

November 14, 2024

Notice of Violation 24-Tioga-01
Sent Via Electronic Mail ([REDACTED])

Mark Ostrowski
Regional Director of Compliance
Tioga Downs Casino
2384 W River Road
Nichols, NY 13812

Dear Mark Ostrowski:

The New York State Gaming Commission (“NYSGC”), Division of Gaming, has reviewed an incident that occurred on October 21, 2024, at Tioga Downs Casino (“TDC”) during which an underage individual was allowed access to the casino gaming floor and participated in gaming activity.

On October 21, 2024, at approximately 5 p.m., TDC Security informed the NYSGC that an underage individual had been on the gaming floor. A CCTV review showed that the patron, [REDACTED], date of birth July 6, 2004 (“[REDACTED]”) gained access to the gaming floor by using identification that belongs to his older brother. [REDACTED] spent two hours and nine minutes on the gaming floor. While on the gaming floor, [REDACTED] made 29 bets totaling \$175 playing Midi Baccarat at table [REDACTED].

An independent review was conducted which revealed the following:

Timeline	Camera	Narrative Description of Events
14:38	[REDACTED]	[REDACTED] age 20, presents identification to TDC Security Officer [REDACTED]. [REDACTED] scans the identification and permits [REDACTED] entry to the gaming floor.
14:39	[REDACTED]	[REDACTED] walks the gaming floor past the Cage to the end of Pit [REDACTED].
14:39	[REDACTED]	[REDACTED] sits down at table [REDACTED] but does not play.
15:24	[REDACTED]	[REDACTED] leaves table [REDACTED] and walks toward the front podium.
15:26	[REDACTED]	[REDACTED] exits the gaming floor and walks through the rotunda.
15:26	[REDACTED]	[REDACTED] enters parking garage, enters a vehicle briefly, and then exits the vehicle.
15:29	[REDACTED]	[REDACTED] enters Coasters Sports Bar and sits at the bar.

15:32	████	████ enters Simulcast, walks around and then departs.
15:34	████	████ enters Coasters Sports Bar and then departs
15:46	████	████ departed Coasters and walks through mutuals area.
15:47	████	████ enters Men's Bathroom near side-gaming entrance.
15:48	████	████ approaches the side security podium and offers identification to TDC Security Officer ██████████ █████ declines to scan the identification and █████ is permitted access to the gaming floor.
15:48	████	████ sits down at slot bank █████ but does not play.
15:57	████	████ departed slot bank █████ and walks to █████
15:57	████	████ sits down at table █████
16:21	████	An unidentified male guest, sitting next to guest █████ gives █████ \$10 in red chips.
16:23	████	████ places a \$5 'player' wager on top of his friends' wager.
16:25	████	████ places a \$5 'player' wager on top of his friends' wager.
16:25	████	████ places a \$5 'player' wager on top of his friends' wager.
16:26	████	████ places a \$5 'player' wager on top of his friends' wager.
16:27	████	████ places a \$5 'player' wager on top of his friends' wager.
16:28	████	████ places a \$5 'player' wager on top of his friends' wager.
16:30	████	████ places a \$5 'banker' wager on top of his friends' wager.
16:31	████	████ places a \$10 'player' wager on top of his friends' wager.
16:32	████	████ places a \$5 'player' wager on top of his friends' wager.
16:33	████	████ places a \$5 'player' wager on top of his friends' wager.
16:34	████	████ places a \$5 'player' wager on top of his friends' wager.
16:35	████	████ places a \$5 'banker' wager on top of his friends' wager.
16:38	████	████ places a \$5 'banker' wager on top of his friends' wager.
16:39	████	████ places a \$10 'banker' wager on top of his friends' wager.
16:40	████	████ places a \$5 'player' wager on top of his friends' wager.
16:41	████	████ places a \$5 'banker' wager on top of his friends' wager.

16:42	█████	█████ places a \$10 'player' wager on top of his friends' wager.
16:43	█████	█████ places a \$5 'banker' wager on top of his friends' wager.
16:45	█████	█████ places a \$5 'banker' wager on top of his friends' wager.
16:47	█████	█████ places a \$5 'banker' wager on top of his friends' wager.
16:48	█████	█████ places a \$5 'player' wager on top of his friends' wager.
16:49	█████	█████ places a \$5 'player' wager on top of his friends' wager.
16:50	█████	█████ places a \$5 'player' wager on top of his friends' wager.
16:52	█████	█████ places a \$10 'banker' wager on top of his friends' wager.
16:54	█████	█████ places a \$10 'player' wager on top of his friends' wager.
17:04	█████	█████ places a \$5 'player' wager on top of his friends' wager.
17:05	█████	█████ places a \$5 'player' wager on top of his friends' wager.
17:06	█████	█████ places a \$5 'banker' wager on top of his friends' wager.
17:07	█████	█████ places a \$5 'banker' wager on top of his friends' wager.
17:07	█████	The Tioga County Sheriff and TDC Security Supervisor ██████ █████ approach ██████ at ██████
17:08	█████	█████ is escorted off the gaming floor and into the front security office.
17:10	█████	█████ presents identification to the Sheriff. ██████ admits to the Sheriff and that the identification he used belongs to his older brother, ██████ DOB 1/18/2000.
17:18	█████	█████ exits the building.

Throughout the two hours and nine minutes that ██████ was on the gaming floor, a total of 29 instances of gaming were conducted by ██████ and no alcohol beverages were consumed.

After a review of the facts and circumstances as described above, and the attached TDC Security and Surveillance reports, it was confirmed that ██████ an underage individual, accessed the TDC gaming floor and participated in gaming activity on October 21, 2024, in violation of 9 NYCRR § 5313.2(d)(3) and 5313.2(d)(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 § 5313.2(e)(2), a second violation of § 5313.2(d)(3) carries a mandatory fine of \$5,000. The violation § 5313.2(d)(3) at issue in this letter is TDC’s second violation of § 5313.2(d)(3) within a one-year period. Therefore, pursuant to § 5313.2(e)(2), TDC is fined \$5,000 for the 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 § 5313.2(f)(1), a first violation of § 5313.2(d)(4) carries a fine of \$5,000. The current violation of § 5313.2(d)(4) at issue in this letter is TDC’s first violation of § 5313.2(d)(4) within a one-year period. Therefore, pursuant to § 5313.2(f)(1), TDC is fined \$5,000 for this violation.

Please remit the total amount of these fines (\$10,000) to the New York State Gaming Commission within 30 days of the date of this letter. [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-TDC-01.

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 (2): SM/jb: 24-TDC-01