



[Redacted] Chair [Redacted]

January 3, 2024

Notice of Violation 23-RCR-02

Sent Via Electronic Mail [Redacted]

[Redacted]

[Redacted]

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed two (2) incidents that occurred on December 1, 2023 and December 2, 2023, at Rivers Casino and Resort (RCR), during which an underage person was allowed access to the casino gaming floor and participated in gaming activity and alcohol consumption.

NYSGC was made aware of a denied entry for using someone else’s ID that occurred on 12/5/2023. Patron [Redacted] passed his ID off to an unknown male at the high limits smoking patio. [Redacted] was issued a thirty-day ban pending review by security at this time. [Redacted] stated that the unknown male was his twin brother, which would make both of them twenty-one years old.

The NYSGC review found that on 12/1/2023 and 12/2/2023, [Redacted] passed off his ID to the unknown male at the high limits smoking patio and that the unknown male used it to gain access to the gaming floor on both occasions. On 12/1/2023 the unknown male was let in by Security Officer [Redacted]. The unknown male had sixty-seven (67) instances of gaming and two (2) instances of alcohol consumption. On 12/2/2023, the unknown male was let in by Security Officer [Redacted]. The unknown male had forty-five (45) instances of gaming and zero (0) instances of alcohol consumption. Rivers Security Department failed to verify the unknown males age.

[Redacted]

[Redacted]

An independent review was conducted which revealed the following:

Timeline	Camera	Narrative Description of Events
12/01/2023		Trip 1
2310.28-2310.33	18	██████████ and ██████████ arrive on property in a ██████████
2310.36-2310.58	17	██████████ drives and parks in surface lot three (3).
2310.58-2314.41	2	██████████ and ██████████ are observed sitting in their vehicle. They exit and stop at another vehicle in surface lot three (3).
2314.41-2315.26	17	██████████ and ██████████ begin walking towards the casino.
2315.27-2315.39	19	██████████ walks towards the Southwest entrance and walks into the vestibule.
2315.34-2315.48	20	██████████ walks past the Southwest entrance and along the sidewalk towards the elevator entrance.
2315.39-2315.45	76	██████████ walks into the vestibule and proceeds into the Southwest entrance.
2315.43-2315.56	803	██████████ presents his ID to Security Officer ██████████ and is permitted entry onto the gaming floor.
2315.48-2316.12	7	██████████ continues down the sidewalk towards the valet.
2315.56-2316.06	81	██████████ walks onto the gaming floor and proceeds to cut through slot section ██████████
2316.05-2316.23	257	██████████ cuts through slot section ██████████ into slot section ██████████
2316.23-2316.32	267	██████████ cuts through slot section ██████████ into slot section ██████████
2316.32-2317.06	435	██████████ cuts through the middle of the gaming floor and between pits ██████████ then exits the gaming floor through the elevator entrance and proceeds towards the valet.
2316.50-2317.00	571	██████████ walks through the parking garage towards the valet.
2317.00-2317.15	572	██████████ continues through the garage and enters the valet vestibule.
2317.00-2317.11	503	██████████ walks towards the valet and proceeds towards the event center restroom.
2317.11-2318.48	501	██████████ enters the event center restroom and exits the event center restroom.
2317.25-2317.32	504	██████████ walks through the valet vestibule towards the event center restroom.
2317.32-2317.38	502	██████████ continues through the valet lobby towards the event center restroom.
2317.38-2320.12	501	██████████ enters the event center restroom. ██████████ and ██████████ exit the event center restroom together and enter the event center prefunction together.
2318.48-2319.06	503	██████████ walks towards the elevator entrance.

2329.05-2329.21	486	██████████ presents ██████████ ID to Security Officer ██████████. ██████████ grants access to ██████████ who enters the gaming floor. ██████████. Security Officer ██████████ is present.
2329.21-2329.46	378	██████████ walks past Rush Rewards and proceeds through slot section ██████████
2329.44-2329.57	807	██████████ walks through slot section ██████████ towards Pit ██████████
2329.57-2330.07	459	██████████ continues past Duke's Bar towards Pit ██████████.
2330.08-2337.18	203	██████████ meets up with ██████████ by Pit ██████████ and ██████████ are observed sitting down at ██████████. ██████████ is observed buying in and gaming while ██████████ is observed sitting at the table and not gaming. Both ██████████ and ██████████ get up from ██████████ and walk around Pit ██████████ towards ██████████
2337.18-2350.14	201	██████████ and ██████████ walk around Pit ██████████ and both sit at ██████████. ██████████ is observed watching ██████████ gaming. ██████████ then gets up and proceeds through slot section ██████████
2350.14-2350.30	187	██████████ walks through slot sections '██████████ and ██████████
2350.29-2352.05	189	██████████ walks through slot section ██████████ and enters the food court area.
2352.07-2356.15	71	██████████ walks towards Johnny's and speaks to an unknown male patron then proceeds to the Johnny's counter. ██████████ does not buy anything then exits the food court.
2356.15-2356.40	189	██████████ walks through slot sections ██████████ and ██████████ towards Pit ██████████
2356.40-0004.16	201	██████████ returns to ██████████ and sits with ██████████. ██████████ and ██████████ then depart ██████████ and sit down at ██████████
0004.16-0019.24	203	██████████ is observed watching ██████████ game at ██████████ and ██████████ ██████████ is not observed gaming.
0019.24-0022.02	212	██████████ is observed watching ██████████ gaming at ██████████ ██████████ is not observed gaming.
0022.02-0023.35	190	██████████ is observed walking to ATM ██████████ then walks back to ██████████ and sits down.
0023.35-0030.16	212	██████████ sits down at ██████████ and watches ██████████ game. ██████████ is not observed gaming. ██████████ then departs ██████████ and proceeds towards ██████████
0030.16-0033.20	191	██████████ walks through slot section '██████████ and ██████████ towards ATM ██████████ then departs ATM ██████████ with ██████████ and proceed towards Pit ██████████
0033.20-0036.57	196	██████████ is observed sitting at ██████████ without gaming. He then departs the slot machine he is sitting at and walks through slot section ██████████ towards Pits ██████████ and ██████████
0036.57-0039.59	345	██████████ is observed standing at ██████████ but does not game. He departs the area and walks between Pits ██████████ and ██████████
0039.58-0040.17	439	██████████ continues between Pits ██████████ and ██████████ towards the food court.
0040.17-0040.30	71	██████████ proceeds towards Johnny's.

0040.30-0058.33	68	██████████ orders food and waits at Johnny's. ██████████ is observed purchasing the food with a blue Rush Rewards card. Fountain Attendant ██████████ is not observed ID'ing ██████████ for the purchase.
0058.48-0059.09	189	██████████ is observed walking through slot section ██████████ and proceeds to Pit ██████████
0059.09-0059.58	459	██████████ is observed walking through slot section ██████████ and proceeds towards Pit ██████████
0059.58-0101.07	203	██████████ arrives at ██████████ then departs ██████████ into the high limit slot area and stands at ██████████ bank.
0101.07-0102.22	157	██████████ stands at ██████████ bank eating his food ██████████ then departs ██████████ and proceeds towards Duke's Bar.
0102.22-0131.00	N/A	██████████ is seen walking the gaming floor. He briefly stops at Pit ██████████ then proceeds to Johnny's sitting area. ██████████ then departs Johnny's and proceeds back to Pit ██████████
0131.14-0139.29	452	██████████ arrives at Roulette ██████████ and buys in for \$20. He plays six spins with an average bet of \$15 betting on outside colors. He wins five spins and loses one spin.
0139.29-0143.09	432	██████████ moves to Blackjack ██████████ and Spanish 21 ██████████ with no play.
0143.15-0206.52	452	██████████ returns to Roulette ██████████ He plays twenty-one spins with an average bet of \$15 making various outside wagers. He wins nine spins, pushes three spins and loses nine spins.
0206.50-0217.30	432/198	██████████ leaves Roulette ██████████ and arrives at Rising Phoenix ██████████ He does not play.
0217.31-0237.49	198/432	██████████ departs Rising Phoenix ██████████ and returns to Roulette ██████████ He plays twenty-three spins with an average bet of \$15 making various outside wagers. He wins fifteen spins, pushes one spin, and loses seven spins.
0239.23-0244.39	450	██████████ departs ██████████ walks past pit ██████████ and then walks towards pit ██████████ and sits at Spanish 21 ██████████ He plays three hands averaging \$20 with two match the dealer side wagers of \$5 each. He wins one hand and one match the dealer wager and loses two hands and one match the dealer wagers.
0242.11-0243.33	306	Cocktail Server ██████████ is observed making two alcoholic beverages in the service well.
0244.39-0246.11	382	██████████ departs Spanish 21 ██████████ and walks towards pit seven, then he walks towards pit five and reunites with ██████████.
0246.30-0249.23	432	██████████ receives two alcoholic beverages from Cocktail Server ██████████. He then hands one of the alcoholic beverages to ██████████.
0249.23-0251.55	452	██████████ sits down at Roulette ██████████ He plays two spins with an average bet of \$15 making various outside wagers. He loses both spins.
0253.33-0345.15	430	██████████ departs Roulette ██████████ walks towards pit two then back towards pit five. He sits at Roulette ██████████ He plays thirty-six spins with an average bet of \$15 making various outside wagers. He wins seventeen spins, pushes one spin, and loses eighteen spins.
0345.15-0347.08	432	██████████ departs Roulette ██████████ he sits at Spanish 21 ██████████ but leaves immediately.
0347.25-0359.27	430	██████████ returns to Roulette ██████████ He plays three spins with an average bet of \$15 making various outside wagers. He loses all three spins.
0400.12-0420.28	204	██████████ sits down at ██████████ He is not observed gaming.
0420.28		██████████ and ██████████ get up from ██████████ ██████████ does not play a single round and head to the cage.
0420.49		██████████ and ██████████ move to the cage where ██████████ cashes out.

0421.47		██████████ and ██████████ enter zone 1 restroom
0426.50		██████████ and ██████████ order food and two drinks at Villa. ██████████ appears to order an alcoholic beverage while ██████████ does not.
0435.10		██████████ and ██████████ can be seen exiting through Southwest Entrance.
12/2/2023		Trip 2
2304.04-2304.14	486	██████████ presents his ID to Security Officer ██████████ and is permitted entry to the Gaming Floor.
2306.21-2310.43	29/5	██████████ passes his ID off to ██████████ at the high limits smoking patio.
2312.07-2312.28	486	██████████ is permitted entry at the elevator entrance by Security Officer ██████████. Security Officer ██████████ is present.
2313.17-2319.10	204	██████████ sits with ██████████ at Rising Phoenix ██████████
2319.10-2319.21	191	██████████ and ██████████ departs Rising Phoenix ██████████ and walks to ATM ██████████. He does not withdraw funds and then sits at ██████████. No play at this time.
2320.36-2323.00	68/46	██████████ walks to Johnny's and gets food. It appears ██████████ uses ██████████ Platinum Rush Rewards Card to pay for the food. Fountain Attendant ██████████ does not verify who the players card belongs to.
2323.00-2330.09		██████████ is observed walking the gaming floor.
2330.09-2333.53	212	██████████ and ██████████ return to Rising Phoenix ██████████. ██████████ then departs the table and is observed walking the gaming floor.
2333.53-2335.49		██████████ departs the table and is observed walking the gaming floor.
2335.49-0006.17	212	██████████ sits back down at RP209. At 2358.10 hrs. ██████████ gives approximately five red cheques to ██████████. ██████████ then makes a wager on spot 7 banker and loses.
0006.17-0007.13	212	██████████ departs ██████████ and is observed walking the gaming floor.
0007.13-0016.22	443/428	██████████ arrives at Blackjack ██████████ and buys in for \$20. He plays seven hands, average bet \$15, wins three hands and loses four hands.
0016.22-0016.55	819	██████████ is observed walking the gaming floor and receives cash from ATM ██████████
0016.55-0019.32	443/428	██████████ is observed walking the gaming floor and arrives at ██████████
0019.32-0027.32	443	██████████ arrives at Blackjack ██████████ has a total buy in of \$40. He plays eighteen hands, average bet \$20, wins six hands, pushes four hands, and loses eight hands.
0027.32-0031.26	819	██████████ is observed walking the gaming floor and receives cash from ATM ██████████
0031.26-0033.40	431	██████████ attempts to buy in at ██████████ for \$20 but the cash is pushed back by the dealer.
0033.55-0034.39	428	██████████ arrives at Blackjack ██████████ and buys in for \$20. He plays one hand for \$20 and loses. He then leaves the table.
0034.39-0100.55	212	██████████ returns to Rising Phoenix ██████████ and speaks with ██████████. ██████████ plays four hands with an average bet of \$30. He wins three hands and loses one hand. ██████████ then sits at the table and does not play.

0100.55-0101.50		██████████ is observed walking the gaming floor.
0101.50-0109.20	432/430	██████████ arrives at Roulette 503 ██████████ plays four spins with an average bet of \$25 betting on the outside colors. He wins all four spins.
0109.20-0110.40	816	██████████ arrives at Flipt and speaks with Flipt Attendant R ██████████. He retrieves a phone charger from ██████████.
0111.30-0111.55	432/430	██████████ arrives at Roulette ██████████ and plays one spin with a bet of \$30 on the outside resulting in a loss.
0111.55-0115.35	138	██████████ is observed walking the gaming floor until he arrives at the main cage window seven and cashes out \$125 in cheques.
0115.35-0124.54	438	██████████ is observed walking the gaming floor and has a brief conversation with Table Games Dealer ██████████ during table closing procedures at Blackjack ██████████.
0124.54-0143.28	438/230	██████████ arrives at Roulette ██████████ and plays seven spins with an average bet of \$40 betting on the outside colors. He wins five spins and loses two spins.
0143.28-0146.52	138/146	██████████ departs ██████████ and is observed walking the gaming floor until he arrives at the main cage and cashes out at main cage window seven for \$140.
0146.52-0159.43		██████████ is observed walking the gaming floor until he arrives at ██████████.
0159.43-0200.40	432/430	██████████ arrives at Roulette ██████████ and plays one spin for \$20 betting on outside colors. He loses the spin.
0200.40-0210.07		██████████ is observed walking the gaming floor. ██████████ and ██████████ have a brief conversation with Table Games Dealer ██████████ in the vicinity of pit ██████████ and ██████████ then proceed towards the Southwest entrance.
0210.07		██████████ and ██████████ exit via the Southwest entrance and depart property in a ██████████.
12/5/2023		Trip 3 Attempt
1722.58-1723.13	486	██████████ presents his ID to Security Officer ██████████ and is permitted entry to the gaming floor.
1827.11-1829.17	29	██████████ arrives outside of the high limit smoking patio. ██████████ is observed approaching the exterior and retrieving ██████████ ID.
1828.12-1828.44	5	██████████ enters the high limit smoking patio and places his ID between the glass and the wall for ██████████.
1831.10-1834.12	486	██████████ presents ██████████ ID to Security Officer ██████████ at Elevator Entrance. ██████████ Security Officer ██████████ begins questioning ██████████ about the ID. Security Officer ██████████ and Security Manager ██████████ are then observed denying ██████████.
1839.53-1841.01	378	Security Manager ██████████ is observed speaking with ██████████ about ██████████ using his ID to enter the gaming floor. Security Manager ██████████ is observed returning ██████████ ID back to him.
1841.55-1843.12	78	██████████ is issued a 30-day ban pending review from Security Manager ██████████.
1844.14-1853.26	2	██████████ and ██████████ meet outside Southwest entry and are observed leaving property.

After a review of the facts and circumstances as described above, as well as the RCR Security and Surveillance reports (attached) related to these two (2) incidents, an underage individual accessed the RCR gaming floor and participated in gaming activity, in violation of 9 NYCRR § 5313.2(d)(3) and (4).

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)(1), a first violation of 9 NYCRR § 5313.2(d)(3) carries a mandatory fine of \$1,000. The current violation 9 NYCRR § 5313.2(d)(3) at issue in this letter is RCR's first violation of 9 NYCRR § 5313.2(d)(3) within a one-year period. Pursuant to 9 NYCRR § 5313.2(e)(1), RCR is fined \$1,000 for this violation.

Section 5313.2(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. Pursuant to 9 NYCRR § 5313.2(f)(1), a first violation of 9 NYCRR § 5313.2(d)(4) carries a mandatory fine of \$5,000. The current violation of 9 NYCRR § 5313.2(d)(4) at issue in this letter is RCR's first violation of 9 NYCRR § 5313.2(d)(4) within a one-year period. Pursuant to 9 NYCRR § 5313.2(f)(1), RCR is fined \$5,000 for this violation.

In addition, RCR is in violation of Alcoholic Beverage Control Law § 65(1), which forbids a person to sell, deliver, or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to an underage person. Pursuant to 9 NYCRR § 5328.7(a), RCR is fined \$5,000 for this violation.

Please remit the total amount of these fines (\$11,000) to the New York State Gaming Commission within 30 days of the date of this letter. [REDACTED]

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-RCR-02