

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
License to Operate Gambling Activities of: )  
)  
)  
Daniel V. Garrison )  
Lynnwood, Washington, )  
)  
Licensee. )  
\_\_\_\_\_ )

CR 2009-01237

**NOTICE OF ADMINISTRATIVE  
CHARGES AND  
OPPORTUNITY FOR AN  
ADJUDICATIVE HEARING**

I.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of Chapter 9.46 RCW, and WAC Title 230.

The Washington State Gambling Commission issued Daniel V. Garrison, of Lynnwood, the following license:

68-24123 Authorizing Card Room Activity at the Silver Dollar Casino in Mill Creek.

This license, which expires on August 13, 2010, was issued subject to Mr. Garrison's compliance with state gambling laws and Commission rules.

**SUMMARY:**

On August 5, 2009, Mr. Garrison pled guilty to 2<sup>nd</sup> Degree Assault/Strangulation, Domestic Violence, a felony. On December 8, 2008, Mr. Garrison plead guilty to Assault 4<sup>th</sup> Degree, a gross misdemeanor.

**FACTS:**

1) On October 2, 2009, 2009, the licensee was served with Findings of Fact, Conclusions of Law and Order of Summary Suspension, which included the following allegations:

- On August 13, 2006, Commission staff issued Daniel Garrison a gaming license. He has maintained his license since then, and currently works at the Silver Dollar Casino in Mill Creek.
- On November 5, 2008, Commission staff received a statement from Mr. Garrison disclosing that he was arrested on November 1, 2008, for 4<sup>th</sup> Degree Domestic Violence, with the victim being his girlfriend, Miriam Ortiz. On April 23, 2009, Commission staff received a

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statement and a copy of Mr. Garrison's Judgment and Sentence, notifying staff that the 4<sup>th</sup> Degree Assault charge was reduced to Disorderly Conduct.

- On January 8, 2009, Commission staff received a statement from Mr. Garrison which disclosed that on December 27, 2008, he was arrested for 2<sup>nd</sup> Degree Assault, Domestic Violence, with the same victim as in the prior arrest in November, Ms. Ortiz.
  - On March 11, 2009, an Information and an Affidavit of Probable Cause was filed in Snohomish County Superior Court, charging Mr. Garrison with 2<sup>nd</sup> Degree Assault, Domestic Violence. The charges alleged assault by strangulation.
  - On June 12, 2009, a Commission Special Agent ("agent") found, during a routine annual criminal history check, that Mr. Garrison was the subject of a felony warrant for failure to appear in court on the 2<sup>nd</sup> Degree Assault charge. The agent sent Mr. Garrison and his employer a letter notifying them of the outstanding warrant and requesting it be quashed by June 22, 2009.
  - On June 17, 2009, the agent received a statement from Mr. Garrison notifying the agent that the warrant was quashed.
  - On August 5, 2009, a Statement of Defendant on Plea of Guilty was filed in Snohomish County, wherein Mr. Garrison stated that "on or about December 27, 2008, in Snohomish County, WA, I did assault another person, to wit Miriam Ortiz-Garcia, by strangulation, and she was my girlfriend."
  - On August 10, 2009, the agent received a statement from Mr. Garrison notifying the Commission that he had been convicted of 2<sup>nd</sup> Degree Assault. Sentencing took place on September 22, 2009. Mr. Garrison was sentenced to three months in jail with credit for time served, and 12 months community custody with work release. In addition, a conviction of Domestic Violence No-Contact Order was issued prohibiting Mr. Garrison to have contact with Ms. Ortiz until 2014.
- 2) After the Summary Suspension was issued, the agent determined that on December 8, 2009, Mr. Garrison was charged with 3<sup>rd</sup> Degree Assault in Everett District Court. On December 30, 2009, a Judgment and Sentence was filed in Everett District Court finding Mr. Garrison guilty of 4<sup>th</sup> Degree Assault, and sentencing him to 365 days in jail with 345 days suspended, a \$1000 fine, and no contact with the victim.

## **VIOLATIONS**

- 1) **RCW 9.46.075(1)** provides that the Commission may revoke a license or permit if the holder has violated the provisions, requirements or duties imposed by Chapter 9.46 RCW or any rules adopted by the Commission.

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2) **RCW 9.46.075(4)** provides that the Commission may revoke a license or permit if the holder has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

3) **RCW 9.46.075(8)** provides that the Commission may revoke a permit when the holder fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

4) **WAC 230-03-085(1), (2) (5) and (8)(a)(b)(c)(d)(e)** provide that the Commission may suspend or revoke any license or permit, when the licensee or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person; or

(5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4).

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

8) **RCW 9.46.153(1)** provides that it shall be the affirmative responsibility of each licensee or permit holder to establish by clear and convincing evidence the necessary qualifications for licensure.

Daniel Garrison, a Washington State Gambling Commission licensee, violated the terms of his license when on December 27, 2008; he assaulted an individual by strangulation, and on December 8, 2009 when he assaulted another person.

