



# Gaming Commission

**KATHY HOCHUL**  
Governor

**BRIAN O'DWYER**  
Chair

January 19, 2024

## Notice of Violation 23-RCR-04

Sent Via Electronic Mail ( [REDACTED] )



Dear [REDACTED]:

The New York State Gaming Commission, Division of Gaming (NYSGC) has reviewed an incident that occurred on December 22, 2023, at Rivers Casino Resort (RCR), during which an underage individual was allowed access to the casino gaming floor.

On December 22, 2023, at 5:49 p.m., an individual identified as [REDACTED] accessed the gaming floor through the southwest entrance. [REDACTED] handed his passport to Security Officer [REDACTED], who examined it and showed Security Officer [REDACTED]. After both officers reviewed the passport, [REDACTED] was permitted access to the floor. [REDACTED] walked through slot sections [REDACTED] and [REDACTED] eventually making his way to the Van Slyck's Smoking Patio. When [REDACTED] exited the smoking patio, he made his way through the casino floor between pits [REDACTED] and [REDACTED] where he arrived at Rush Rewards. Security Supervisor [REDACTED], who had been advised by Officers [REDACTED] and [REDACTED] that they had possibly allowed an underage patron access to the floor, was directed to Rush Rewards by Surveillance and approached [REDACTED]. A review of [REDACTED] passport by Supervisor [REDACTED] indicated a date of birth of January 24, 2003, which means that [REDACTED] was under the age of 21 at the time [REDACTED] was permitted to gain access to the casino floor. [REDACTED] was then escorted off the property.

An independent review was conducted which revealed the following:

Timeline	[REDACTED]	Narrative Description of Events
1747.44-1749.43	[REDACTED]	T. [REDACTED] and two (2) unknown males and two (2) unknown females park in the Van Slyck's parking lot and walk to the southwest entrance.
1749.33-1750.13	[REDACTED]	Security Officer [REDACTED] is handed [REDACTED] passport, which is seconded by Security Officer [REDACTED], and [REDACTED] is allowed access to the gaming floor.
1750.13-17.53.38	[REDACTED]	[REDACTED] walks around the casino traveling in the following sections: Poker smoking vestibule, Van Slyck's Smoking Patio, Section [REDACTED] Section [REDACTED] between Pit [REDACTED] and Pit [REDACTED] and into the Zone [REDACTED] bathroom.

1753.58-1755.38	[REDACTED]	[REDACTED] is in Zone [REDACTED] restrooms.
1755.38-1802.32	[REDACTED]	[REDACTED] walks to Rush Rewards where the group he entered with is waiting and stands in line.
1802.32-1804.00	[REDACTED]	[REDACTED] is helped by Marketing Ambassador [REDACTED]
1804.00-1810.20	[REDACTED]	[REDACTED] is approached by Security Supervisor [REDACTED] and Security Shift Supervisor [REDACTED] and moved to the elevator entrance.
1810.20	[REDACTED]	[REDACTED] is ejected from the property by [REDACTED] and [REDACTED] and escorted to the valet entrance.
1810.20-1818.26	[REDACTED]	[REDACTED] and the group he arrived with walk from the valet entrance to their vehicle parked in the Van Slyck's lot and drive off property.

Throughout the duration of the review, the underage individual was on the gaming floor for a total of approximately 15 minutes; no gaming or consumption of alcohol were involved.

After a review of the facts and circumstances as described above, as well as the RCR Security Report and Surveillance Report (attached) related to this incident, evidence shows that an underage individual gained access to the RCR 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 RCR's second violation of 9 NYCRR § 5313.2(d)(3) within a one-year period. Pursuant to 9 NYCRR § 5313.2(e)(2), 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-04.

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-04