

October 24, 2024

Notice of Violation 24-RCR-06

Sent Via Electronic Mail ([REDACTED])

Andrew Behrens
Director of Compliance
Rivers Casino & Resort
1 Rush Street
Schenectady, NY 12305

Dear Andrew Behrens:

The New York State Gaming Commission (“NYSGC” or the “Commission”) Division of Gaming has reviewed an incident that occurred on September 26, 2024 at Rivers Casino & Resort (“RCR”). As a result of this review, it has been determined that an individual who had voluntarily excluded themselves from gambling in New York under the State’s Voluntary Self-Exclusion Program referred to herein as the “VSE Program”, was ejected from the RCR premises by RCR Security because of the consequences of such voluntary exclusion. It was discovered during the ejection by RCR Security Supervisor [REDACTED] and RCR Security Assistant Manager [REDACTED], that the individual was already an active participant in the VSE Program. The individual (hereinafter referred to as the “VSE Individual”) chose to be self-excluded from gambling in New York State for a three-year period, as issued at Resorts World Catskills on January 27, 2024, with an expiration date of January 26, 2027.

The NYSGC’s review determined that the VSE Individual attended RCR on three separate occasions in September and gamed during each attendance. The VSE Individual improperly obtained an RCR Players Card and received multiple cash advances after RCR Cage Cashier [REDACTED] failed to follow RCR’s established internal controls, specifically § 5316.2, that required [REDACTED] to certify that a patron requesting both an RCR Players Card and a cash advance was not actively participating in the VSE Program.

A CCTV review showed the following:

Date	Timeline	Narrative Description of Events
9/18/2024	5:00 PM	The VSE Individual drives onto RCR property.
	5:02 PM	The VSE Individual enters the Gaming Floor via the Southwest Entrance without providing an ID.
	5:05 PM-5:09 PM	The VSE Individual sits down on Let it Ride (LR) table [REDACTED] in Pit [REDACTED] and buys in for \$100. The VSE Individual leaves with \$20 in checks.

	5:10 PM-6:52 PM	The VSE Individual sits down on Mississippi Stud (MS) table [REDACTED] with \$20 in checks and bought in for a total of \$500. The VSE Individual leaves the table, leaving \$50 in visible checks behind.
	6:55 PM-6:57 PM	The VSE Individual completes two (2) withdrawals totaling approximately \$500 at All in One (AIO) [REDACTED]
	6:58 PM-8:47 PM	The VSE Individual continues play on MS table [REDACTED] with the \$50 in visible checks. The VSE Individual then buys in for a total of \$420. The VSE Individual leaves the table, leaving \$50 in visible checks behind.
	8:50 PM-8:54 PM	The VSE Individual approaches Main Cage Window 5. RCR Cage Cashier [REDACTED] is observed receiving the VSE Individual's identification, creating a Players Card, and processing and paying the VSE Individual a \$250 cash advance. In both instances, [REDACTED] failed to follow RCR's established internal controls.
	8:56 PM-9:15 PM	The VSE Individual sits back down on MS table [REDACTED] and continues play with the \$50 in visible checks. The VSE Individual then buys in for a total of \$240. The VSE Individual leaves the table with no visible checks.
	9:16 PM	The VSE Individual attends the Main Cage Window 4 where RCR Cage Cashier [REDACTED] issued a \$500 cash advance.
	9:18 PM-10:17 PM	The VSE Individual sits down on MS table [REDACTED] in Pit [REDACTED] and buys in for a total of \$500. The VSE Individual leaves the table with approximately \$50 in visible checks.
	10:19 PM-10:20 PM	The VSE Individual attends Main Cage Window 7 where RCR Cage Cashier [REDACTED] completes a \$200 cash advance.
	10:21 PM	The VSE Individual sits back down on MS [REDACTED] and buys in for \$200. The VSE Individual leaves with \$75 in visible checks.
	10:47 PM-10:48 PM	The VSE Individual attends the Main Cage Window 5 where RCR Cage Cashier [REDACTED] completes a \$200 cash advance.
	10:49 PM-11:00 PM	The VSE Individual sits back down on MS [REDACTED] and buys in for \$200. The VSE Individual leaves the table with approximately \$115 in visible checks.
	11:01 PM-11:42 PM	The VSE Individual sits down on MS [REDACTED] and begins play with the VSE Individual's checks. The VSE Individual leaves the table with \$7 in visible checks.
	11:49 PM- 12:00 AM	The VSE Individual returns and continues play on MS [REDACTED] and pulled approximately \$70 in visible checks from the VSE Individual's pockets.
9/19/2024	12:01 AM -12:03 AM	The VSE Individual withdraws \$300 from AIO [REDACTED]
	12:03 AM-12:28 AM	The VSE Individual sits down on MS [REDACTED] and continues play. The VSE Individual buys in for \$400. The VSE Individual leaves with no visible checks.
	12:31 AM	The VSE Individual exits the Gaming Floor out the RCR Elevator Entrance.

	12:37 AM	The VSE Individual re-enters the Gaming Floor through the Elevator Entrance.
	12:39 AM	The VSE Individual exits the Gaming Floor out the RCR Southwest Entrance.
	1:12 AM	The VSE Individual enters the Gaming Floor through the Southwest Entrance. The VSE Individual then withdraws \$200 from AIO [REDACTED]
	1:13 AM-1:27 AM	The VSE Individual sits down on slot machine [REDACTED] and inserts \$200 and plays the slot machine.
	1:28 AM	The VSE Individual redeems \$8 in checks at Main Cage Window 5.
	1:33 AM	The VSE Individual exits the premises out the RCR Southwest Entrance
		From 9/18/2024 – 9/19/2024, the VSE Individual was on the Gaming Floor for a total of seven hours and 31 minutes. The VSE Individual had a total cash-in of \$2,760 and a total cash-out of \$8.
9/23/2024	3:51 PM	The male VSE enters the Gaming Floor through the RCR Southwest Entrance without providing an ID.
	3:56 PM-5:22 PM	The male VSE sits down on MS [REDACTED] in Pit [REDACTED] and buys in for a total of \$300. The male VSE leaves the table with approximately \$75 in visible cheques.
	5:25 PM-5:27 PM	The male VSE begins play on [REDACTED] and inserted \$100. SEP left without printing a voucher.
	5:40 PM-12:09 AM	The male VSE begins play on MS [REDACTED] in Pit [REDACTED] and bought in for a total of \$1,400. The male VSE leaves the table with approximately \$48 in visible cheques.
9/24/2024	12:12 AM	The VSE Individual withdraws \$900 from AIO [REDACTED]
	12:14 AM-12:16 AM	The VSE Individual begins play on [REDACTED] and inserts \$200. The VSE Individual prints a \$96 voucher and leaves the slot machine.
	12:17 AM-12:19 AM	The VSE Individual begins play on [REDACTED] and inserts the \$96 voucher and plays the slot machine.
	12:19 AM-12:23 AM	The VSE Individual begins play on [REDACTED] and inserts \$400. The VSE Individual prints a \$201 voucher and leaves the slot machine.
	12:25 AM-12:32 AM	The VSE Individual begins play on [REDACTED] and inserts the \$201 voucher. The VSE Individual prints a \$900.20 voucher and leaves the slot machine.
	12:32 AM-12:34 AM	The VSE Individual begins play on [REDACTED] and inserts the \$900.20 voucher. The VSE Individual prints a \$700.70 voucher and leaves the slot machine.
	12:35 AM-12:37 AM	The VSE Individual begins play on [REDACTED] and inserts the \$700.70 voucher. The VSE Individual prints a \$499.90 voucher and leaves the slot machine.

	12:37 AM-12:40 AM	The VSE Individual begins play on ██████████ and inserts the \$499.90 voucher. The VSE Individual prints a \$600.50 voucher and leaves the slot machine.
	12:42 AM-12:47 AM	The VSE Individual begins play on ██████████ and inserts the \$600.50 voucher. The VSE Individual prints a \$399.06 voucher and leaves the slot machine.
	12:58 AM-1:13 AM	The VSE Individual begins play on ██████████ and inserts the \$399.06 voucher and \$100 in cash and plays the slot machine.
	1:14 AM-1:16 AM	The VSE Individual begins play on ██████████ and inserts \$80 and plays the slot machine.
	1:16 AM	The VSE Individual redeems \$48 in checks at the Main Cage Window 3.
	1:20 AM	The VSE Individual exits the Gaming Floor out the RCR Southwest Entrance.
		From 9/23/2024 – 9/24/2024, the VSE Individual was on the property for a total of nine hours and 29 minutes. The VSE Individual had a total cash-in of \$2,580 and a total cash-out of \$48.
9/25/2024	5:46 PM	The VSE Individual enters the Gaming Floor through the RCR Southwest Entrance without presenting ID.
	5:51 PM	The VSE Individual withdraws an unknown amount of currency from AIO ██████.
	5:54 PM-6:22 PM	The VSE Individual sits down and plays on MS ██████ Pit ██████. The VSE Individual buys in for a total of \$560 and leaves MS ██████ with approximately \$25 in visible checks on the table.
	6:23 PM	The VSE Individual approaches the Main Cage Window 2 and receives a Cash Advance of \$1,500 from RCR Cage Cashier ██████████.
	6:28 PM-8:10 PM	The VSE Individual returns to MS ██████ and resumes play. The VSE Individual buys in for \$1,000. The VSE Individual leaves MS ██████ with approximately \$500 in visible checks in hand and approximately \$625 in visible checks on the table.
	8:14 PM-9:55 PM	The VSE Individual returns to MS ██████ and resumes play. The VSE Individual leaves MS ██████ with approximately \$500 in visible checks in hand and approximately \$550 in visible checks on the table.
	9:59 PM-10:32 PM	The VSE Individual returns to MS ██████ and resumes play. The VSE Individual leaves MS ██████ leaving approximately \$575 in visible checks on the table.
	10:34 PM-11:26 PM	The VSE Individual returns to MS ██████ and resumes play. The VSE Individual buys in for \$500 and leaves MS ██████. The VSE Individual leaves approximately \$100 in visible checks on the table.
	11:29 PM	The VSE Individual approaches Main Cage Window 4 and receives a Cash Advance in the amount of \$800 from RCR Cage Cashier ██████████.
	11:31 PM- 12:37 AM	The VSE Individual returns to MS ██████ and resumes play. The VSE Individual buys in for \$800. The VSE Individual leaves MS ██████ with approximately \$100 in visible checks.

9/26/2024	12:38 AM	The VSE Individual approaches Main Cage Window 4 and redeems \$190 worth of checks. The VSE Individual added a \$10 (bill) to the VSE Individual's checks, resulting in a \$200 total redemption.
	12:40 AM-12:47 AM	The VSE Individual begins play at Slot Machine [REDACTED]. The VSE Individual inserted \$200 into the slot machine and leaves without printing a voucher.
	12:48 AM	The VSE Individual withdraws approximately \$700 from AIO [REDACTED].
	12:50 AM-1:06 AM	The VSE begins play at Slot Machine [REDACTED]. The VSE Individual inserts \$400 and plays the slot machine.
	1:07 AM-1:09 AM	The VSE Individual begins play at Slot Machine [REDACTED]. The VSE Individual inserts \$100 into the slot machine and prints a Slot Voucher valued at \$51.50.
	1:11 AM-1:14 AM	The VSE Individual begins play at Slot Machine [REDACTED]. The VSE Individual inserts \$200 and plays the slot machine.
	1:25 AM	RCR Security Supervisor [REDACTED] approaches the VSE Individual at Pit 4.
	1:28 AM	RCR Security Supervisor [REDACTED] escorts the VSE Individual into the RCR Security Office to sign up for the VSE Program.
	1:28 AM	RCR Security Assistant Shift Manager [REDACTED] notifies Surveillance that RCR Security will be ejecting the VSE Individual for violating the VSE Individual's current self-exclusion under the VSE Program.
	1:32 AM	The VSE Individual is escorted to the RCR Executive Entrance, where the VSE Individual exits the premises.
		From 9/25/2024 through 9/26/2024, the VSE Individual was on the Gaming Floor for approximately seven hours and 42 minutes. The VSE Individual had a total cash-in of \$3,811.50 and a total cash-out of \$0.

After reviewing the facts and circumstances as described above, the NYSGC finds RCR in violation of 9 NYCRR § 5402.4 (a)(2) and (3).

Section 5402.4 "Duties of gaming operators" states as follows in subsections (a)(2) and (3):

- (a) A gaming operator shall train its employees and establish procedures to:
 - (2) refuse wagers or entry fees from and deny gaming privileges to a self-excluded person;
 - (3) deny gaming-related activities including credit and check-cashing privileges, player club membership, complimentary goods and services, redemption of any previously earned complimentary goods and services, gaming junket participation and other similar privileges and benefits to a self-excluded person;

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("PML") §§ 104(9) and 1305(16) the Commission shall have all powers necessary or convenient to carry out and effectuate its

purposes including, but not limited to, the power to levy and collect assessments, fees, fines and interest and impose penalties and sanctions as authorized by law for a violation of the PML or of any regulations promulgated by the Commission.

As such, the Commission hereby issues a fine to RCR in the amount of \$9,151 for its failure to adhere to the requirements of 9 NYCRR § 5402.4 (a)(2-3). Please note that the NYSGC may take further action in addition to fines in response to subsequent violations by RCR of § 5402.4(a).

Please remit the total fine amount of \$9,151 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. This violation has been assigned reference number 24-RCR-06.

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, 354 Broadway, 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

SM/jb: 24-RCR-06