



# Gaming Commission

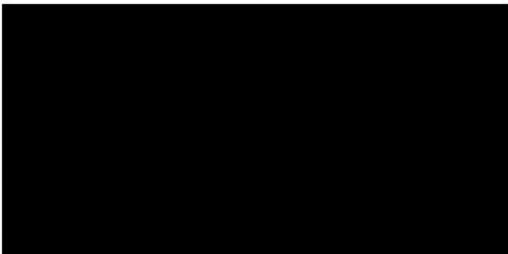
**KATHY HOCHUL**  
Governor

**BRIAN O'DWYER**  
Chair

November 20, 2023

## Notice of Violation 23-TDC-03

Sent Via Electronic Mail [REDACTED]



Dear Mr. [REDACTED]:

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on November 5, 2023, at Tioga Downs Casino Resort (TDC), during which an underage individual was allowed access to the casino gaming floor.

On November 5, 2023, at approximately 8:30 pm, Tioga Downs Security informed the NYSGC that an underage individual had been on the gaming floor. A [REDACTED] review conducted by Senior Inspector [REDACTED] showed that the underage individual, [REDACTED] DOB [REDACTED] had been in the FanDuel Sportsbook for a total of 36 minutes. While on the gaming floor, [REDACTED] did not place a wager, nor was there any indication that he consumed any alcoholic beverages.

An independent review was conducted which revealed the following:

Timeline	[REDACTED]	Narrative Description of Events
19:21	[REDACTED]	[REDACTED] age 20, presents his identification to Security Officer [REDACTED]. Officer [REDACTED] scans the identification and proceeds to allow [REDACTED] into the FanDuel Sportsbook even though his identification indicates that he is under twenty-one years of age.
19:24	[REDACTED]	[REDACTED] approaches self-betting terminal # [REDACTED] but does not place a wager.
19:28	[REDACTED]	[REDACTED] exits FanDuel Sportsbook and remains in the lobby.
19:32	[REDACTED]	Security Officer [REDACTED] is relieved by Security Officer [REDACTED] at the FanDuel Sportsbook podium.
19:49	[REDACTED]	[REDACTED] re-enters FanDuel Sportsbook and Officer [REDACTED] does not request identification.
19:55	[REDACTED]	[REDACTED] approaches self-betting terminal # [REDACTED] spends approximately one minute at self-betting terminal # [REDACTED] but again does not place a bet.
20:18	[REDACTED]	[REDACTED] exits FanDuel Sportsbook.

20:20	████	████ attempts to re-enter FanDuel Sportsbook. Security Officer █████ then scans the identification and prevents █████ from entering as a result of him being under the age of twenty-one. █████ Officer █████ then radios for a supervisor. Dual Rate Security Supervisor █████ is observed addressing █████
20:36	████	████ leaves the property without incident.

Throughout the duration of the review, the underage minor was on the gaming floor for a total of approximately 36 minutes. During the review, NYSGC did not observe any gaming or alcohol consumption.

Attached please find the TDC Security Report as well a screen capture of the scanner used in determining █████ age, indicating that he is under the age of twenty-one. After a review of the facts and circumstances as described above, as well as the TDC Security Report related to this incident, evidence shows that an underage individual gained access to the TDC gaming floor in violation of 9 NYCRR § 5313.2(d)(3).

Section 5313.2(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 no longer than necessary to reach a destination that is not on the gaming floor.

Pursuant to 9 NYCRR § 5313.2(e)(2), a second violation of 9 NYCRR § 5313.2(d)(3) carries a mandatory fine of \$5,000. The current violation of 9 NYCRR § 5313.2(d)(3) at issue in this letter is TDC's second violation of 9 NYCRR § 5313.2(d)(3) within a one-year period. Pursuant to 9 NYCRR § 5313.2(e)(2), TDC is fined \$5,000 for this violation.

Please remit the total amount of this fine (\$5,000) to the New York State Gaming Commission within 30 days of the date of this letter. █████

█████. Payments not timely made will be subject to interest and collection fees pursuant to State Finance Law Section 18. The violation has been assigned 23-TDC-03.

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,



Scott McLearn  
Deputy Director of Gaming

Attachments (2)  
SM/jb: 23-TDC-03