

## **RESPONSIBLE GAMBLING PLAN**

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# RESPONSIBLE GAMBLING PLAN

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<b>Exhibit #</b>	<b>Topic</b>
1.	Responsible Gaming Training Orientation Outline – attached
2.	Responsible Gaming Brochures – provided by NYSGC
3.	Property Financial / Mail Restriction Enrollment Forms – Attached
4.	New York Voluntary Exclusion Enrollment Form – provided by NYSGC

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## I. Introduction

Live! Hotel & Casino New York is committed to providing the highest standards of customer care and to operate a venue where responsible gaming is a priority of all employees as more further described herein. Our Responsible Gaming Program is not just limited to responsible gaming, but also to the responsible service of alcoholic beverages.

While gambling is enjoyed by the majority of individuals responsibly, LIVE! acknowledges that problem gambling and substance abuse are serious community issues and that a small proportion of patrons cannot or will not gamble responsibly.

The decision whether to gamble or consume alcoholic beverages are the prerogative of the individual.

This Program provides a framework through which LIVE! can ensure its general practices are consistent with the community's expectations and that our operation will be conducted in a responsible manner. To this end, LIVE! shall take steps to promote responsible gambling and responsible alcohol service.

## II. Code of Conduct - Goals of the Program

LIVE! has developed this Code of Conduct for Responsible Gaming and Alcohol Service. Written within our Code of Conduct are our goals and expectations for the Program.

LIVE! pledges to our team members and patrons to make our Code of Conduct an integral part of our daily operation. This pledge encompasses all aspects of our business, from team member training, operational policies & procedures, advertising and marketing. This Code also covers the commitment of our team members and their continued support of our initiatives and public awareness surrounding responsible gaming, the responsible service of alcoholic beverages and prevention of underage gambling and alcohol consumption.

### PLEDGE TO OUR TEAM MEMBERS

*... To provide a comprehensive training program to promote Responsible Gaming and Responsible Alcoholic Beverage Service*

- LIVE! will train team members on responsible gaming and responsible alcohol service and provide annual refresher training. By educating our team members through training, we will enhance their understanding of the impact of problem gambling and substance abuse, on people at risk, and identified connections between excessive gambling and substance abuse on socio-economic, health and community safety issues.

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- LIVE! will implement communication programs for team members to improve understanding of responsible gaming, alcohol service and related policies and procedures.
- LIVE! will distribute to new team members brochures describing responsible gaming and the responsible service of alcoholic beverages and where to find assistance.
- LIVE! will educate our team members about their ability to utilize Employee Assistance, Local Support and Encouragement Programs to help address any gambling or alcohol related problems they may have.

### PLEDGE TO OUR PATRONS

#### *... To Promote Responsible Gaming*

- LIVE! will make available brochures describing responsible gaming and where to find assistance. These will be available at the Players Club, Information and Cashier Cages.
- LIVE! will display at the main public entrances to the gaming area and at ATMs signage that can be easily read bearing a toll-free helpline number and website.
- LIVE! will make available to patrons and team members information generally explaining the probabilities of winning or losing at the various games offered by the casino.
- LIVE! will provide opportunities for patrons to request in writing that they not be sent promotional mailings of any kind and for revocation of financial services.
- LIVE! reserves the right to exclude a patron from gaming, without a request from the patron.
- LIVE! will make available to patrons information regarding the availability of problem gambling and substance abuse support services.

#### *... To Prevent Underage Gambling and Unattended Minors in the Casino*

- LIVE! will make a diligent effort to prevent underage individuals from entering the gaming area of the casino.
- LIVE! will communicate the legal age to gamble through appropriate signage and/or brochures at all entrances, Players Club, Information, ATMs, and Cashier Cages.
- Team members working in relevant areas will receive training in appropriate procedures for dealing with unattended children, underage persons attempting to enter the facility or gamble.

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## *... To Serve Alcoholic Beverages Responsibly*

- LIVE! will observe a responsible alcohol beverage service policy, including the following elements:
  - LIVE! will not knowingly serve alcoholic beverages to a minor.
  - LIVE! will not knowingly serve alcoholic beverages to a visibly intoxicated patron.
  - LIVE! will make a diligent effort not to permit access to the gaming facility by a visibly intoxicated person.
- LIVE! will train team members in the company's responsible alcohol beverage service policy, and will provide annual refresher training to team members.

## *... To Advertise Responsibly*

- LIVE! advertising and marketing will:
  - Contain a responsible gaming message, including a toll-free helpline number and website.
  - Reflect generally accepted contemporary standards of good taste.
  - Comply with all state and federal standards.
- LIVE! advertising and marketing materials will not:
  - Contain cartoon figures, symbols, celebrity/entertainer endorsements and/or language designed to appeal specifically to children and minors.
  - Feature anyone who is, or appears to be, below the legal age to participate in gaming activity.
  - Contain claims or representations that gaming activity will guarantee an individual's social, financial or personal success.
  - Be placed in media specifically oriented to children and/or minors.
  - Appear adjacent to, or in close proximity to, comics or other youth features, to the extent controlled by LIVE!.

## *... To Collaboration with Other Stakeholders*

*No one group or organization has all the answers. We believe that a collaborative approach to finding solutions is the best way to reduce problem gambling and substance abuse.*

- Work closely with and in partnership with the State of New York.

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- Support the New York State Gaming Commission's initiatives during the annual National Problem Gambling Awareness week.
- Learn from local service organizations and raise awareness of the impact of gambling problems and substance abuse.
- Be an active member of the New York Alliance for Responsible Gambling.

### *... To Continuous Improvement*

*The search for better ways to reduce the risk of problem gambling and substance abuse is a continuing process.*

- LIVE!'s responsible gaming culture will be characterized by continuous improvement, a readiness to learn from others and a determination to adopt best practices available to our patrons.

### *... Prevent Future Problems*

- To reduce future incidents by taking a proactive approach of continuous training of our team members; and
- To promote a responsible gaming experience for our patrons by continuing to foster informed player choices.

**Portions of LIVE!'s Code of Conduct were provided by the American Gaming Association Code of Conduct for Responsible Gaming and Alcohol Consumption and has been adapted for use by LIVE!.**

### **III. Timetable to Implement**

This Responsible Gaming Program shall be effective at the start of gaming operations with all newly hired team members trained in orientation prior to starting in their job. The property will conduct annual refresher Responsible Gaming training for all team members. The property will provide the State's Responsible Gambling Program Coordinator with a quarterly report detailing any new employees, when they received their training, and any employee who has received their annual refresher training including date of that training.

### **IV. Individuals Responsible For Implementation and Maintenance of Plan**

LIVE! shall establish a Responsible Gaming Committee with the General Manager acting as Chairman. The Responsible Gaming Committee is comprised of the following permanent members:

- General Manager (Chairman)
- Chief Financial Officer

Submitted to NYSGC:

Approved:

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- VP, Information Technology
- Cage Director
- Director of Security
- VP, Marketing
- VP, Human Resources
- Director of Compliance & Risk Management
- Director of Surveillance
- Or equivalent positions

Any other personnel the General Manager believes to be necessary to accomplish the goals of the program will be included on the Committee on an ad-hoc basis.

### **V. Changes to the Program**

The Responsible Gaming Committee of LIVE! will continue to refine the Program and submit all amendments to the approved Responsible Gaming Plan to the New York State Gaming Commission for approval prior to implementation.

Submissions for revisions of LIVE!'s Responsible Gaming Plan will be made to the Commission in the following format:

- A. LIVE! will submit a copy of the impacted section of the approved plan with changes indicated utilizing the "track changes" feature of MS Word.
- B. Revised copy will include original approval date of the existing plan and the date that the proposed revision is submitted.
- C. LIVE! will also provide a narrative explaining the reason for the requested revision and the target date for implementation. Additional pages will be attached if necessary.
- D. A statement from the General Manager and Chairmen of the committee, or their designee, attesting that the proposed changes conform to the requirements as stated in Title 7 of the Upstate New York Gaming Economic Development Act of 2013.
- E. The revised document and required certifications will be e-mailed to the Responsible Gambling Program Coordinator. The change document will be sent as an attachment in MS Word format.
- F. LIVE! requests that the Commission confirm by e-mail within 3 business days that the proposed plan changes have been received.

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- G. The New York State Gaming Commission's Responsible Gambling Program Coordinator will review and work with LIVE! on any proposed change. Once all parties are in agreement, the Commission will be presented with the proposed changes at its next regularly scheduled meeting for approval.
- H. After the Commission votes on the proposed changes, the Commission shall communicate to LIVE!, in writing, the result of the vote and:
1. Will accept the change as submitted, or
  2. Reject the submission as not in the best interest of the state of New York and the Commission, or
  3. Propose a revision. In this case, the Commission will communicate in writing to LIVE! about further changes that will have to be made to the submission before acceptance by the Commission.

If necessary and required by the Commission and if LIVE! accepts the Commission's recommended changes, LIVE! will make the changes as suggested by the Commission and re-submit the request for change document. If LIVE! does not accept the Commission's recommended changes, an additional change request may be submitted.

The process above will be repeated until the Commission and LIVE! are completely satisfied with the redlined document.

The Commission shall send to LIVE! an accepted version of the submitted request for change with date and signature signifying approval.

The Commission will make every effort to make a determination concerning a submission for change no later than 60 days following receipt of the change unless the Commission and LIVE! agree to extend the period for making such a determination. LIVE! will not alter its Responsible Gaming Plan unless and until the Commission approves such changes in writing.

LIVE! will maintain a log of all changes and amendments to its Responsible Gaming Plan, including the initial submission approval date and the date the revision is approved by the Commission. Each page of the approved Responsible Gaming Plan will contain the date on which it was approved by the Commission.

### **VI. Specific Duties Related to the Responsible Gaming Plan**

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**Responsible Gaming Committee** – Develops and implements the Responsible Gaming Program; monitors compliance with and effectiveness of the Program; suggests changes to the Program; and upon approval of the Commission implements such changes.

**General Manager** - Primary contact person for the New York State Gaming Commission on issues related to responsible gaming.

**VP, Human Resources** – Responsible for ensuring that all newly hired team members receive responsible gaming training prior to beginning their job duties. Ensures that all existing team members receive annual refresher training in responsible gambling.

**VP, Information Technology** – Assigning relevant team members access to the player tracking system and other relevant databases as needed to allow such team members to determine if an individual is on any exclusion, voluntary exclusion or financial restrictions list.

**Slot & Table Games Team Members** – The Slots and Table Games Departments are responsible for attempting to recognize excluded and voluntarily excluded individuals, identification of underage and intoxicated individuals and the prevention of underage and intoxicated gaming. They are also responsible for checking for exclusion or voluntary exclusion status before paying any hand paid jackpot of \$1,200 or more.

**Cage Team Members** - The Cashier's Cage is responsible for ensuring that all individuals who have requested financial restrictions are properly entered into the appropriate database and attempting to recognize persons and individuals who are underage or who are on the exclusion, voluntary exclusion or financial restricted lists attempting to cash a check/negotiable instrument or completing a credit card cash advance.

**Surveillance Team Members** - Surveillance is responsible for the electronic monitoring of all gaming areas and limited portions of the food and beverage areas in the facility. The Surveillance Manager and all surveillance personnel are responsible for monitoring covered areas for intoxicated individuals, individuals appearing under the age of 21 who are on the gaming floor and/or are engaged in gaming activities, and visual identification of excluded and voluntarily excluded individuals.

**Security Team Members** – The Security Department is responsible for the enforcement and reporting of operational efforts which relate to the prevention of underage gambling, intoxicated gambling and gambling by excluded and voluntarily excluded individuals. This includes identifying and removing intoxicated, underage, excluded and voluntarily excluded individuals from the casino floor.

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**Marketing Team Members** – The Marketing Department ensures that all individuals who have requested voluntary exclusion, or who have been placed on an exclusion list, are properly entered into appropriate databases. The Marketing Department is also responsible for ensuring that no individuals who are underage or who are on the exclusion or voluntary exclusion lists receive Players Club privileges or direct mail marketing materials. The Marketing Department is also responsible for preventing casino marketing mail from being sent to persons who have requested to receive no mail.

**Food and Beverage Team Members** - The Food & Beverage Department is responsible for preventing the overservice of alcohol to visibly intoxicated and underage individuals and for notifying the Security Department to prevent individuals from gaming after having been determined to be visibly intoxicated. Food & Beverage team members who serve alcoholic beverages and their immediate supervisors shall be ServSafe Food and Alcohol certified.

All team members will be familiar with the location of information concerning responsible gaming and will be able to direct patrons to that information.

## VII. Program Definitions

The following definitions apply:

*“Gambling assistance message” shall mean the phrase: “Please play responsibly, for help visit [nyproblemgambling.org](http://nyproblemgambling.org) or call 1-877-8-HOPE-NY (1-877-846-7369)”*

*“Expanded Gambling Assistance Message” shall mean the phrase: “Please play responsibly. For help, visit [nyproblemgambling.org](http://nyproblemgambling.org) or call 1-877-8-HOPE-NY. This email is not intended for any individuals who have been accepted to the voluntary exclusion program administered by the New York State Gaming Commission.”*

*“Underage warning message” means the phrase: “No person under the age of 21 is permitted on the casino floor” or “New York law requires an individual to be 21 years of age or older in order to enter the gaming floor or to play any gambling game.”*

*“Problem Gambling”* The term “problem gambling” describes gambling behaviors that compromise, disrupt or damage personal, family or vocational pursuits. It is a treatable condition. Counseling, using a variety of treatment approaches, can provide solutions.

*“Involuntary Exclusion”* At its discretion, LIVE! may remove from the casino floor an individual deemed to be unruly, intoxicated, impaired or otherwise detrimental to the safe and efficient conduct of VLT or Table Games operations.

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*“Incident Report”* form is prepared to document an incident that requires an individual to be evicted from the premises that may become unruly, intoxicated or impaired and may pose a danger to patrons or team members.

*“Application for Voluntary Exclusion”* an individual may request to be excluded at all New York casinos, which includes LIVE!, on a form designated and provided by the Commission.

*“Request for removal”* means a request submitted by a voluntarily excluded individual stating that the individual wishes to be removed from the voluntary exclusion list.

*“Request for voluntary exclusion”* means a request completed by an individual for placement on the voluntary exclusion list.

*“Voluntarily Excluded Individual”* means any individual whose name is included, at his or her request, on the voluntary exclusion list maintained by the Commission.

*“Voluntary Exclusion”* is a request made by an individual who wishes to be excluded from participating in any gaming activity in the State of New York. This includes prohibiting the individual requesting exclusion from entering any casino in the State of New York.

*“Voluntary Exclusion List”* is defined as a list maintained by the Commission of individuals who requested to be excluded from casinos in the State of New York.

### **VIII. Problem/Compulsive Gambling Policies & Procedures**

#### **Voluntary Exclusion**

##### ***Requests made directly to LIVE!***

Any individual who requests to be placed on a list of individuals voluntarily excluded from casinos in the State of New York will be referred to the New York State Gaming Commission Agent on duty at the casino.

All communication made to or by the State of New York concerning voluntary exclusion will be entrusted to the General Manager or the Director of Compliance and Risk Management of LIVE!.

##### ***“Application for voluntary exclusion” forms:***

An individual may request to be voluntarily excluded from all New York casinos by completing an application for voluntary exclusion on a form designated and provided by the Commission.

The application for voluntary exclusion shall be provided by the New York State Gaming Commission. Any individual requesting to be excluded from the casino must complete

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the “*Application for Voluntary Exclusion*” form. To maintain confidentiality the “*Application for Voluntary Exclusion*” form will be maintained as follows:

The New York State Gaming Commission Agents on-site at LIVE! will handle all voluntary exclusion applications. After the application has been reviewed and approved by the New York State Gaming Commission Responsible Gambling Program Coordinator, LIVE! will receive an Advisory notice, which will include a photo and all pertinent information for the individual.

The “*Application for Voluntary Exclusion*” form will state that any individual making a request for voluntary exclusion will be prohibited from entering any casino in the State of New York for at least two years.

### **Requests made directly to the Commission**

Once an individual makes a request directly to the Commission for the purpose of requesting voluntary exclusion, a copy of the “*Advisory Notice*” will be emailed by the Commission’s Responsible Gambling Coordinator to the General Manager and Director of Compliance and Risk Management of the LIVE!, along with a picture of the individual.

The Commission will notify the General Manager and Director of Compliance and Risk Management of LIVE! of any addition or deletion to the “Voluntary Exclusion Program” list after an individual has been processed and approved.

### **Voluntary Surrender**

An individual who has requested voluntary exclusion must immediately surrender to the Commission all unredeemed gaming tickets, chips, plaques and jackpots with monetary value that the individual has received or is due to receive from the gaming facility.

LIVE! shall refer any individual requesting voluntary exclusion to the on-site New York State Gaming Commission Agent who will assist the individual.

### **Official Voluntary Exclusion Program List**

The Commission shall maintain the State of New York Voluntary Exclusion Program list and shall notify the General Manager and Director of Compliance and Risk Management of LIVE! of any addition to or deletion from the list by emailing an Advisory in accordance with voluntary exclusion rules and regulations.

The Security and Surveillance Departments will maintain copies of the all New York Voluntary Exclusion Advisories in a logbook (which may be a physical book or electronic media) to permit appropriate team members to review and identify voluntarily excluded individuals.

1. The Director of Security will maintain the Security Department logbook. Security Department employees will have access to the logbook.

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2. The Surveillance Manager will maintain the Surveillance logbook in the monitor room. Surveillance Department team members will have access to the logbook.

### Tracking of Voluntarily Excluded Patrons

Upon receipt of the “*Voluntary Exclusion Advisory*” from the State of New York, the Director of Compliance and Risk Management will forward the document to the Marketing Department. The Marketing Department will be solely responsible for entering the information into the Player Tracking System (OASIS) message alerts for each individual on the voluntary exclusion list.

In accordance with state guidelines, the exclusion will be entered into the Player Tracking System within 72 hours of receipt from the New York State Gaming Commission.

The mail code for the account will also be changed to a “no mail” code to prevent the individual from receiving any promotional mailings, either via physical mail or email, initiated in-house to include those distributed through a mail distributor or like vendor. In order to make a reasonable effort to prevent the individual from receiving promotional mailings distributed through a mail distributor, or like vendor, after entering the Voluntary Exclusion Program, LIVE! will not provide such mailings to a mail distributor more than 45 days prior to the mailing without prior specific approval of the New York State Gaming Commission. If applicable, the Credit Department will suspend the individual’s credit account.

LIVE! will exclude persons enrolled in the Voluntary Exclusion Program from mailings, both physical and electronic, conducted by third parties on its behalf (non-direct marketing) when LIVE! has the ability to access the third parties’ mailing list prior to the mailing to compare it against the Voluntary Exclusion Program list.

Mailings, both physical and electronic, conducted on behalf of LIVE! by third parties from mailing lists not available to the facility for comparison with the Voluntary Exclusion Program list prior to the mailing shall be addressed to “Resident” and not to any specific individual. No names or other personalized information is permitted to be included in the body of such mailings. Additionally, these third party mailings conducted on the behalf of LIVE! must contain the “Expanded Gambling Assistance Message”.

The Marketing Department will notify management of the following:

Check-cashing privileges, Live! Rewards membership, complimentary goods and services and other similar privileges and benefits to any voluntarily excluded individual will be denied.

Endeavor that voluntarily excluded individuals do not receive from LIVE!, any solicitations, targeted mailings, telemarketing promotions, player rewards material or other promotional materials relating to gaming activities at LIVE!.

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Information furnished to or obtained by the Commission shall be deemed confidential and shall not be disclosed except to facility personnel whose duties and functions require access to the information.

LIVE! and its team members or agents thereof will not disclose the name of, or any information about, any individual who has requested voluntary exclusion to anyone other than team members and agents of LIVE! whose duties and functions require access to such information.

Notwithstanding the forgoing, LIVE! may disclose the name of and information about a voluntarily excluded person to gaming affiliates of the licensee for purposes of excluding such persons from the casino facilities of the affiliate

There are two ways a person can be “flagged” as a voluntarily excluded person:

The official Voluntary Exclusion Program list supplied by the Commission which contains all the names of individuals who are prohibited from entering the gaming area; and

When a patron is “flagged” as voluntarily excluded in our system, their player account becomes invalid. If a voluntarily excluded individual attempts to use their Live! Rewards Card, our system will inform the individual that their card is invalid and instructs them to go to the Live! Rewards Booth.

Upon such identification, the Surveillance Department will be notified to monitor the presence of the voluntarily excluded person. Once notified, the Surveillance Department will review their logbooks. If the individual is confirmed as being voluntarily excluded, Security is called to escort the voluntarily excluded individual to the Security Office to document the incident by filing an “*Incident Report*” form. The Security Department may also notify local law enforcement and proceed with criminal trespass charges against the voluntarily excluded individual. The report will detail the following:

- a. Indication of ejection or arrest;
- b. Incident #, date and time of incident, date and time of report;
- c. Location of incident;
- d. Name, including any aliases or nicknames;
- e. SS#, date of birth and address;
- f. Photo taken, Yes or No;
- g. Height, weight, hair color, and other descriptive information;
- h. Incident description
- i. Signature of patron; and
- j. Signature of Security Department representatives

The Security Department is required to inform management of the incident. A copy of the “*Incident Report*” will be forwarded to the Commission by the General Manager.

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The Commission is solely responsible for alerting all agents that a voluntarily excluded person has attempted to play on the casino floor, or attempted to obtain access to the premises.

### **Request for Removal from the Voluntary Exclusion Program**

Any voluntarily excluded individual may, upon the expiration of the two years from the date of exclusion, submit to the Commission a request to have the individual's name removed from the voluntary exclusion list.

A decision whether to remove a person from the Voluntary Exclusion Program shall be within the discretion of the Commission, subject to the fulfillment of all requirements by the individual making the request for removal from the Voluntary Exclusion Program list. The Commission shall notify each licensee or operating agent each time an individual is removed from the voluntary exclusion list.

Once an individual's name has been removed from the voluntary exclusion list, nothing in this rule shall prohibit a licensee or operating agent from offering:

- a. Marketing directly to that individual;
- b. Cashing checks of such a person;
- c. Extending credit to the individual; or
- d. Any other amenities customarily offered by LIVE! to any other patron.

This section does not apply to those voluntarily excluded individuals who have elected lifetime exclusion or those individuals who have been involuntarily excluded from the premises.

### **LIVE! Involuntary Exclusion**

LIVE! may, at its discretion *"...remove a person from the casino floor at such time it is determined that an individual is becoming unruly, intoxicated or impaired or otherwise detrimental to the safe and efficient conduct of Table Game or VLT operations.*

All communication made to or by the state of New York concerning involuntary exclusion will be entrusted to the General Manager and or the Director of Security of LIVE!.

**The Security Department management will be solely responsible for the removal of any person from the facility, generating and maintaining all documentation concerning involuntary exclusions from the LIVE!.**

Security Department management will notify the Surveillance Department to monitor the incident and the person or persons being escorted from the facility. The individual will be removed to the Security Department and a report of the incident will be recorded on LIVE! *"Incident Report"* form. The report will detail the following:

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- a. Indication of ejection or arrest;
- b. Incident #, date and time of incident, date and time of report;
- c. Location of incident;
- d. Name, including any aliases or nicknames;
- e. SS#, date of birth and address;
- f. Photo taken, Yes or No;
- g. Height, weight, hair color, and other descriptive information;
- h. Incident description
- i. Signature of patron; and
- j. Signature of Security Department representatives

If obtainable, the Security Department will take photographs of the individual.

One photograph and the *"Incident Report"* form will remain on file in the Security Department.

One copy of the eviction form with photograph will remain on file in the Surveillance Department.

Once an *"Incident Report"* form has been completed, an original copy along with a photograph will be sent to the General Manager and finally sent to the Commission.

Reinstatement – Any LIVE! involuntarily excluded individual, who is not also on the New York Official Exclusion List, may be required upon the expiration of the period of exclusion, to submit to the LIVE! Responsible Gaming Committee a request to be removed from the exclusion list. The decision on whether to reinstate will be made by the property Responsible Gaming Committee. The Committee's decision will be communicated to the patron via letter.

### **New York Official Involuntary Exclusion List**

The Commission shall maintain the official Statewide Involuntary Exclusion List. The Commission shall notify LIVE! of any addition to the list by mailing or emailing a notice in accordance with involuntary exclusion rules and regulations to the General Manager of LIVE!, along with a picture of the individual. The form will be date stamped immediately upon receipt unless the form is received by email.

The Security and Surveillance Departments will maintain the *"Incident Report"* in a logbook to permit appropriate team members to review and identify an involuntarily excluded individual:

The Director of Security will maintain the Security Department logbook. Security Department employees will have access to the logbook.

The Surveillance Manager will maintain the Surveillance logbook in the monitor room. Surveillance Department team members will have access to the logbook.

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## **Tracking of Involuntary Exclusion Patrons**

Upon receipt of the “*Incident*” form, the Marketing Department will be solely responsible for entering into the Player Tracking System (OASIS) message alerts for each individual on the involuntary exclusion list.

The mail code for the account will also be changed to a “no mail” code to prevent the individual from receiving any promotion mailings. If applicable, the Credit Department will suspend the individual’s credit account. If the named individual does not have a player tracking account, the Marketing Department will create one for the involuntarily excluded individual and immediately add a “Commission Excluded” note to the individual’s account.

When a patron is flagged as involuntary excluded in the system, their player account becomes invalid. If an involuntary excluded person attempts to use their Live! Rewards Card, they will get a message indicating that their card is invalid and instructed to go to the Live! Rewards Booth.

The Marketing Department will notify management of the following:

Casino credit (if offered), check-cashing privileges, player reward membership, complimentary goods and services and other similar privileges and benefits to any involuntary excluded individual will be denied. LIVE! will utilize message alerts and “no mail” status in the OASIS player tracking system for each individual on the involuntary exclusion list; and

Endeavor that involuntary excluded individuals do not receive from LIVE!, any solicitations, targeted mailings, telemarketing promotions, player rewards material or other promotional materials relating to gaming activities at LIVE!.

Information furnished to or obtained by the Commission shall be deemed confidential and shall not be disclosed except to facility personnel whose duties and functions require access to the information.

LIVE! and its team members or agents thereof will not disclose the name of, or any information about, any individual who has been classified as an involuntary exclusion to anyone other than team members and agents of LIVE! whose duties and functions require access to such information.

Notwithstanding the forgoing, LIVE! may disclose the name of and information about an involuntarily excluded individual to the Commission for the purpose of alerting another agent that an involuntarily excluded individual has been removed from the facility.

## **LIVE! Financial/Mail Restriction Programs**

Financial and mail restriction programs are designed to allow a patron who does not want to voluntarily exclude themselves to still impose some restrictions on their own

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personal access to casino credit, if offered; check cashing and credit card cash advances, as well as casino marketing mail. To enroll themselves in such a program, the patron may specifically request the casino restrict certain financial transactions and/or stop casino marketing mail.

1. Personal Financial Restriction Program - This option is administered by the LIVE! Cage Department. With this option, a patron will sign an affidavit indicating that he or she wishes to be financially restricted at this property only. The term of the financial restriction will last until reinstatement is requested and granted in accordance with the reinstatement procedures below.

Once enrolled, the following actions will be taken:

- If Financial Restrictions are requested, the patron's player tracking account (OASIS) will be labeled "Financially Restricted," so that any team member accessing the account will know of their status and will refuse them restricted financial services;
- The patron will not be allowed to obtain casino credit, if offered (any existing credit lines will be closed); cash a check or get a credit card cash advance; and
- If requested by the patron, the patron will also be removed from property promotional/marketing mail lists and the patron's player tracking account will be labeled "No Mail".

Reinstatement – To have financial restrictions lifted, the patron must send a request to the Responsible Gaming Committee requesting reinstatement. The decision on whether to reinstate will be made by the property Responsible Gaming Committee. The Committee's decision will be communicated to the patron via letter.

2. Mail Restriction – A patron may request that the property stop sending them mail for a variety of reasons, many of which have nothing to do with the patron's desire or need to curtail or stop gaming. This option is administered by the LIVE! Marketing Department. A patron may request that his or her name be removed from the property mailing list solely to prohibit the receipt of marketing material by mail. To do so, the patron may contact a marketing representative in person and make the request. The patron's player tracking account will be labeled "No Mail".

Any patron who wishes to re-establish marketing correspondence simply has to request such reinstatement verbally to a marketing representative.

### IX. Database Information, Access & Confidentiality

LIVE! shall use its Player Tracking System (OASIS) as the primary means to identify excluded and voluntarily excluded persons. The Player Tracking System shall also be

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the primary means to identify excluded, financially restricted and mail restricted persons and to prevent them from completing a restricted transaction.

- A. The player tracking accounts for individuals who are excluded, voluntarily excluded and financially restricted shall include the following priority alerts as appropriate:
1. Commission Excluded: Notify Security – For individuals on the New York State Gaming Commission’s involuntary exclusion list.
  2. Property Eviction: Notify Security – Individuals who have been ejected or barred from the LIVE! facility, but are not on the New York State Gaming Commission list.
  3. D.A.P. Notify Security – For individuals on the New York State Gaming Commission’s Voluntary Exclusion Program List.
  4. Financially Restricted – For individuals who have requested a cessation of casino credit, check cashing and/or credit card advance privileges.
- B. **Confidentiality** - The identities of individuals on any exclusion, financial or mail restriction list are strictly confidential and may not be disclosed for any purpose other than to comply with the voluntary exclusion and financial restriction programs outlined in this document and New York law. Disclosure of such names for any other purpose could result in discipline up to and including termination of employment for the individual responsible and regulatory action by the New York State Gaming Commission. LIVE! will control access to the names of individuals enrolled in a voluntary exclusion and/or financial restriction program through access controls to the Player Tracking System. Such controls include:
1. Access Control – Team members who need access to the names of individuals on the Voluntary Exclusion and Financial Restriction List(s) will be granted access to the Player Tracking System.
  2. Password Control – Team members granted such access must input a unique password to access the Player Tracking System.

### X. Underage Gambling Policies & Procedures

Team members are advised through the Responsible Gaming Training Program of policies and procedures concerning underage gambling. LIVE! takes the issue of underage gambling very seriously and has developed policies and procedures to prevent individuals under the age of 21 (except for authorized team members) from accessing the facility or gambling:

- A. **Access** - Individuals under the age of 21 may not enter or be on the gaming floor. Security personnel will be stationed at all main public entrances leading to the

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gaming floor in order to prevent access by underage individuals. An individual will be carded by a security officer at the entrance to the facility if they appear to be under the age of 35. All team members are responsible for ensuring that an individual under 21 years of age does not enter the facility, gamble or consume alcoholic beverages. Any team member who reasonably suspects an individual may be under the age of 21 has the right and obligation to card that individual (or ask a security officer to card the individual).

- B. **Wagering Prohibitions** - As described above, LIVE! has established procedures to identify underage patrons on the gaming floor and to prevent them from entering the gaming floor in the first place. As such, individuals under the age of 21 may not wager on a VLT, Table Game or cause others to do so on their behalf, may not receive any benefits or privileges as a result of VLT or Table Game wagering and may not collect winnings or recover losses from a VLT or Table Game wager through any means. Any individual under the age of 21 who is caught gambling will be immediately escorted from the facility and may be arrested for criminal trespass or other charges.
1. **Forfeiture of Winnings** - Any VLT and Table Game credits or winnings by an individual under the age of 21 will be confiscated and the patron will be ejected from the property.

### XI. Unattended Children Policies & Procedures

Team members are advised through the Responsible Gambling Training Program of policies and procedures concerning unattended children. All team members will be on the lookout for unattended children both inside and outside of the facility. For the purposes of this policy, an unattended child will be considered any individual who appears to be under the age of 16 and who is unaccompanied by an adult.

- A. Any team member who discovers an unattended child shall immediately report this to the Security Department and, if reasonably practical, the team member shall stay with the child until the arrival of a Security Officer who will proceed as follows:
1. The Security Officer will notify surveillance and will escort the child to the Security Department Podium or another safe location. The Security Officer shall not leave the child unattended at any time.
  2. The Security Department will attempt to determine the name of the child's parent(s) or guardian(s). If a name is obtained, the Security Department will attempt to locate the parent or guardian.
    - a. Upon arrival, the parent(s) or guardian(s) will be warned against leaving their child unattended at any time and advised of the property's unattended minor policy. More severe action may be taken depending on the age of the child and the incident circumstances. Such actions

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may include banning the parent/guardian from the facility and/or calling local Police or Child Protective Services. The child will then be returned to the care or custody of their parent(s) or guardian(s).

- b. In the event the Security Department is unable to locate the child's parent(s) or guardian(s) within 30 minutes, or is unable to determine the name of the parent(s) or guardian(s) within 30 minutes, a Security Department representative will contact an appropriate agency, such as the local Police Department or Child Protective Services.

Security may at the discretion of the Supervisor on duty remove any individual from the property for disruptive or unsafe actions regardless of their age. In the event that a minor is involved, then the parent or guardian shall also be removed from the facility.

### **XII. Responsible Alcohol Service Policies & Procedures**

Team members are advised through the Responsible Gaming Training Program of policies and procedures concerning responsible alcohol service. Certain positions receive additional responsible alcohol service training through the ServSafe Food and Alcohol Training Program.

LIVE! has established these procedures designed to discourage patrons from becoming intoxicated, to prevent serving alcohol to visibly intoxicated patrons and to prevent persons from gaming after having been determined to be visibly intoxicated. Any team member who encounters a patron who appears to be visibly intoxicated shall report this information to their supervisor or a security officer. Employees of the Food & Beverage, Slot Service, Table Games and Security departments have the primary responsibility for enforcing the property's alcohol/intoxication policies.

- A. While our patrons bear the personal responsibility to prevent themselves from consuming alcohol to the point of intoxication, LIVE! has established the following policy statements concerning alcoholic beverage service and intoxicated persons:

1. A visibly intoxicated patron will be denied entry to the facility;
2. A visibly intoxicated patron will not be knowingly served alcoholic beverages;
3. Casino staff will make a diligent effort to not allow a visibly intoxicated patron to gamble;
4. Food & Beverage personnel will not knowingly serve a patron alcoholic beverages to the point where the patron becomes visibly intoxicated;
5. Food & Beverage personnel will not knowingly serve alcoholic beverages to a minor; and
6. Casino staff will make a diligent effort to not allow a visibly intoxicated patron to drive a motor vehicle when leaving the facility.

- B. Training - The following positions (at a minimum) will be trained in responsible alcohol service:

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1. Slot Service Shift Supervisors;
2. All Security Team members;
3. All Transportation team members;
4. All Food and Beverage team members who serve alcohol (or manage those who do); and
5. All persons authorized to approve credit.
6. Table Games Shift Supervisors;
7. All Management

LIVE! will use ServSafe Food and Alcohol Training as its primary responsible alcohol service training program.

- C. Visibly intoxicated patrons will be denied entry to the gaming floor by Security personnel stationed at the main entrances to the property. Security personnel will attempt through observation to prevent intoxicated individuals from gaming and from remaining on the gaming floor. The procedures outlined in the Security Department section below will be followed to ensure that the intoxicated patron does not engage in gaming activities.
- D. **Specific Responsibility for Responsible Alcohol Service** – The following departments / positions or their designees shall be responsible for matters related to responsible alcohol service as follows:
1. **Security Department** - Upon visual observation or notification of any patron identified, or suspected to be visibly intoxicated on the gaming floor or in any Food & Beverage outlet, a Security Officer will notify a Security Shift Supervisor/Manager, a Beverage Manager/Supervisor and/or Slot Shift Supervisor who shall observe the patron to make a determination if the patron appears to be visibly intoxicated (as set forth in ServSafe Food and Alcohol training materials).
    - a. If the Beverage Manager/Supervisor and/or Slot or Table Games Shift Supervisor determine the patron is visibly intoxicated, either the Beverage Manager/Supervisor and/or Slot or Table Games Shift Supervisor and/or the Security Shift Supervisor/Manager will advise the patron that they will be required to stop drinking and gambling.
    - b. A Security Officer shall remain with the intoxicated patron until arrangements for their safe departure have been secured. The Security Department will make efforts to secure the patron a safe departure, such efforts may include:
      - i. Locating a sober friend or relative who may have accompanied the patron to the casino who can provide transportation;
      - ii. Offering to call the patron a cab or other transportation;
      - iii. Offering to call a friend or relative for the patron to take them home;

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- iv. Arrange for a nights lodging and transportation to an area hotel

Any patron who insists on driving themselves will be told that if they do so the local police department will be called.

The local police will be notified immediately if the patron becomes confrontational, disruptive or attempts to drive on his or her own. Any costs for cabs, lodging or other transportation will be the responsibility of the patron.

- c. The Security Department shall document the incident on a Security Incident Report.
2. Surveillance - Upon visual observation of a patron who appears to be visibly intoxicated, Surveillance personnel shall immediately contact the Security Department. The Surveillance Department will monitor the patron as necessary. Surveillance personnel will document the incident on the surveillance log.
3. Slot & Table Games Departments - Upon observation of a patron who appears to be visibly intoxicated, the slot or table games team member will immediately contact their supervisor, Beverage Manager/Supervisor or Security Department representative.
4. Food and Beverage - Although Security staff will be asking anyone that appears to be 35 years old or under for identification, beverage servers also have the obligation to ID any individual attempting to purchase alcohol to determine if they are of legal age. In addition, beverage servers shall use the strategies, procedures and techniques described in ServSafe Food and Alcohol training to prevent serving a patron to the point of visible intoxication. Beverage servers will not serve alcoholic beverages to a visibly intoxicated patron. A beverage server will notify a Beverage Manager/Supervisor if a patron appears to be visibly intoxicated (as set forth in ServSafe Food and Alcohol training materials). The Beverage Manager/ Supervisor will assess the condition of the patron. If the Beverage Manager/ Supervisor determines that the patron is visibly intoxicated, the Slot Shift or Table Games Supervisor and the Security Department will be notified and the patron will be removed from the gaming floor in accordance with the security procedures outlined above. If there is a question as to the patron's sobriety, the Beverage Manager/Supervisor will contact the Slot Shift Supervisor and/or the Security Shift Supervisor/Manager and together they will make the final decision.
5. Valet – LIVE! Valet personnel will notify the Security Department if they suspect that an individual is intoxicated and attempts to obtain their car to leave the facility. The Security Department will enact the procedures set forth above.

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## **XIII. Reports and Notification to the New York State Gaming Commission**

LIVE! Responsible Gaming Committee will meet quarterly.

Examples of the topics these meeting may include, but not be limited to:

- Responsible Gaming related policies and procedures;
- Staff training sessions;
- Requests to remove self-restrictions;
- Discussions with community leaders and/ or local support groups

Minutes of these quarterly meetings will be maintained by LIVE!. The meeting details include, but are not limited to:

- Time and date of the meeting;
- Attendees at the meeting;
- Topics discussed;
- Outcomes / action items from the meeting;
- Voluntary and Involuntary reports prepared and their content; and
- Next scheduled meeting

A New York State Gaming Commission representative shall be notified of:

- Any individual under the age of 21 discovered gambling or found on the gaming floor.
- Any individual under the age of 21 who was served an alcoholic beverage.
- Any excluded or voluntarily excluded individual found on the premises.

On an annual basis, LIVE! shall submit to the New York State Gaming Commission an annual report describing the operation of the property's Responsible Gaming Program.

## **XIV. Required Signage / Brochures / Gambling Help Information**

LIVE! shall:

- A. Post signage approved by the Commission that prominently bears the gambling assistance message and the underage warning message at each customer entrance and exit of the gaming floor.
- B. Include the gambling assistance message on an advertisement that is intended to encourage play at its facility.
  - a. Ensure that a printed advertisement bears the gambling assistance message and meets requirements of Title 7 of the The Upstate new York Gaming Economic Development Act ("Title 7");

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- b. Ensure that a billboard bearing a printed advertisement bears the gambling assistance message and meets requirements of Title 7;
- c. Ensure that a television, video or radio advertisement bears the gambling assistance message and meets requirements of Title 7;
- C. Ensure that the gambling assistance message is printed on a paper product that is associated with player consumption of food or beverage if the paper product is special ordered and branded with LIVE! logo.
- D. Ensure that the gambling assistance message is printed on the back of Players Club Cards and on the back of VLT generated ticket vouchers.
- E. Ensure that any advertisement, as defined in Title 7, used by a gaming junket enterprise or manufacturer licensees bears the gambling assistance message.
- F. A brochure provided by the State describing the signs and symptoms that may be indicative of a gambling problem and that includes the toll free helpline and website information will be available at the Security and Players Services booths. All team members shall be familiar with the brochures and know where they are located. Team members are to offer a copy of the brochure to any patron who inquires about problem gambling issues. If a team member cannot leave his post, he should direct the patron to the location where the brochures can be found.

### **XV. Conclusion**

The management and team members of LIVE! are dedicated to operating a safe, enjoyable and responsible facility. While ultimate responsibility rests with our patrons for gambling responsibly and consuming alcohol in moderation, this Responsible Gambling and Alcoholic Services Program Plan has been developed to minimize the negative impacts of those few patrons who will not or cannot act responsibly.

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## Exhibit #1. Responsible Gaming Training Orientation Outline

### Code of Conduct Relating To Our Responsible Gaming Program

- Responsible gambling
  - Definition
  - Statistics
  - Behaviors
  
- Myths vs. Facts regarding gambling
  
- Self Assessment
  
- Programs available to patrons
  - Financial & Mail Restriction programs
    - ❖ ATM & check cashing limits
    - ❖ Marketing do-not-mail lists
  - Voluntary Self-Exclusion Program
  
- New York Alliance for Responsible Gambling website
  - Hotline
  - Locating certified counselors
  
- Brochures available to patrons (location, content)
  
- Responsible Alcohol Service
  - Our commitment to train team members in responsible alcohol service
    - Restricting access by underage patrons
    - ServSafe Food and Alcohol training
    - Signs of intoxication
  
- Unattended Minor Policy
  - Everyone is expected to be on the lookout both inside and outside the facility
  - Report any incidences *immediately* to Security