

August 5, 2024

Notice of Violation 24-RWC-03

Sent Via Electronic Mail ([REDACTED])

Robert DeSalvio
President
Genting New York State LLC
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 28, 2024, at Resorts World Catskill (“RWC”), during which an underage individual was allowed access to the casino gaming floor and consumed alcoholic beverages.

On June 29, 2024, at 1:00 a.m., NYSGC discovered Surveillance Report [REDACTED], which reported an underage patron on the gaming floor. RWC Surveillance Shift Manager [REDACTED] was contacted as the report lacked further information.

[REDACTED] stated that on June 28, 2024, at approximately 11:25 p.m., the RWC Surveillance Department (“Surveillance”) observed three individuals jumping the fence located outside the “Asian Gaming” section of the casino. Two of these individuals were later determined to be over 21 years old, and one of the individuals was later determined to be underage.

Per [REDACTED] the underaged individual did not game, however this individual was served two alcoholic beverages. The underage individual was not asked for identification prior to being served alcoholic beverages by RWC staff.

[REDACTED] stated that Surveillance contacted RWC Security Shift Manager [REDACTED] to advise him of the individuals that jumped the fence. [REDACTED] approached the individuals and asked them for identification. At 12:14 a.m., [REDACTED] escorted the underage individual off the gaming floor.

At 1:07 a.m., NYSGC contacted [REDACTED] for information regarding the underage individual. [REDACTED] stated that the underage individual was identified as [REDACTED] with a date of birth (“DOB”) of 12/28/2003, making her 20 years old. The other two individuals that accompanied [REDACTED] were identified as [REDACTED] (DOB: 1/10/2000) and [REDACTED] (DOB: 7/5/2002).

It should be noted that NYSGC was not immediately notified by RWC of an underage individual being on the gaming floor as is required by NYSGC Rule 5313.2. NYSGC had to reach out to both the RWC Security Department and Surveillance for information. Additionally, this is not the first time RWC has failed to properly notify NYSCG of the incident. Failing to adhere to the notification requirement in the future may lead to an additional monetary fine.

An independent review was conducted to determine if [REDACTED] had conducted gaming or consumed any alcoholic beverages while on the casino floor. The following was observed:

| Timeline | Camera | Narrative Description of Events |
|----------|------------|--|
| 11:24PM | [REDACTED] | Individuals identified as [REDACTED], [REDACTED], and [REDACTED] gained access to the gaming floor by hopping the fence located outside the "Asian Gaming" section. |
| 11:27 PM | [REDACTED] | The three individuals met up with a patron who was gaming at machine [REDACTED]. |
| 11:30PM | [REDACTED] | [REDACTED] was served an alcoholic beverage while standing next to machine [REDACTED] by Beverage Server [REDACTED]. It should be noted that [REDACTED] failed to ask [REDACTED] for identification. |
| 11:31PM | [REDACTED] | [REDACTED] printed out a ticket-in ticket-out (TITO) from machine [REDACTED], however, [REDACTED] did not game. The machine was being played by one of the other individuals. |
| 11:44PM | [REDACTED] | [REDACTED] sat at Pit [REDACTED] Table [REDACTED] Midi Baccarat with the other two individuals and did not game. |
| 11:55PM | [REDACTED] | [REDACTED] was served one alcoholic beverage by Beverage Server [REDACTED] while seated at Table [REDACTED] Midi Baccarat. It should be noted that [REDACTED] failed to ask [REDACTED] for identification. |
| 12:10AM | [REDACTED] | [REDACTED] remained at Pit [REDACTED] Table [REDACTED] Midi Baccarat until Security Shift Manager [REDACTED] approached [REDACTED] and the other two individuals. [REDACTED] was subsequently escorted off the gaming floor. |

[REDACTED] was on the gaming floor for a total of 46 minutes, during such time [REDACTED] was served two alcoholic beverages by RWC staff without being challenged for identification.

After a review of the facts and circumstances and the RWC Security and Surveillance reports (attached) related to this incident, it was determined that an underage individual accessed the RWC 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. This is RWC's fourth violation of Section 5313.2(d)(3) in a one-year period. Pursuant to 9 NYCRR § 5313.2(e)(4), a fourth violation of 9 NYCRR § 5313.2(d)(3) carries a mandatory fine of \$25,000. Therefore, pursuant to 9 NYCRR § 5313.2(e)(4), RWC is fined \$25,000 for this violation.

In addition, RWC 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), RWC is fined \$5,000 for this violation.

Please remit \$30, 000, the total amount of the fines to the New York State Gaming Commission within 30 days of RWC's receipt 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 violations have been assigned 24-RWC-03.

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 of the NYSGC, at 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 receipt of this letter shall be considered a waiver of any available hearing, and any requests for a hearing received by NYSGC after such 30-day period will be rejected as untimely.

Sincerely,



Scott McLear
Deputy Director of Gaming

Attachments (2):
SM/TM/jb: 24-RWC-03