9 NYCRR §§ 5313.2(d)(3) and (4). 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. Paragraph (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.

A violation of paragraph (d)(3) carries a fine of \$5,000 for a second violation within one year of a violation. The violation of (d)(3) at issue in this letter is the second violation within one year of a violation. As a reminder, the most recent violation was set forth in my letter of July 31, 2018.

A violation of paragraph (d)(4) carries a mandatory fine of \$20,000 for the second violation. The violation of (d)(4) at issue in this letter is the second violation for Tioga within one year of a violation. As a reminder, the most recent violation, was set forth in my letter of July 31, 2018.

Accordingly, the New York State Gaming Commission hereby levies fines against Tioga of \$5,000 for the second violation of 9 NYCRR § 5313.2(d)(3) and of \$20,000 for a second violation of 9 NYCRR § 5313.2(d)(4). Please remit the cumulative amount of these fines (\$25,000) to the New York State Gaming Commission within 30 days of this letter. █

█ Payments not timely made will be subject to interest and collection fees pursuant to State Finance Law section 18. This violation has been assigned the identification code of "18-Tioga-02".

If you wish to contest either of 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, New York 12305 within 30 days of receipt of this letter. Failure



Gaming Commission

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

to appeal within 30 days will be considered a waiver of any available appeal, and any requests to appeal received after the 30 days will be rejected as untimely.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Anapolis".

Thomas A. Anapolis
Director, Division of Gaming