



# Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

November 18, 2019

### Sent Via Electronic Mail

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

### Re: Notice of Violation 19-DEL-06

Dear [REDACTED],

The New York State Gaming Commission, Division of Gaming (the Commission) has reviewed an incident that occurred on October 28, 2019 in the casino at the del Lago Resort and Casino, operated by Lago Resort & Casino, LLC (del Lago), during which an underage person was allowed access to the gaming floor.

At approximately 1:33 a.m., on October 28, 2019, an underage patron (later identified as [REDACTED]) entered the gaming floor through del Lago's West Entrance. [REDACTED] presented identification not belonging to him to Security Officer [REDACTED]. Officer [REDACTED] placed the identification in the [REDACTED] machine. The [REDACTED] machine screen registered green indicating the individual was over 21 years of age. [REDACTED] was allowed access to the gaming floor.

At approximately 01:50 a.m., NYSGC Inspector [REDACTED] was notified by Security Supervisor [REDACTED] that there was an underage patron on the casino gaming floor. The individual was identified as [REDACTED] with a Date of Birth (DOB) of [REDACTED]. The identification used by [REDACTED] to gain access to the casino gaming floor was identified as belonging to [REDACTED], DOB: [REDACTED].

[REDACTED] was on the gaming floor for approximately 14 minutes from 1:33 a.m. to 1:47 a.m. [REDACTED] was observed buying in for \$20 at Craps Table [REDACTED] while he was on the gaming floor.

Surveillance review conducted by Inspector [REDACTED] revealed the following:

Violation Timeline		
Timeline	[REDACTED]	Narrative Description of Events
01:33:25 - 01:34:0201:	[REDACTED]	Underage patron [REDACTED] approaches the West Podium and presents identification belonging to [REDACTED] to Security Officer [REDACTED]. Security Officer [REDACTED] places the



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33:25 - 01:34:02		identification in the [REDACTED] machine to verify the identification is valid and the patron is over 21. The scan of the identification produces a green screen on the [REDACTED] machine. The DOB on the identification of [REDACTED] indicates the individual is 30 years old. [REDACTED] enters the casino gaming floor at approximately 01:33:59.
01:34:02 - 01:34:25	[REDACTED]	[REDACTED] walks the casino gaming floor.
01:34:25 - 01:41:20	[REDACTED] [REDACTED]	[REDACTED] stops at Craps Table [REDACTED] and buys in for \$20 [REDACTED]
01:41:20 - 01:44:24	[REDACTED]	Security Supervisor [REDACTED] and Security Supervisor [REDACTED] approach and converse with [REDACTED] while he is standing at Craps Table [REDACTED]. Security Supervisor [REDACTED] obtains 2 pieces of identification from [REDACTED] the identification belonging to [REDACTED] which [REDACTED] presented to Security Officer [REDACTED] at the West Podium and an [REDACTED] identification card indicating the name of [REDACTED] DOB [REDACTED]. Security Supervisor [REDACTED] photographs both pieces of identification [REDACTED].
01:44:24 - 01:45:05	[REDACTED] [REDACTED]	Security Supervisor Henry #2090 and Security Supervisor [REDACTED] escort [REDACTED] to the cashier cage to cash in his chips.
01:45:05 - 01:45:45	[REDACTED]	[REDACTED] approaches the cashier cage and cashes in his chips.
01:45:45 - 01:47:05	[REDACTED]	Security Supervisor [REDACTED] and Security Supervisor [REDACTED] escort [REDACTED] from the cashier cage to the West Entrance/Exit. [REDACTED] exits the West Entrance/Exit at approximately 01:47:01.

After a review of the facts and circumstances as outlined above, evidence shows an underage individual accessed the del 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). 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 October 11, 2019 (19 DEL-05).



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Please remit the total amount of this fine (\$25,000) 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