

NEW YORK STATE GAMING COMMISSION VIOLATION NOTIFICATION

A. Facility/Vendor: **MGM Empire City Casino at Yonkers Raceway**

Date of Notification: 11-30-2023

Date of Violation: 11-05-2023

Case Number: Gaming 23-15

B. Facility/Employee Cited:

<u>Name</u>	<u>License #</u>	<u>Address</u>
Empire City Casino at Yonkers Raceway		810 Yonkers Avenue, Yonkers, NY 10704

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:

- (1) participate as a player at any game in a video lottery gaming facility;
- (2) receive any complimentary service(s) or item(s) as a result of, or in anticipation of, such person's gaming activity;
- (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.

(b) To insure compliance with this section, each video lottery gaming agent shall post appropriate security personnel at the entrances to the video lottery gaming facility.

(c) Each violation of any of the provisions of subdivision (a) of this section as to a single underage person shall be considered a separate and distinct violation.

(2) The commission shall penalize a licensee found to have violated paragraph (3) of subdivision (a) of this section as follows:

- (ii) for a second violation within one year of a violation, a fine of \$5,000;

D. Summary of Violations:

On 11/5/23 Peace Officer [REDACTED] (NYS License # [REDACTED]) was working the door at Post [REDACTED]. A male who was later identified as [REDACTED] (DOB [REDACTED]) approached P.O. [REDACTED] and presented a NYSID Card. P.O. [REDACTED] placed the ID in the card reader and checked its validity in [REDACTED]. At this time the screen turned red due to [REDACTED] being underage. P.O. [REDACTED] turned to advise [REDACTED] that he would not be allowed in but [REDACTED] had already departed the area. P.O. [REDACTED] immediately notified Surveillance who already had received the alert. Surveillance located [REDACTED] walking in the [REDACTED]-Section with a male who was later identified as his father [REDACTED] [REDACTED] (DOB [REDACTED]). Both subjects were escorted back to Post [REDACTED] by the assigned, Asst. Security Manager [REDACTED] (NYS License # [REDACTED]) Sgt. [REDACTED] (NYS License # [REDACTED] and P.O. [REDACTED] # [REDACTED]. While attempting to speak with [REDACTED] he attempted to forcefully take his ID back from Sgt. [REDACTED] [REDACTED] and [REDACTED] were both issued Indefinite Trespass Notices and escorted off the property at 1909 hours.

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Accordingly, the Division of Gaming hereby levies a fine of \$5,000 to MGM Empire City Casino at Yonkers Raceway in Yonkers, NY for a second violation in the last 365 days of paragraph (2) of subdivision (ii) of §5117.1. Please remit the fine to the New York State Gaming Commission on or before 12/30/2023. [REDACTED]

[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.

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

E. Action Taken By Facility:

F. Name of Individual Completing this Form:

Printed: Jim Googas Signature: 

Title: Deputy Director, Division of Gaming Date: November 30, 2023

*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: Thomas Anapolis, Director, Gaming Division
Licensing