### Edgar Filing: EMPIRE RESORTS INC - Form 3

#### **EMPIRE RESORTS INC**

Form 3 June 03, 2009

### FORM 3

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

OMB APPROVAL

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response...

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INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

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

(Print or Type Responses)

1. Name and Address of Reporting 2. Date of Event Requiring 3. Issuer Name and Ticker or Trading Symbol Person \* Statement EMPIRE RESORTS INC [NYNY]  **BERNSTEIN JOSEPH E** (Month/Day/Year) 06/01/2009 (Last) (First) (Middle) 4. Relationship of Reporting 5. If Amendment, Date Original Person(s) to Issuer Filed(Month/Day/Year) C/O MONTICELLO CASINO (Check all applicable) AND RACEWAY, Â ROUTE 17B, P.O. BOX 5013 10% Owner Director (Street) \_X\_\_ Officer Other 6. Individual or Joint/Group (give title below) (specify below) Filing(Check Applicable Line) Chief Executive Officer \_X\_ Form filed by One Reporting Person MONTICELLO, Â NYÂ 12701 Form filed by More than One Reporting Person (City) (State) (Zip) Table I - Non-Derivative Securities Beneficially Owned 1. Title of Security 2. Amount of Securities 3. 4. Nature of Indirect Beneficial Ownership Beneficially Owned (Instr. 4) Ownership (Instr. 4) Form: (Instr. 5) Direct (D) or Indirect (I) (Instr. 5) Â Common Stock, \$.01 par value per share 1,332,229 D Common Stock, \$.01 par value per share 2,500 Ι By Immediate Family (1) Common Stock, \$.01 par value per share 1,500 I By Limited Liability Company (2) Reminder: Report on a separate line for each class of securities beneficially SEC 1473 (7-02) owned directly or indirectly. Persons who respond to the collection of

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

information contained in this form are not required to respond unless the form displays a

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1. Title of Derivative Security (Instr. 4)

**Expiration Date** (Month/Day/Year)

2. Date Exercisable and 3. Title and Amount of Securities Underlying **Derivative Security** (Instr. 4)

Conversion or Exercise Price of Derivative Security

5. Ownership Form of (Instr. 5) Derivative

6. Nature of Indirect Beneficial Ownership

Date Exercisable

**Expiration Title** Date

Amount or Number of Shares

Security: Direct (D) or Indirect (I) (Instr. 5)

# **Reporting Owners**

Reporting Owner Name / Address

Relationships

Director 10% Owner Officer

Other

BERNSTEIN JOSEPH E C/O MONTICELLO CASINO AND RACEWAY ROUTE 17B, P.O. BOX 5013 MONTICELLO, Â NYÂ 12701

Â

Chief Executive Officer Â

# **Signatures**

/s/ Bernstein, Joseph E.

06/03/2009

\*\*Signature of Reporting Person Date

### **Explanation of Responses:**

- If the form is filed by more than one reporting person, see Instruction 5(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).
- These shares are held by Mr. Bernstein's wife, Nora Bernstein, as custodian for Mr. Bernstein's children.
- These shares are held by Bernstarz LLC. Mr. Bernstein is the sole member of and holds 100% of the membership interests of Bernstarz **(2)** LLC.

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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