



# Gaming Commission

**KATHY HOCHUL**  
Governor

**BRIAN O'DWYER**  
Chair

January 19, 2024

**Notice of Violation 23-RCR-03A (Supersedes 23-RCR-03)**  
Sent Via Electronic Mail ( [REDACTED] )

[REDACTED]

Dear [REDACTED]

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on December 16, 2023, at Rivers Casino and Resort (RCR), during which an underage person was allowed access to the prefunction area and participated in alcohol consumption.

NYSGC was made aware of a denied entry at the southwest entrance of an underage unknown male and unknown female by Security Officer [REDACTED]. The unknown male presented a vertical ID that was not scanned through [REDACTED]. The unknown male and female left through the southwest entrance and proceeded to walk towards the valet entrance. Upon arriving at the valet entrance, the unknown male and female entered the prefunction area for an event. Given the fact that the unknown male was called out as a denied entry, Surveillance maintained coverage.

At 5:33 pm, the unknown male was served an alcoholic beverage by Banquet Bartender [REDACTED]. Bartender [REDACTED] failed to request identification for the alcoholic beverage. Banquet Shift Manager [REDACTED] and Security Supervisor [REDACTED] were eventually notified. Surveillance Supervisor [REDACTED] was on task with maintaining coverage and providing updates at the time. The unknown male was not approached by Security until 5:58 pm, at which time he presented a fake ID with the name of [REDACTED]. When confronted, the unknown male admitted that the ID was fake, but that [REDACTED] was his real name. [REDACTED] was ejected at 6:01 pm, twenty-eight (28) minutes after he was served an alcoholic beverage. It was later determined, [REDACTED], that Surveillance failed to notify Food and Beverage for nine (9) minutes and Security for eleven (11) minutes regarding the underage male consuming alcohol; notification was at 5:42 pm and 5:44 pm respectively.

An independent review was conducted which revealed the following:

Violation Timeline		
Timeline		Narrative Description of Events
1724.42-1725.21		██████████ and the unknown female are dropped off outside of the southwest entrance by a silver sedan.
1725.21-1726.08		██████████ and the unknown female entered the southwest entrance and are denied entry by Security Officer ██████████. Security Officer ██████████ is present. The denied entry is called out for the unknown male being under 21 years old.
1726.08-1728.50		██████████ and the unknown female walk from the southwest entrance outside the front of the casino. They move through the garage and enter the valet entrance.
1728.50-1733.10		██████████ and unknown female enter the prefunction area.
1733.10		██████████ and the unknown female approach the bar. ██████████ is served an alcoholic beverage by Bartender ██████████ without being asked for his ID.
1733.10-1746.23		██████████ walks around the prefunction area while consuming the alcoholic beverage.
1746.23-1747.04		Security Supervisor ██████████ walks past ██████████ while on the phone with Surveillance. ██████████ proceeds towards the elevator entrance. ██████████ has a brief conversation with Security Officer ██████████ who redirects him towards the Event Center. Security Supervisor ██████████ catches up to ██████████ but fails to stop him. Supervisor ██████████ then receives a call from Surveillance.
1747.04-1747.59		██████████ walks away from the elevator entrance and proceeds to the hotel lobby. Supervisor ██████████ maintains close proximity while still on the phone.
1747.59-1748.51		██████████ exits the hotel lobby and reenters the prefunction area. He returns to a table and continues to consume the alcoholic beverage.
1748.05		Supervisor ██████████ notifies Banquet Shift Manager ██████████ of ██████████ underage status.
1748.39		Manager ██████████ notifies event bartenders of ██████████ underage status.
1748.39-1758.12		██████████ continues to consume the alcoholic beverage in the prefunction area.
1758.12-1800.58		Supervisor ██████████ and Security Shift Manager ██████████ approach ██████████ and the unknown female in the prefunction area. ██████████ hands the alcoholic beverage to the unknown female who does not drink. ██████████ presents a manufactured ID to Supervisor ██████████ which is confiscated. An unknown male guest that is over twenty-one takes the alcoholic beverage from the unknown female.
1800.58-1805.27		██████████ and the unknown female are issued an ejection. They walk out through the valet entrance and proceed to the intersection in front of the casino.
1805.27-1808.14		██████████ and the unknown female depart property in a silver SUV.

After a review of the facts and circumstances as described above, as well as the RCR Security and Surveillance reports (attached) related to this incident, an underage individual accessed the RCR prefunction area and participated in alcohol consumption, in violation of the Alcoholic Beverage Control Law § 65(1).

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 this fine (\$5,000) 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 State Finance Law Section 18. The violation has been assigned 23-RCR-03A.

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 McLear  
Deputy Director of Gaming

Attachments (2)  
SM/jb: 23-RCR-03A