#### EMPIRE RESORTS INC

Form 4 June 03, 2014

# FORM 4 LINITED STATES S

#### **OMB APPROVAL**

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# UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

Check this box if no longer subject to Section 16. Form 4 or

## STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Form 5 obligations may continue.

See Instruction

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

1(b).

(Last)

(Print or Type Responses)

1. Name and Address of Reporting Person \*\*
SIMON JAMES

2. Issuer Name **and** Ticker or Trading Symbol

EMPIRE RESORTS INC [NYNY]

5. Relationship of Reporting Person(s) to

Issuer

ION JAMES

(First)

(Middle)

3. Date of Earliest Transaction

3. Date of Earliest Transaction
(Month/Day/Year) \_\_X\_ Dire

05/30/2014

\_X\_\_ Director \_\_\_\_\_ 10% Owner \_\_\_\_ Officer (give title \_\_\_\_ Other (specify below)

(Check all applicable)

C/O MONTICELLO CASINO AND RACEWAY, ROUTE 17B, P.O. BOX 5013

(Street) 4. If Amendment, Date Original

Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check

Applicable Line)

\_X\_ Form filed by One Reporting Person \_\_\_\_ Form filed by More than One Reporting

Person

MONTICELLO, NY 12701

(City)	(State) (Zip)	Table I - Non-Derivative Securities Acqu	ired, Disposed of, or Beneficially Owned
1.Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year) Execution D any (Month/Day.	ate, if Transactionor Disposed of (D) Code (Instr. 3, 4 and 5)	5. Amount of Securities Ownership Indirect Beneficially Form: Beneficial Owned Direct (D) Ownership Following or Indirect Reported (I) Transaction(s) (Instr. 4) (Instr. 3 and 4)
Common Stock, \$.01 par value per share	05/30/2014	$M_{\underline{1}}^{(1)}$ 25,000 A \$ 3.69	78,420 D
Common Stock, \$.01 par value per share	05/30/2014	F 10,443 D \$ 6.3373	67,977 D

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Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transactic Code (Instr. 8)	5. Number of onDerivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)		6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Amount of Underlying Securities (Instr. 3 and 4)	
				Code V	(A)	(D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares
Employee Stock Option (right to buy)	\$ 3.69	05/30/2014		M(1)		25,000	<u>(2)</u>	06/06/2014	Common Stock, \$.01 par value per share	25,000

### **Reporting Owners**

Reporting Owner Name / Address

Relationships

Director 10% Owner Officer Other SIMON JAMES

C/O MONTICELLO CASINO AND RACEWAY ROUTE 17B, P.O. BOX 5013 MONTICELLO, NY 12701



### **Signatures**

/s/ Nanette L. Horner, By, Nanette L. Horner, by Power of Attorney 06/03/2014

\*\*Signature of Reporting Person Date

### **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- $\textbf{(1)} \quad Restricted \ stock \ grant \ under \ the \ 2005 \ Empire \ Resorts, \ Inc. \ Equity \ Incentive \ Plan \ (the \ "Plan").$
- (2) The option was fully vested and exercisable as of April 15, 2009.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

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