



August 5, 2024

Notice of Violation 24-RWC-02

Sent Via Electronic Mail ([REDACTED])

Robert DeSalvio
President
Gaming New York State
888 Resorts World Drive Monticello, NY 12701

Dear Robert DeSalvio:

The New York State Gaming Commission (NYSGC), Division of Gaming, has reviewed an incident that occurred on June 16, 2024, at Resorts World Catskill (RWC), during which an underage individual was allowed access to the casino gaming floor and participated in gaming activity.

On June 16, 2024, at 1:50 a.m., the NYSGC was notified by RWC Security Shift Manager [REDACTED] of an underage individual who gained access to the gaming floor around 1:18 a.m. [REDACTED] informed the NYSGC that the underage individual was identified as [REDACTED] with a date of birth of February 5, 2005.

An independent review was conducted to determine if [REDACTED] had engaged in gaming or consumed any alcoholic beverages, which revealed the following:

Table with 3 columns: Timeline, Camera, Narrative Description of Events. Rows describe events from 1:17am to 1:25am, including an individual approaching a security post, gaining unchallenged access, gaming at a machine, and being escorted off the floor.

Throughout the seven (7) minutes that Eli [REDACTED] was on the gaming floor, a total of 31 instances of gaming were conducted by [REDACTED] and no alcohol beverages were consumed.

After a review of the facts and circumstances as described above, as well as the RWC Security and Surveillance report (attached), it is confirmed that [REDACTED] an underage individual, accessed the RWC gaming floor and participated in gaming activity on June 16, 2024, 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 longer than necessary to reach a destination that is not on the gaming floor. Pursuant to 9 NYCRR § 5313.2(e)(3), a third violation of 9 NYCRR § 5313.2(d)(3) carries a mandatory fine of \$10,000. This current violation of 9 NYCRR § 5313.2(d)(3) at issue in this letter is RWC's third violation of 9 NYCRR § 5313.2(d)(3) within a one-year period. Pursuant to 9 NYCRR § 5313.2(e)(3), RWC is fined \$10,000 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)(2), a second violation of 9 NYCRR § 5313.2(d)(4) carries a mandatory fine of \$20,000. This current violation of 9 NYCRR § 5313.2(d)(4) at issue in this letter is RWC's second violation of 9 NYCRR § 5313.2(d)(4) within a one-year period. Therefore, pursuant to 9 NYCRR § 5313.2(f)(2), RWC is fined \$20,000 for this violation.

Please remit the total amount of these fines (\$30,000) 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 24-RWC-02.

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

Attachments (1): SM/jb: 24-RWC-02