

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

-----=
IN THE MATTER OF: :
 :
The Fireplace :
Restaurant, Inc. :
t/a The Fireplace :
2161 P Street NW :
Retailer CT - ANC 2B :
License No. 14419 :
Case #22-PRO-00149 :
and #19-PRO-00140 :
 :
(Application to Renew :
the License) :
-----=

Wednesday
February 8, 2023

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- RAFI ALIYA CROCKETT, Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

- JOSE ORELLANA, DC ABRA Staff
- JEREMIAH GRISWELL, Applicant
- JEFF RUECKGAUER, ANC 2B

1 P-R-O-C-E-E-D-I-N-G-S

2 10:29 a.m.

3 CHAIRPERSON ANDERSON: Good morning
4 everyone, as Chairman - as Chairperson of the
5 Alcoholic Beverage Control Board from the
6 District of Columbia and in accordance with DC
7 Code section 2571 of the Open Meetings Act, OMA,
8 I am welcoming you to the regular scheduled
9 meeting of the Alcoholic Beverage Control Board.
10 This meeting is being conducted pursuant to
11 guidance made available by the District of
12 Columbia's Office of Open Government, regarding
13 electronic meetings held by public bodies.
14 Electronic meetings by the ABC Board are
15 authorized pursuant to section 2577A of the DC
16 Code.

17 Pursuant to the OMA Requirements,
18 notice of today's meeting was provided 48 hours
19 in advance of the meeting on average website and
20 on the District Central Meeting Calendar. The
21 notice included the time, date, agenda, and call
22 in or log in information for public
23 participation.

24 This electronic meeting is being
25 hosted by a WebEx account provided by the

1 District of Columbia government. Please address
2 any questions or complaints to the OOG at
3 OpenGovOffice@DC.gov.

4 My name is Donovan Anderson, I'm
5 Chairman of the Board. I would like to introduce
6 the other members of the ABC Board who are also
7 participating electronically. Mr. James Short?

8 MEMBER SHORT: Mr. James Short,
9 present.

10 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

11 MEMBER CATO: Bobby Cato, present .

12 CHAIRPERSON ANDERSON: Ms. Rafi
13 Crockett?

14 MEMBER CROCKETT: Rafi Crockett,
15 present.

16 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?
17 Mr. Edward Grandis?

18 MEMBER GRANDIS: Edward Grandis,
19 present.

20 CHAIRPERSON ANDERSON: The Board has
21 six members in attendance for the conduct of
22 business today and that constitutes decorum.
23 Before we get underway with today's hearing
24 calendar, I need to make a few instructions very
25 clear so that the conduct of these hearings is

1 understood by everyone. There are nine cases on
2 this morning's calendar. Once your case is
3 called, I will take a moment for IT specialist to
4 elevate the rights for each party to enable their
5 camera and microphone. Then and only then will
6 you have the ability to enable your equipment. If
7 your case is not being heard, you will remain
8 mute and your camera will be disable. At the
9 conclusion of each case, the parties will have
10 the option to leave. If the party chooses to
11 stay, all cameras and microphones for the
12 concluded case will be disabled. Should you have
13 any questions or require technical assistance
14 during the hearing, please submit them using the
15 question and answer feature.

16 Our first order of business today is
17 a Protest Hearing Status, case number 22-PRO-
18 00149 and case number 92-PRO-00140, The
19 Fireplace, license number 14419.

20 Good Morning Mr. Orellana, could you
21 please elevate the rights of the parties in this
22 case please?

23 MR. ORELLANA: Jeremiah Griswell, your
24 access has been elevated. Jeff Rueckgauer, your
25 access has been elevated. That appears to be all,

1 Chairman.

2 CHAIRPERSON ANDERSON: Alright. Good
3 morning everyone. Good morning. Let's start with
4 the licensee. Can he please spell and state his
5 name for the record please?

6 MR. GRISWELL: Jeremiah Griswell. Last
7 name spelled G-R-I-S-W-E-L-L. First name
8 Jeremiah, spelled J-E-R-E-M-I-A-H.

9 CHAIRPERSON ANDERSON: And what's your
10 relationship to the establishment, sir?

11 MR. GRISWELL: I am actually one of the
12 managers there.

13 CHAIRPERSON ANDERSON: What do you mean
14 you're one of the managers there? Please explain
15 that to me.

16 MR. GRISWELL: I've been there for such
17 --

18 CHAIRPERSON ANDERSON: I'm sorry, sir.
19 I'm sorry. I can't hear you because you're -

20 MR. GRISWELL: Oh okay. Is this a
21 little bit better?

22 CHAIRPERSON ANDERSON: It's a little
23 bit better.

24 MR. GRISWELL: Okay --

25 CHAIRPERSON ANDERSON: I have no idea

1 what you just said, sir.

2 MR. GRISWELL: I have no idea why my
3 audio is not --

4 CHAIRPERSON ANDERSON: Do me a favor.
5 Turn your video off for a minute and see if it's
6 better.

7 MR. GRISWELL: Is that better?

8 CHAIRPERSON ANDERSON: Yes, sir. It's
9 better. So repeat what you have to say sir
10 please.

11 MR. GRISWELL: I'm here as the manager
12 of --

13 CHAIRPERSON ANDERSON: Alright. It's
14 still poor but you can come back on video sir.
15 Alright. Mr. Rueckgauer - I'm sorry. I apologize.
16 I'm butchering your name. I apologize. Sir,
17 please identify yourself for the record.

18 MR. RUECKGAUER: Yes. That's quite
19 alright. My name is Jeffrey Rueckgauer, J-E-F-F-
20 R-E-Y. Last name Rueckgauer R-U-E-C-K-G-A-U-E-R.
21 I am the commissioner for Single Member District
22 2B02 which includes The Fireplace.

23 CHAIRPERSON ANDERSON: Alright. Good
24 morning sir. Alright. Are there any preliminary
25 matters that need to be brought to the attention

1 of the board? Let's start with you Mr. Griswell.

2 MR. GRISWELL: No. I believe we have an
3 agreement waiting to be signed and passed over to
4 the board.

5 CHAIRPERSON ANDERSON: Thank you sir.
6 Mr. Rueckgauer? Any preliminary matters sir?

7 MR. RUECKGAUER: I am sorry. Your audio
8 is clipping so I can barely make you out too.

9 CHAIRPERSON ANDERSON: You talking about
10 me?

11 MR. RUECKGAUER: Yes sir.

12 CHAIRPERSON ANDERSON: You're saying
13 that I'm having issues with my audio?

14 MR. RUECKGAUER: Yeah, it's clipping and
15 it's kind of weak. So I'm just going to get a
16 little closer to the screen, so don't mind this.
17 Go ahead again please.

18 CHAIRPERSON ANDERSON: I said do you
19 have any preliminary matters that you need to
20 bring to the attention of the board?

21 MR. RUECKGAUER: I would like to mention
22 that we have reached a signed settlement agreement
23 with the establishment and the - I guess the only
24 question that we have is, how do we factor in the
25 2019 protest so we can discharge both of them at

1 the same time? Do we need signatures of each of
2 the residents who were included in the 2019 roll
3 call to complete this work? And does the agreement
4 that we sign for the 2022 protest, will that, if
5 we mention that we're closing it, that it also
6 resolves the 2020 protest, do we need to track
7 down all the signatures? Because it was just some
8 kind of -

9 CHAIRPERSON ANDERSON: Alright. Let me
10 ask you a question sir. Who were the protestants
11 in the first case?

12 MR. RUECKGAUER: The protestants on the
13 2022 protest, it is ANC2B. On the 2019 protest, it
14 is ANC2B, a group of five or more residents, and
15 the Dupont Circle Citizens Association.

16 CHAIRPERSON ANDERSON: Alright. So our
17 board order will address that but for the 2019
18 case, by operation of law, if there is a
19 settlement with the ANC and the establishment,
20 then the group faults. So you don't have to worry
21 about it at least from the 2019, you don't have to
22 be concerned about the group of five or more.

23 For the 2020 case, then the parties in
24 this case are the group of five or more, I believe
25 the ANC, and the specific association. But our

1 board order will address all of those, because my
2 assumption is that all the parties, at least in
3 the 2020 case, the settlement agreement is
4 between - who is the settlement agreement between?

5 MR. RUECKGAUER: On the 2020 case, it
6 would have been - on the current, the 2022 case,
7 it is -- the ANC and the establishment. No other
8 parties filed in time for that.

9 CHAIRPERSON ANDERSON: Okay. Then our
10 board order will address that. So you don't need
11 to do - there's nothing you need to do on your
12 part. The order will address that.

13 MR. RUECKGAUER: Okay. So I can just
14 have our chair sign the SA today and then we put
15 this to bed?

16 CHAIRPERSON ANDERSON: Whatever your
17 process for you ANC. Then you can sign the
18 Settlement Agreement provided to the agency as
19 soon as possible and because this matter is
20 scheduled for a protest hearing on March 15th,
21 2023. SO if you provide it to the agency as soon
22 as possible, then we will cancel that and we'll
23 take of the matter, so we'll take care of both the
24 22-PRO-00149 and 19-PRO-00140. The two cases will
25 be taken care of and it will be addressed in our

1 board order.

2 MR. RUECKGAUER: Okay. Thank you very
3 much.

4 CHAIRPERSON ANDERSON: So thank you. As
5 represented that you have a settlement agreement,
6 and that settlement agreement will be provided to
7 the board as soon as possible so we would - so
8 there's no need for us to have this hearing on the
9 15th, on March 15th 2023 at 1:30 p.m. So I am glad
10 to hear that the parties were able to settle this
11 matter. Thank you very much and have a great day.

12 MR. RUECKGAUER: Thank you.

13 MR. GRISWELL: Thank you, sir.

14 CHAIRPERSON ANDERSON: All right,
15 thanks.

16 (Whereupon, the above entitled matter
17 went off the record at 10:50 a.m.)

18

19

20

21

22

23

24

25

A

a.m 2:2 10:17
ABC 2:14 3:6
ability 4:6
able 10:10
ABRA 1:21
access 4:24,25
account 2:25
Act 2:7
address 3:1 8:17 9:1,10
 9:12
addressed 9:25
advance 2:19
agency 9:18,21
agenda 2:21
agreement 7:3,22 8:3
 9:3,4,18 10:5,6
ahead 7:17
Alcoholic 1:2,14 2:5,9
ALIYA 1:18
alright 5:2 6:13,15,19
 6:23,24 8:9,16
ANC 1:8,22 8:19,25 9:7
 9:17
ANC2B 8:13,14
Anderson 1:15,17 2:3
 3:4,10,12,16,20 5:2,9
 5:13,18,22,25 6:4,8
 6:13,23 7:5,9,12,18
 8:9,16 9:9,16 10:4,14
answer 4:15
apologize 6:15,16
appears 4:25
Applicant 1:22
Application 1:10
assistance 4:13
association 8:15,25
assumption 9:2
attendance 3:21
attention 6:25 7:20
audio 6:3 7:7,13
authorized 2:15
available 2:11
average 2:19

B

back 6:14
barely 7:8
bed 9:15
believe 7:2 8:24
better 5:21,23 6:6,7,9
Beverage 1:2,14 2:5,9
bit 5:21,23
board 1:2,14 2:5,9,14
 3:5,6,20 7:1,4,20 8:17
 9:1,10 10:1,7
Bobby 1:18 3:10,11
bodies 2:13

bring 7:20
brought 6:25
business 3:22 4:16
butchering 6:16

C

calendar 2:20 3:24 4:2
call 2:21 8:3
called 4:3
camera 4:5,8
cameras 4:11
cancel 9:22
care 9:23,25
case 1:9 4:2,7,9,12,17
 4:18,22 8:11,18,23,24
 9:3,5,6
cases 4:1 9:24
Cato 1:18 3:10,11,11
Central 2:20
chair 9:14
Chairman 2:4 3:5 5:1
Chairperson 1:15,17
 2:3,4 3:10,12,16,20
 5:2,9,13,18,22,25 6:4
 6:8,13,23 7:5,9,12,18
 8:9,16 9:9,16 10:4,14
chooses 4:10
Circle 8:15
Citizens 8:15
clear 3:25
clipping 7:8,14
closer 7:16
closing 8:5
Code 2:7,16
Columbia 1:1 2:6 3:1
Columbia's 2:12
come 6:14
commissioner 6:21
complaints 3:2
complete 8:3
concerned 8:22
concluded 4:12
conclusion 4:9
conduct 3:21,25
conducted 2:10
constitutes 3:22
Control 1:2,14 2:5,9
Crockett 1:18 3:13,14
 3:14
CT 1:8
current 9:6

D

date 2:21
day 10:11
DC 1:21 2:6,15
decorum 3:22
disable 4:8

disabled 4:12
discharge 7:25
District 1:1 2:6,11,20
 3:1 6:21
Donovan 1:15,17 3:4
Dupont 8:15

E

Edward 1:19 3:17,18
electronic 2:13,14,24
electronically 3:7
elevate 4:4,21
elevated 4:24,25
enable 4:4,6
entitled 10:16
equipment 4:6
establishment 5:10
 7:23 8:19 9:7
explain 5:14

F

factor 7:24
faults 8:20
favor 6:4
feature 4:15
February 1:13
filed 9:8
Fireplace 1:6,7 4:19
 6:22
first 4:16 5:7 8:11
five 8:14,22,24

G

G-R-I-S-W-E-L-L 5:7
glad 10:9
Go 7:17
going 7:15
Good 2:3 4:20 5:2,3
 6:23
government 2:12 3:1
Grandis 1:19 3:17,18
 3:18
great 10:11
Griswell 1:22 4:23 5:6,6
 5:11,16,20,24 6:2,7
 6:11 7:1,2 10:13
group 8:14,20,22,24
guess 7:23
guidance 2:11

H

Hansen 1:19 3:16
hear 5:19 10:10
heard 4:7
hearing 1:8 3:23 4:14
 4:17 9:20 10:8
hearings 3:25
held 2:13

hosted 2:25
hours 2:18

I

idea 5:25 6:2
identify 6:17
included 2:21 8:2
includes 6:22
information 2:22
instructions 3:24
introduce 3:5
issues 7:13

J

J-E-F-F 6:19
J-E-R-E-M-I-A-H 5:8
James 1:20 3:7,8
Jeff 1:22 4:24
Jeffrey 6:19
Jeni 1:19 3:16
Jeremiah 1:22 4:23 5:6
 5:8
JOSE 1:21
JR 1:18,20

K

kind 7:15 8:8

L

law 8:18
leave 4:10
Let's 5:3 7:1
license 1:8,11 4:19
licensee 5:4
little 5:21,22 7:16
log 2:22

M

manager 6:11
managers 5:12,14
March 9:20 10:9
matter 1:5 9:19,23
 10:11,16
matters 6:25 7:6,19
mean 5:13
meeting 1:3 2:9,10,18
 2:19,20,24
meetings 2:7,13,14
Member 1:18,18,19,19
 1:20 3:8,11,14,18
 6:21
members 3:6,21
mention 7:21 8:5
met 1:15
microphone 4:5
microphones 4:11
mind 7:16
minute 6:5

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: The Fireplace

Before: DC ABRA

Date: 02-08-23

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W., STE. 200

WASHINGTON, D.C. 20009-7831