

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE AND CANNABIS BOARD

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MEETING

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 IN THE MATTER OF: :
 :
 The Fireplace Restaurant, :
 Inc., :
 t/a The Fireplace :
 2161 P Street NW : Fact Finding
 Retailer CT - ANC 2B : Hearing
 License #14419 :
 Case # 23-251-00010 :
 :
 (Assault with a Deadly :
 Weapon, Disorderly :
 Conduct) :
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Wednesday

May 10, 2023

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

PRESENT:

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

ALSO PRESENT:

JEREMIAH GRISWELL, Licensee
 BILLY MCEACHERN, DC MPD
 JOSE ORELLANA, DC ABCA Staff

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

2 11:16 a.m.

3 CHAIRPERSON ANDERSON: All right, the
4 next case on our calendar is a fact-finding
5 hearing, Case No. 23-251-00010, the Fireplace,
6 license no. 14419. Mr. Orellana, can you please
7 elevate the licensing rights of the government,
8 I'm sorry, the rights of the licensee. There is a
9 police officer. Please elevate their rights also.

10 MR. ORELLANA: Jeremiah Griswell, your
11 access has been elevated. Sgt. Billy McEachern,
12 your access has been elevated.

13 CHAIRPERSON ANDERSON: Thank you.

14 All right. Mr. McEachern Officer
15 McEachern, are you there? Sgt. McEachern, are you
16 there?

17 SGT. MCEACHERN: Hello?

18 CHAIRPERSON ANDERSON: Do you have a
19 camera you can turn on, sir?

20 Sergeant, please state and spell your
21 name for the record.

22 SGT. MCEACHERN: Yes. Billy McEachern,
23 B-I-L-L-Y M-c-capital-E-A-C-H-E-R-N.

24
25 CHAIRPERSON ANDERSON: Good morning.

1 Mr. Griswell, can you please spell and state your
2 name for the record?

3 MR. ORELLANA: Yes. It's Jeremiah,
4 J-E-R-E-M-I-A-H, Griswell, G-R-I-S-W-E-L-L.

5 CHAIRPERSON ANDERSON: All right. Thank
6 you. What's the relationship to the respondent?

7 MR. ORELLANA: I'm representing the
8 Fireplace. I'm one of the managers.

9 CHAIRPERSON ANDERSON: All right. Thank
10 you. We're here this morning to discuss ABCA case
11 no. 23-251-00010 and the facts regarding an
12 incident that occurred in the Fireplace on March
13 16, 2023.

14 Specifically, the ABCA investigator's
15 report indicates that a verbal altercation heard
16 between two patrons on the second floor of the
17 establishment. This altercation led to a stabbing
18 on the premises, where one patron stabbed the
19 other.

20 The board is concerned about how the
21 assailant patron was found to have brought the
22 knife into the establishment, and what measures
23 are used by the respondent to prevent weapons
24 from entering. Additionally, what role did the
25 respondent take in responding to the incident?

1 Detaining the suspect outside, contacting MPD, as
2 well as rendering aid.

3 And so, that's what happened. Mr.
4 Griswell, this is just a fact-finding hearing.
5 The board has not made any determination whether
6 or not we will take any action against the
7 establishment at this time, sir. We are just
8 trying to gather some facts to find out what is
9 happening. I am not, no other parties are being
10 sworn, you are not being sworn in.

11 What we are to do, what will occur,
12 and the board cannot legally empower you to take
13 any specific action at a fact-finding hearing. We
14 can suggest, you can decide that you are not
15 going to comply with it, but that's not
16 discussed. We are just gathering facts.

17 At the end of the fact-finding
18 hearing, the decision that the board will take is
19 either to take no further action or we might
20 refer this matter to the office of attorney
21 general for them to determine any violation that
22 did occur.

23 So, basically, that's where we are.
24 So, what I'll ask, I'll start by asking the
25 sergeant to explain to us from his perspective

1 what occurred. The board is empowered to ask
2 questions of the sergeant once he has presented
3 what occurred and how did the licensee respond.
4 You can also then, after that, Mr. Griswell, you
5 can provide your response to what occurred and
6 the board will conclude the hearing.

7 Any questions before we start?
8 Sergeant, or you, Mr. Griswell?

9 SGT. MCEACHERN: No, I'm okay.

10 CHAIRPERSON ANDERSON: Sergeant, can
11 you explain to us, just as far as MPD is
12 concerned, what happened and how did the licensee
13 respond to the occurrence?

14 SGT. MCEACHERN: My understanding, the
15 night of the occurrence there was an altercation
16 between the two patrons that frequent the
17 location. They had a past understanding of an
18 argument or so, which spilled on to the day of
19 questioning.

20 One patron confronted the other patron
21 about the situation. The other patron decided to
22 stab him, unknown to the other patron. Once the
23 stabbing occurred, I understand that the bouncers
24 or the security ended up trying to separate the
25 two, and tried to eliminate the confusion and

1 altercation.

2 I was also told that one of the
3 bartenders called the MPD with 911. Once the
4 patron that was stabbed, he was separated and was
5 taken outside of the location, and the suspect of
6 the stabbing, he ended up being escorted outside
7 through the side door towards 22nd Street, and
8 ended up walking away from the building but was
9 stopped by the MPD, due to security also pointing
10 out the suspect that was involved in the
11 stabbing.

12 Once MPD arrived on the scene, MPD
13 secured the suspect, provided an ambulance and
14 medical assistance to the victim that was in
15 front of the location.

16 CHAIRPERSON ANDERSON: Sergeant, from
17 your perspective, did the licensee do everything
18 appropriate? Did they comply with the law, or do
19 you think they were cooperative?

20 SGT. MCEACHERN: Yes, they were very
21 cooperative. They complied with the law. Only one
22 question was that the crime scene, we really
23 couldn't find a crime scene. It either was
24 cleaned up or it was a suspected crime scene. We
25 couldn't really identify a logistic crime scene

1 area or the blood. That's the only thing. They
2 were very cooperative with video, very
3 cooperative by standing by as witnesses, made
4 their statements. They were very cooperative.

5 CHAIRPERSON ANDERSON: All right. Thank
6 you. Before I ask, because I'm going to ask Mr.
7 Griswell if he can respond, but before I move on
8 does anyone have any questions they want to ask
9 of the sergeant? Go ahead, Mr. Short.

10 MEMBER SHORT: Thank you for your
11 service, Sgt. McEachern. You said that the person
12 was stabbed inside, is that correct?

13 SGT. MCEACHERN: That is correct.

14 MEMBER SHORT: Was there any footage,
15 or anything captured on the camera system
16 regarding the stabbing?

17 SGT. MCEACHERN: Yes.

18 MEMBER SHORT: So it clearly happened
19 inside.

20 SGT. MCEACHERN: That's correct.

21 MEMBER SHORT: So there was a weapon
22 inside of the Fireplace on this particular night
23 of the stabbing.

24 SGT. MCEACHERN: That's correct.

25 MEMBER SHORT: Security did not find

1 the weapon.

2 SGT. MCEACHERN: They didn't locate the
3 weapon before the incident, no. They did secure
4 the weapon after the incident, for us, and then
5 we secured it.

6 MEMBER SHORT: Just for the record, I
7 think it would have been appropriate if they'd
8 have got it before the stabbing.

9 SGT. MCEACHERN: That's correct.

10 MEMBER SHORT: You agree with that?

11 SGT. MCEACHERN: I totally agree.

12 MEMBER SHORT: Okay. And then, they did
13 not preserve the crime scene, is that correct?

14 SGT. MCEACHERN: That's correct.

15 (Simultaneous speaking.)

16 MEMBER SHORT: So if it had been a
17 homicide, then it would have been a mess because
18 the case would have been clouded by not
19 preserving the crime scene. Is that correct?

20 SGT. MCEACHERN: That's correct, but my
21 understanding was the crime scene, we were
22 looking for blood on the floor, and the way the
23 guy was bleeding, there should have been more
24 blood. We couldn't find that blood. Due to the
25 video footage, you couldn't really see as the

1 actual blood should have been on the floor, or
2 where the crime scene could have been, but you
3 saw

4 MEMBER SHORT: Whereabouts on the body
5 was the stabbing? The abdomen?

6 SGT. MCEACHERN: Yes. The left side of
7 the area, like, upper back side area.

8 MEMBER SHORT: So it was on the front,
9 or the rear?

10 SGT. MCEACHERN: Like the rear side.
11 Like your back gland, basically.

12 MEMBER SHORT: The heart would have
13 been right behind where the stabbing took place.

14 SGT. MCEACHERN: Maybe your lung.

15 MEMBER SHORT: The lung, okay. Well,
16 lung and heart are right there together on the
17 left side. The pulmonary system.

18 But at any rate, this security person,
19 you say they were quite cooperative, correct?

20 SGT. MCEACHERN: That is correct.

21 MEMBER SHORT: Did they make any
22 documentation? Was there a log of the incident?
23 Was there anything that could have helped in case
24 there was a death?

25 SGT. MCEACHERN: Yes. They were very

1 cooperative. They provided their logs, they also
2 provided their verbal statements to our
3 detectives and all investigators also.

4 MEMBER SHORT: For the record, can you
5 describe what they put in their writing?

6 SGT. MCEACHERN: Not now. Not right as
7 of now, no. But it can be provided by the
8 detectives.

9 MEMBER SHORT: But you say there was a
10 log. Did you get a chance to read the log?

11 SGT. MCEACHERN: No, because at the
12 time there was writing and providing our
13 statement.

14 MEMBER SHORT: When did you get a
15 chance to see the video?

16 SGT. MCEACHERN: On CD. I didn't
17 visually see it. My detective saw it and one of
18 my officers recorded it on body-worn camera. I
19 was still doing crime management, I mean scene
20 management, at the time, due to the fact that we
21 had the hospital detail and also an arrest at
22 that location. I was still doing scene
23 management.

24 Visually seeing the video, I did not
25 see it but I did see the actual video was copied

1 onto a flash drive and handed over straight to my
2 detective.

3 MEMBER SHORT: Okay, great. So now,
4 based on all the information that you testified
5 to, are there any recommendations you would make
6 to his board that security could have done a
7 little bit better job, because your testimony was
8 that these two persons, the person who was
9 stabbed and the assaulter, knew each other and
10 had had problems in there before, correct?

11 SGT. MCEACHERN: That's correct. I
12 mean, I'm not sure at that location, but I was
13 told that they had history.

14 MEMBER SHORT: Who provided that
15 information?

16 SGT. MCEACHERN: One of the security
17 guards. He knew him personally.

18 MEMBER SHORT: The security guard knew
19 this person had a beef with the person he
20 stabbed, but do you think he was searched well
21 when he went in? If they knew he was a dangerous
22 person? They had knowledge of him being
23 dangerous.

24 SGT. MCEACHERN: No, not knowledge.
25 They just knew that they don't get along so well.

1 I mean, the way you're asking, is like if he was
2 a dangerous person, would he come in with a gun,
3 no. I don't think they would think that.

4 My understanding is that they knew
5 they don't get along as much and when they hang
6 out at this location

7 (Simultaneous speaking.)

8 MEMBER SHORT: I respect your
9 professionalism and respect. But now, if somebody
10 knows that somebody has a beef with somebody,
11 you're not going to search them good when you let
12 them in your establishment?

13 SGT. MCEACHERN: Yes, sir. I will.

14 MEMBER SHORT: Do you think they did?

15 SGT. MCEACHERN: Obviously they didn't.
16 No.

17 MEMBER SHORT: All right. Thank you
18 very much. Your testimony was quite compelling.
19 That's all I have, Mr. Chair.

20 CHAIRPERSON ANDERSON: Thank you, Mr.
21 Short. Any other questions of the sergeant? Mr.
22 Griswell. I see that when the sergeant was
23 testifying, you had shaken your head.

24 I guess there are two ways we can do
25 it. Do you have any questions for the sergeant,

1 and then what's your version, the establishment's
2 version of what occurred.

3 MR. GRISWELL: Yes, I do have a
4 question for the sergeant. You say the crime
5 scene was not preserved, and that the witness was
6 stabbed over by the lung, which Mr. Short
7 medically described as next to the heart, the
8 pulmonary system.

9 It was my understanding that there was
10 no blood, and that shortly thereafter, because of
11 the severity of the crime, we did not want to
12 alter anything at this crime scene, that the
13 Fireplace closed for the remainder of the evening
14 and did not do any cleaning or anything.

15 When you arrived at the scene, did it
16 look like anything was cleaned up?

17 SGT. MCEACHERN: It appeared, like I
18 said we wasn't I didn't smell no chemicals, no.
19 I didn't smell no chemical cleanup, no, I did
20 not. But exactly, it was closed. The building was
21 closed after the incident happened.

22 MR. GRISWELL: And the police and the
23 investigator were allowed to come in and take a
24 look, and work the scene, like were the stools
25 moved, were napkins swept up, any drinks picked

1 up or anything? Or did it look like as if
2 everybody was told to leave?

3 SGT. MCEACHERN: Yeah, it does look
4 like, yeah, were told to leave but stools weren't
5 moved and things weren't rearranged. Everything
6 was, the idea about police, like I say, they were
7 very cooperative and would allow police to
8 question them and all that.

9 MR. GRISWELL: And when the knife was
10 recovered and given to you, did it look like we
11 could have technically found the weapon on the
12 other person, just doing a quick glance or a
13 small pat?

14 SGT. MCEACHERN: I can't say that, I
15 can't say that part.

16 MR. GRISWELL: But you did see the
17 knife.

18 SGT. MCEACHERN: I did see the knife.

19 MR. GRISWELL: And you are stating that
20 we could have done something to stop the knife
21 coming in?

22 SGT. MCEACHERN: Yes.

23 MR. GRISWELL: You can't really say
24 that, because you didn't see the knife. I mean,
25 technically, I have a knife in my kitchen, isn't

1 that a weapon?

2 SGT. MCEACHERN: Could you repeat the
3 question?

4 MR. GRISWELL: I'm just saying that the
5 knife, it was something that we couldn't find, so
6 I don't understand why you are saying that we
7 could have left it out there.

8 SGT. MCEACHERN: I believe at any kind
9 of security location, you do your best. I mean,
10 there is mistakes that will be happening, some
11 things will have to happen. I am reasonable with
12 that. It is, things can slip by. But you can do
13 your best at what you're doing.

14 MR. GRISWELL: Did we do our best?

15 SGT. MCEACHERN: I feel, I mean, no,
16 not that night, because an incident occurred. I
17 mean, you're only judged by what could be done
18 later. Just like me as a police officer, if I
19 didn't do my best that night, I'm not the best
20 sergeant ever. I would be classified as not the
21 best sergeant.

22 MR. GRISWELL: Okay. That is all. Thank
23 you.

24 CHAIRPERSON ANDERSON: Mr. Griswell, do
25 you have a response to what happened, and then I

1 might have some questions I want to ask you.
2 Other board members might want to ask you some
3 questions too.

4 MR. GRISWELL: My only response is that
5 we did preserve the crime scene after the
6 argument.

7 (Audio interference.)

8 We wouldn't make that mistake ever
9 again. And that I spoke to the victim, and he
10 said that when he noticed it, that there was
11 blood on his shirt, and even when he got to the
12 hospital, it seemed like the shirt was just
13 soaked in blood, so there was no blood that was
14 spilling out.

15 It wasn't necessarily gushing, but
16 yes, there was blood coming out. Apparently it
17 was two inches away from the lung, from what I
18 understand. It was four inches deep, so
19 technically large.

20 We did do everything that we possibly
21 could. Certainly it could have been avoided.
22 Other than directly getting up in everybody, I
23 don't know other than, I mean, we do have the
24 magnetron at the door, and the wand. We use it
25 more or less during the heavier coat season.

1 With the bigger coats, instead of getting truly
2 invasive. We don't even allow backpacks and we
3 restrict purses to try to be smaller after a
4 certain time at the bar.

5 Now the two victims, I spoke to the,
6 not the assailant, the victim, I spoke to the
7 victim and yes, they did have frequent

8 CHAIRPERSON ANDERSON: Mr. Griswell, do
9 me a favor, and I can't believe I'm saying this,
10 turn your camera off.

11 MR. GRISWELL: Okay.

12 CHAIRPERSON ANDERSON: You're barking.

13 MR. GRISWELL: Is that better?

14 CHAIRPERSON ANDERSON: It's a little
15 bit better.

16 MR. GRISWELL: I had spoken to the
17 assailant and to the victim, but it is my
18 experience that yes, they did have frequently.
19 Apparently the night before, or their previous
20 meeting, they had apologized to each other and
21 were on good terms.

22 So the reason why the victim had
23 approached the assailant was because the
24 assailant was talking trash about him. He wanted
25 to go over and find out what was going on.

1 The incident didn't occur until
2 actually the victim went upstairs and the
3 assailant followed him, at which point we were
4 trying to separate them after we noticed the
5 incident occur.

6 Also, the assailant apparently ran
7 away from the establishment, and after he leaves
8 our door, it is my understanding that we are not
9 allowed to follow or contain him legally at the
10 Fireplace.

11 But security did go quick get an
12 officer, and other than that, I don't think I
13 have anything else to offer.

14 MR. GRISWELL: You can put your camera
15 back on. It's a little choppy, but we'll work
16 with it.

17 Let me ask you a question. What night
18 of the week was this?

19 MR. GRISWELL: I believe it was a
20 Thursday.

21 CHAIRPERSON ANDERSON: March 16. It's
22 a Thursday. So tell me, what, on a Thursday
23 night, what is the establishment's security
24 mission?

25 MR. GRISWELL: I believe our security

1 plan involves, when I have two security guards,
2 to have one security guard starting at 6:00
3 standing at the door. That person is stationed
4 there for the duration.

5 And then another person will show up
6 at 9:00 and stay upstairs, and virtually
7 downstairs as well to maintain the bathroom
8 orderly and everything else.

9 And also, occasionally walk around
10 outside to make sure that there's no noise going
11 on outside.

12 CHAIRPERSON ANDERSON: All right. So
13 what type of security procedure does a person
14 experience before they enter the establishment?

15 MR. GRISWELL: That depends on the
16 person. However, let's say it is a female
17 carrying a large purse. We card the person, and
18 we ask them to look inside the purse, and patting
19 on both sides.

20 If it's too large, we ask that the
21 purse not come in due to the time, and not be
22 allowed in.

23 Any patron carrying a backpack, we
24 inform them that backpacks are not allowed in, or
25 a big bag is not allowed in, and obviously card

1 the person.

2 And even a small bag, we try to check
3 it and look inside to ensure that there are no
4 weapons.

5 I would like to also state that

6 CHAIRPERSON ANDERSON: I want to listen
7 to this. Can you keep your camera stationary?
8 You're moving.

9 MR. GRISWELL: I'm sorry. I'd like to
10 also state that the victim did not inform us of
11 any problems after it happened, prior. And not
12 personally knowing, but I am familiar with the
13 assailant. He did not seem like he was any kind
14 of threat person.

15 CHAIRPERSON ANDERSON: Was this a large
16 knife or a small knife?

17 MR. GRISWELL: I asked the officer
18 about the knife.

19 CHAIRPERSON ANDERSON: And he said
20 what?

21 MR. GRISWELL: That's why I asked the
22 officer about the knife. I personally did not see
23 the knife.

24 CHAIRPERSON ANDERSON: So you don't
25 know what type it was.

1 MR. GRISWELL: No, I did not.

2 CHAIRPERSON ANDERSON: Does your
3 establishment have a security clearance?

4 MR. GRISWELL: It does. It's from the
5 ABC Board. We just recently passed with all the
6 paperwork and everything. We have a security
7 clearance with ANC and ABRA, as well as Lloyds
8 and some other plans.

9 CHAIRPERSON ANDERSON: How many times
10 a week do you have, I know you have some type of
11 wands, but does everyone who enters the
12 establishment, are they wanded?

13 MR. GRISWELL: No, no. It's used mainly
14 in the wintertime, but before large coats or
15 normal coats. The security guards feel that they
16 don't want to get intrusive.

17 CHAIRPERSON ANDERSON: Why is it that
18 your security plan, now the security plan

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: It doesn't?

21 MR. GRISWELL: No.

22 CHAIRPERSON ANDERSON: Now do you
23 believe that if you were to use a wand on
24 everyone who entered the establishment, this
25 would have been a preventable matter?

1 MR. GRISWELL: I honestly do not. I
2 mean, from my understanding it was a knife that
3 could have slipped in easily.

4 CHAIRPERSON ANDERSON: Even if one was
5 to use a wand?

6 MR. GRISWELL: Even if one was to use
7 a wand. I mean, used properly, yes, I guess.
8 Probably you could criticize us.

9 CHAIRPERSON ANDERSON: Would the
10 establishment agree to use, to

11 MR. GRISWELL: I've already decided to
12 use it when asked

13 CHAIRPERSON ANDERSON: What did they
14 agree to do, sir?

15 MR. GRISWELL: I've already agreed to
16 use it when necessary.

17 CHAIRPERSON ANDERSON: What do you call
18 when necessary?

19 MR. GRISWELL: Wintertime.

20 CHAIRPERSON ANDERSON: So March 16 was
21 what, sir? Was that winter, summer, fall, or
22 spring?

23 MR. GRISWELL: Are you asking me out of
24 stupidity, or just

25 CHAIRPERSON ANDERSON: You said

1 wintertime. So I'm asking you

2 (Simultaneous speaking.)

3 INSPECTOR SCOTT: No, listen to me.

4 MR. GRISWELL: I would consider

5 December, October, and November as wintertime.

6 When there's snow on the ground, and it's too

7 cold, and somebody's wearing a large coat. Are

8 you wearing a large coat to work, sir?

9 CHAIRPERSON ANDERSON: I'm working from
10 home, sir, so I'm asking you

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Sir, listen.

13 Mr. Griswell.

14 MR. GRISWELL: I'm sorry. I'm getting
15 upset.

16 CHAIRPERSON ANDERSON: All right. Let's
17 start at the beginning. You have agreed to use a
18 wand in wintertime, when it's necessary. You had
19 an event on March 16. And I guess what you're
20 saying, March 16 wasn't in winter.

21 So what I'm trying to say, if you were
22 to use in the security procedures that you use in
23 the wintertime, if you are using those same
24 procedures on March 16, do you believe that this
25 event would have been preventable. Would you have

1 identified that there was a knife?

2 MR. GRISWELL: I'm not seeing enough to
3 recommend. I did everything I possibly could to
4 prevent this and I was extremely cooperative. Had
5 we been informed that the two were already
6 arguing, we could have a closer eye on it, I
7 suppose.

8 CHAIRPERSON ANDERSON: Well, Mr.
9 Griswell, this did occur in an establishment, and
10 some events occur because people know each other,
11 or someone might spill a drink on someone.
12 Somebody might bump into someone else, and
13 something happens. And so for you to say that if
14 someone had told me I would have been more
15 prepared, that's not

16 (Simultaneous speaking.)

17 MR. GRISWELL: Mr. Chairperson, I'm
18 sorry. We do tend to keep a closer eye, more
19 attentiveness, to anybody who approaches and
20 says, hey, I'm having a problem with this person.
21 As I would expect any establishment to do,
22 actually. You want to try to prevent anything
23 from happening. Proactive, I believe it's called.

24 Had we been told, especially by the
25 victim, that they were having issues, yes, we

1 would have kept a closer eye on it. From my
2 understanding, actually, they did not have issues
3 in the past. They had issues, but apparently they
4 hadn't spoken to the victim. They apologized just
5 recently to each other about something that had
6 occurred.

7 CHAIRPERSON ANDERSON: Now, Mr.
8 Griswell, since I've been in this position, sir,
9 I've faced a situation where people didn't know
10 me. It's happened before that someone
11 accidentally bounced into someone here on the
12 dance floor and they bounced into someone, the
13 person apologized, and the person reacted
14 unnecessarily.

15 Or someone spilled a drink on someone.
16 And so therefore it's not because they know each
17 other, sir. It can be two people who don't know
18 each other and something just happens.

19 So the question I was asking you is
20 that, why would you not agree to use a wand year
21 'round? Why is it just in the winter?

22 The reason why I asked you about the
23 knife, that I asked you if it was March 16, the
24 winter, what type of year it was, I wasn't trying
25 to be facetious, but I'm just saying, is that if

1 you were using your wand as you say you do in the
2 winter, would that, I mean, it kind of makes

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: I just need your
5 camera to be stationary so I don't get queasy by
6 trying to talk to you, okay? And it's
7 distracting. So maybe what I'm saying, would you
8 agree to do wands year 'round, and not just in
9 the winter?

10 MR. GRISWELL: Should the board require
11 it, yes.

12 CHAIRPERSON ANDERSON: The board can't
13 require anything, sir. As I told you before, this
14 is a fact-finding hearing. You can either say,
15 I'm going to do it, or you say you're not going
16 to do it. I can't order you to do it.

17 MR. GRISWELL: I can certainly put it
18 under consideration. I'll put it up to the owner
19 and see what he says.

20 CHAIRPERSON ANDERSON: All right.
21 Sergeant, do you have any questions you want to
22 ask Mr. Griswell? I think originally when I asked
23 questions of Mr. Griswell, then after the
24 sergeant if anyone else wants to ask him
25 questions.

1 SGT. MCEACHERN: No, I'm not going to
2 piggyback on what he just said, but, well, I do
3 want to piggyback. He said the winter term, if
4 this is a fact-finding, during that week of March
5 16, the temperature was averaging probably 65 and
6 the lowest was 34 degrees.

7 As you said, your question was, how do
8 you pick what night, or what weather, or what
9 season, to use the wand, yes, it could have been,
10 possibly, but then if you had used the wand. I
11 just want to agree with that part.

12 And that time of year, people was
13 wearing coats, and also it could have possibly
14 been detected if they was using a wand.

15 CHAIRPERSON ANDERSON: Just a quick
16 question, Sargent. Did you see the weapon?

17 SGT. MCEACHERN: Yes.

18 CHAIRPERSON ANDERSON: Can you describe
19 the weapon?

20 SGT. MCEACHERN: It was a pocket knife,
21 approximately three inch blade or so. It was a
22 folded knife, pocket knife, black in color.

23 CHAIRPERSON ANDERSON: Let me ask you
24 a question, sir. Do you have experience with
25 wanding and -- do you know anything about wanding

1 a person into an establishment?

2 SGT. MCEACHERN: Yes, I have experience
3 with wanding. Wanding would detect any kind of
4 metal material, even if the metal material could
5 be safe, as a belt. But it will make you alert to
6 check the additional part of the belt.

7 If the knife was on his belt and it
8 would have went off, it would probably alert the
9 security at least to pull up his shirt more or at
10 least to check the belt on the person.

11 If the knife was actually stuck onto
12 his belt or to something else, that's probably
13 safe as a metal material on his clothing. It
14 would give an alertness to the security that,
15 hey, he possibly could have something dangerous,
16 other than a belt buckle or some keys, or some
17 coins or something like that.

18 CHAIRPERSON ANDERSON: All right. Thank
19 you, sir. Any questions of Mr. Griswell by any
20 board member? All right, Mr. Short.

21 MEMBER SHORT: Yes. I guess it's still
22 good morning, Mr. Griswell. How many years have
23 you been in business at the Fireplace?

24 MR. GRISWELL: I've been there over 20
25 years, sir.

1 MEMBER SHORT: Over 20 years.

2 MR. GRISWELL: Over 20 years, sir.

3 MEMBER SHORT: And in 20 years, can you
4 give us a ballpark figure of how many violent
5 incidents you've had where someone's been
6 assaulted?

7 MR. GRISWELL: I cannot.

8 MEMBER SHORT: Would you say it's more
9 than five or six?

10 MR. GRISWELL: Again, I cannot.

11 MEMBER SHORT: Excuse me?

12 MR. GRISWELL: Again, I cannot. Sorry.

13 MEMBER SHORT: You're the manager?

14 MR. GRISWELL: I recently became the
15 manager, sir.

16 (Simultaneous speaking.)

17 MEMBER SHORT: Okay, can I speak now,
18 Mr. Griswell? Thank you. Thank you.

19 Mr. Griswell, 20 years you've been
20 there. You've seen violence there before, and now
21 you're the manager, and you don't think that
22 after the policeman has testified, public
23 safety-wise, he thinks that wandering would be a
24 help to you and your business. Do you agree with
25 the police officer?"

1 MR. GRISWELL: I agree with the police
2 officer, yes.

3 MEMBER SHORT: You agree with the
4 officer but you're still not going to
5 (Simultaneous speaking.)

6 MEMBER SHORT: I hadn't finished my
7 question. May I finish now?

8 MR. GRISWELL: Certainly.

9 MEMBER SHORT: Thank you very much.
10 Again, you've heard the testimony of the officer.
11 You've been there for 20 years. This is not the
12 first time that the Fireplace has been before
13 this board for an assault, is it? Or is it not?
14 Yes or no.

15 MR. GRISWELL: No.

16 MEMBER SHORT: Are you saying that the
17

18 MR. GRISWELL: This is not the first
19 time. I'm saying that we've been before the
20 board.

21 MEMBER SHORT: For assaults.

22 MR. GRISWELL: Yes

23 MEMBER SHORT: What has changed since
24 the last time you were here before the board, and
25 this stabbing?

1 (Audio interference.)

2 CHAIRPERSON ANDERSON: I can't hear
3 you, Mr. Griswell, because you're breaking up.

4 MR. GRISWELL: There's nothing I can do
5 about that. The mike.

6 CHAIRPERSON ANDERSON: Mr. Griswell, we
7 cannot hear you. You're breaking up. I don't know
8 what is happening to your volume, that is one
9 reason I asked you to turn your camera off so we
10 can hear you.

11 MR. GRISWELL: Is it any better?

12 CHAIRPERSON ANDERSON: It's better now.

13 MR. GRISWELL: Again, I'm sorry, Mr.
14 Short. I don't know how to answer that question
15 seeing as we are before the agency board. And
16 you have all the answers you need in front of
17 you, don't you?

18 As to directly, we implemented
19 security plans, we've added additional security,
20 we have police detail. We even bought the ones to
21 use on the occasions that there were

22 MEMBER SHORT: So you have the wands
23 there, but you choose not to use them, is that
24 correct?

25 MR. GRISWELL: Not all the time, sir.

1 MEMBER SHORT: The night of the
2 stabbing, did you, yes or not, was your security
3 using the wand the night of this recent stabbing
4 on March 16?

5 MR. GRISWELL: I believe not.

6 MEMBER SHORT: Were your security staff
7 using wanding this weekend when you opened?

8 MR. GRISWELL: I would have to be
9 there, and actually I will be there.

10 MEMBER SHORT: Again, I'll ask the
11 question again. I don't think you heard what I
12 asked.

13 If you are there, or not there, will
14 security be wanding folks entering your
15 establishment this weekend?

16 MR. GRISWELL: That hasn't been
17 discussed yet.

18 CHAIRPERSON ANDERSON: Following the
19 testimony of the police officer?

20 MR. GRISWELL: I would most definitely
21 put it under serious consideration, considering
22 the heaviness of your pushing this.

23 MEMBER SHORT: Is this not the first
24 time that you've said that to this board, that
25 you were going to take more stringent efforts

1 about assaults inside of the Fireplace?

2 MR. GRISWELL: Is this a fact-finding
3 about this incident, or are you going off of
4 other I'm sorry.

5 MEMBER SHORT: What I'm trying to find
6 out is, since this incident on March 16 and the
7 very last one that you can remember, what changes
8 have been made and why aren't you wandng?

9 MR. GRISWELL: Actually, the very last
10 one I can remember was, the last time I was
11 before the board, it was dismissed because it
12 wasn't identified as an altercation.

13 As for an altercation being before the
14 board, it wasn't me who was present. It certainly
15 was the Fireplace but not me who was present, so
16 I can't answer that.

17 MEMBER SHORT: Mr. Griswell, this is a
18 yes or no question.

19 MR. GRISWELL: And I'm trying to answer
20 the best that I can.

21 MEMBER SHORT: I have another question.
22 Thank you very much. Mr. Griswell, the question
23 I'm trying to get across to you is, wandng would
24 help this board, at least this board member, feel
25 a lot more comfortable. Since the last incident

1 to this incident, and you're not going to use
2 wands this weekend as you know of, is that
3 correct?

4 MR. GRISWELL: I did not say that.

5 MEMBER SHORT: Thank you, Mr. Griswell.
6 That's all I have, Mr. Chair.

7 CHAIRPERSON ANDERSON: Any other
8 questions by any other board members?

9 I think the question is, Mr. Griswell,
10 and I'll just ask it, and it's either yes or no.
11 Would your establishment agree to use wanding the
12 entire year, when your establishment is open to
13 allow patrons in the establishment?

14 MR. GRISWELL: Yes.

15 CHAIRPERSON ANDERSON: All right. So.
16 Would you agree to then amend your security
17 agreement, your security plan, to address that
18 you will use wanding at all times when patrons
19 are allowed into the establishment?

20 MR. GRISWELL: As long as the security
21 person just sits at the door so we don't have
22 security 27/7, the whole time.

23 CHAIRPERSON ANDERSON: When is the
24 security I'm sorry. Let me ask another
25 question. What are your hours of operation?

1 MR. GRISWELL: 1:00 to 2:00, Sunday
2 through Thursday, and then to 3:00 Friday and
3 Saturday.

4 CHAIRPERSON ANDERSON: When is the
5 security at the door?

6 MR. GRISWELL: 6:00 every day of the
7 week.

8 CHAIRPERSON ANDERSON: Would you agree
9 that when security is at the door that you would
10 do wanding?

11 MR. GRISWELL: I could certainly put it
12 under consideration, if you're asking the
13 question, sir, yes.

14 CHAIRPERSON ANDERSON: All right. Any
15 other questions by any other board members?
16 Sergeant?

17 SGT. MCEACHERN: No, sir.

18 CHAIRPERSON ANDERSON: Thank you. Mr.
19 Griswell, any remarks before bringing this
20 hearing to a close? Any final statements you want
21 to make, sir?

22 MR. GRISWELL: No, about this case, no.

23 CHAIRPERSON ANDERSON: I did not
24 understand what you said, sir.

25 MR. GRISWELL: About this case, no.

1 CHAIRPERSON ANDERSON: All right. As I
2 stated before, this is a fact-finding hearing.
3 The board is just gathering information.

4 The options that the board has are
5 that we can take no further action because you
6 acted appropriately, or we can refer this matter
7 to the Office of Attorney General to see whether
8 or not a violation occurred and whether or not
9 this matter should go to show cause.

10 So at this juncture, there is no
11 agreement that you will do wandering, because as I
12 said before, the board cannot order you to do
13 anything at a fact-finding hearing. So that's
14 where we are.

15 Thank you for being here today, thank
16 you Sgt. McEachern. The board will take this
17 matter under advisement.

18 Thank you very much. Have a great day.

19 (Whereupon the above-entitled matter
20 went off the record at 10:52 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Fireplace

Before: DC ABCA

Date: 05-10-2023

Place: teleconference

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