

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the	)	
License to Conduct Gambling Activities of:	)	CR 2009-01237
	)	
Daniel Garrison	)	<b>FINDINGS OF FACT,</b>
Lynnwood, Washington,	)	<b>CONCLUSIONS OF LAW,</b>
	)	<b>AND ORDER OF SUMMARY</b>
Licensee.	)	<b>SUSPENSION OF</b>
	)	<b>LICENSE</b>

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Pursuant to RCW 34.05.422(4), the Washington State Gambling Commission ("Commission") may summarily suspend a license pending proceedings for revocation or other action. The Commission has authorized the Director to summarily suspend a license under RCW 9.46.070(17) and WAC 230-17-165.

This matter has been brought before the Director for a summary suspension of Daniel Garrison's license, and the Director has issued this Order and caused it to be served upon Mr. Garrison. This Order shall be deemed effective immediately upon its service to Mr. Garrison, his authorized representative or agent thereof, unless otherwise specified herein. By this authority, an authorized agent of the Commission shall, under the terms hereof, seize Daniel Garrison's current license and his licensed gaming activities shall cease as ordered.

**FINDINGS OF FACT**

I.

Rick Day is the Director of the Washington State Gambling Commission and hereby issues this Order in that capacity.

II.

Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

III.

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

Number: 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.

IV.

After a thorough review of the Commission Special Agent's investigative reports concerning the facts in this matter, the Director accepts the reports as a verity and makes the determination that the action as ordered herein is warranted.

V.

**SUMMARY:**

On August 5, 2009, Mr. Garrison pled guilty to 2<sup>nd</sup> Degree Assault/Strangulation, Domestic Violence, a felony.

**FACTS:**

- 1) 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.
- 2) 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 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) On June 17, 2009, the agent received a statement from Mr. Garrison notifying her that the warrant was quashed.

7) 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.”

8) 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.

## CONCLUSIONS OF LAW

### I.

1) **RCW 9.46.070(17)** provides that the Commission shall have the following powers and duties: The Commission may authorize the director to temporarily issue or suspend licenses subject to final action by the Commission.

2) **WAC 230-17-165(2)** provides that the Director may issue an order to summarily suspend any license if the Director determines that a licensee has performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.

3) **WAC 230-17-165(3)(a)** provides that the Commission deems the following actions of a licensee constitute an immediate danger to the public safety and welfare: Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the Commission.

On August 5, 2009, Mr. Garrison pled guilty to 2<sup>nd</sup> Degree Assault/Strangulation, Domestic Violence. The licensee’s actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3)(a), and are a basis for immediate cessation of Mr. Garrison’s licensed activities.

4) **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.

5) **WAC 230-03-085(1) 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.

(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.

6) **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.

7) **WAC 230-03-085(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) **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. On August 5, 2009, he was convicted of 2<sup>nd</sup> Degree Assault in Snohomish County. By his conviction for 2<sup>nd</sup> Degree Assault/Strangulation, Domestic Violence, with 12 months community custody with work release. Mr. Garrison has failed to establish, by clear and convincing evidence, as required by RCW 9.46.153, that he is qualified to be licensed. Grounds exist to revoke Daniel Garrison's license based on RCW 9.46.075(1), (8), and WAC 230-03-085(1), (5), and (8).

## II.

Immediate cessation of Daniel Garrison's gambling activity is required for the protection and preservation of the safety and welfare of the public based on Mr. Garrison's conviction for a felony involving physical harm to individuals.

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## ORDER

Based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, it is the ORDER of the undersigned Director, pursuant to RCW 9.46.070(17), RCW 34.05.422, and WAC 230-17-165, that Daniel Garrison's card room employee license is summarily suspended pending a formal hearing by an Administrative Law Judge. This summary suspension will be effective immediately upon the service of this Order to the licensee or an authorized representative or agent.

### STATEMENT OF RIGHTS

(1) You have a right to petition for a stay of this Order. You may request a stay by filing a written request with the Commission. **Any request for a stay must be received by the Commission within fifteen (15) days** of service of this Order upon you. If the Commission receives a timely request for a stay, **a hearing regarding a request for stay will be conducted within seven (7) days** in accordance with WAC 230-17-170. The stay hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified to allow the conduct of limited activities under the current license. **Furthermore, at the hearing, the licensee shall have the burden of demonstrating by clear and convincing evidence that:**

- (a) The licensee is likely to prevail upon the merits at hearing;
- (b) Without relief, the licensee will suffer irreparable injury. For purposes of this section, elimination of income from licensed activities shall not be deemed irreparable injury;
- (c) The grant of relief will not substantially harm other parties to the proceedings; and
- (d) The threat to the public safety or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

A request for a stay does not constitute a request for a hearing as provided in paragraph (2) of this Statement of Rights.

(2) You also have a right to a full hearing on the merits in this matter. You may request a hearing by completing and returning to the Commission the enclosed Application for Adjudicative Proceeding and Request for Hearing. Failure to submit the Application for Adjudicative Proceeding and Request for Hearing form within twenty (20) days of service of this order upon you shall result in a waiver of your right to an adjudicative proceeding and entry of an order in default under RCW 34.05.440, revoking your license. If a timely application for a hearing is received, a hearing shall be conducted not sooner than seven (7) days nor later than 90 days from the date of service of this Order unless otherwise agreed to by the parties: Provided, that you may waive the seven (7) day notice rule of RCW 34.05.434 and request a hearing at an earlier date.

