

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
ROLL CALL HEARING

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IN THE MATTER OF: :
 :
The Fireplace :
Restaurant, Inc. :
t/a The Fireplace :
2161 P Street NW : Roll Call
Retailer CT : Hearing
License No. 014419 :
Case #22-PRO-00149 :
 :
(License Renewal) :
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Monday
December 12, 2022

The Alcoholic Beverage Control Board
met via WebEx videoconference, LaVerne Fletcher,
Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

JEREMIAH GRISWELL, Applicant
JEFF RUECKGAUER, ANC 2B

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

2 10:32 a.m.

3 MS. FLETCHER: The next case on the
4 calendar is The Fireplace. This is case number
5 22-PRO-00149. The Fireplace Restaurant, Inc.,
6 t/a The Fireplace 2161 P Street, NW. License
7 number ABRA 014419. This is a Retailer Class CT
8 license renewal.

9 The protest issues are adverse impact
10 on peace, order and quiet.

11 My name is LaVerne Fletcher conducting
12 the roll call hearing as the Board's agent. Is
13 anyone present on behalf of the establishment?

14 MR. GRISWELL: Yes, Ms. Fletcher, this
15 Jeremiah Griswell and I'm here as a
16 representative for The Fireplace.

17 MS. FLETCHER: Thank you, Mr. --

18 MR. GRISWELL: Griswell.

19 MS. FLETCHER: Griswell?

20 MR. GRISWELL: Griswell.

21 MS. FLETCHER: Yes, I received your e-
22 mail this morning, thank you. Could you spell
23 your name for the record?

24 MR. GRISWELL: Sure, it's G-R-I-S-W-E-
25 L-L.

1 MS. FLETCHER: Thank you. Is anyone
2 else present for the establishment?

3 MR. GRISWELL: I don't believe so. I
4 believe it's just me.

5 MS. FLETCHER: Is anyone present on
6 behalf of ANC 2B?

7 MR. RUECKGAUER: Jeff Rueckgauer.

8 MS. FLETCHER: Could you spell that
9 for the record, please?

10 MR. RUECKGAUER: Yes, it's J-E-F-F
11 last name R-U-E-C-K-G-A-U-E-R and I am the
12 Commissioner for Single Member District 2B02,
13 where The Fireplace is located.

14 MS. FLETCHER: Thank you, Mr.
15 Rueckgauer. ANC 2B is the only protestant in
16 this matter and does have standing as a
17 protestant. We need to set a date for a status
18 hearing, a protest hearing and a mediation.
19 I'll give you the date for the status hearing
20 first. The status hearing is set for February 8,
21 2023 at 10:30 a.m. The protest hearing is set
22 for March 15, 2023 at 1:30 p.m.

23 I'll give you the next available day
24 for mediation. The next available day if you
25 want to come the first week of January, January 4

1 is available or we can move to the following
2 week. Does anybody want (Simultaneous speaking.)

3 MR. RUECKGAUER: Yeah, I would request
4 the following week since the first week we're
5 just sworn in again.

6 MS. FLETCHER: Yes, oh that's right.
7 What about Wednesday, January -- did you say the
8 following week?

9 MR. RUECKGAUER: Yeah, the following,
10 the second week.

11 MS. FLETCHER: Okay, the second week.
12 What about Tuesday, January oh no, that's not
13 going to be good, that's a holiday. We can do
14 Tuesday, January 24?

15 MR. RUECKGAUER: Okay, that's fine.

16 MS. FLETCHER: We can do any time
17 between 10 and 1:30.

18 MR. RUECKGAUER: How about 1:30?

19 MS. FLETCHER: 1:30, okay. Does that
20 work for you, Mr. Griswell?

21 MR. GRISWELL: It does. I'm a little
22 confused because, however, I believe the ANC and
23 myself we've been discussing this and we're
24 almost at a head. I just want to make sure that
25 should we resolve the matter that these dates

1 would be written off the calendar?

2 MS. FLETCHER: That's exactly right,
3 that's what happens. If the matter is resolved,
4 all of these dates come off the calendar. If the
5 matter is resolved before January 24, the
6 mediation also comes off of the calendar.

7 MR. GRISWELL: Okay, so there's no
8 problems with any of those dates. If I can just
9 get them again because I was just adding them to
10 my phone.

11 MS. FLETCHER: Okay. The dates are
12 for The Fireplace status hearing is February 8 at
13 10:30 a.m., that's February 8. The protest
14 hearing is March 15, 2023 at 1:30 and the
15 mediation is January 24 at 1:30.

16 MR. GRISWELL: Okay, those are not any
17 problem whatsoever and we'll also receive an e-
18 mail just in case I didn't get those down
19 correctly?

20 MS. FLETCHER: Mr. Rueckgauer, is that
21 you? Oh, Mr. Griswell, what did you say again?

22 MR. GRISWELL: I said I got those
23 dates, I just want to make sure that I have them
24 correctly, so we'll receive an e-mail with those
25 dates?

1 MS. FLETCHER: You're going to receive
2 a Webex invitation.

3 MR. GRISWELL: Perfect.

4 MS. FLETCHER: Yes. So, I'll send you
5 the Webex invitation for mediation and you'll
6 receive a Webex invitation for the status and
7 protest hearings from another member of the
8 staff.

9 MR. GRISWELL: Okay, sounds fantastic.

10 MS. FLETCHER: Okay, anything else?

11 MR. RUECKGAUER: Yes, Ms. Fletcher.

12 I just wanted to inquire about how would we
13 consolidate the existing protest for the 2019
14 renewal?

15 MS. FLETCHER: So, if you want to
16 actually -- so, a couple of things. If you want
17 to consolidate the cases or you want to
18 consolidate the settlement agreement, there are a
19 couple of things. Let me just tell you the
20 couple ways to do that, Mr. Rueckgauer. If you
21 want to combine the cases, you mean the case from
22 2019?

23 MR. RUECKGAUER: Yes.

24 MS. FLETCHER: So, if you want to
25 combine the case from 2019 and the case for

1 today, you would need to file a motion with the
2 Board to lift a stay. The case from 2019 has
3 presently been stayed, I guess you know that
4 already, yes?

5 MR. RUECKGAUER: Yes, ma'am.

6 MS. FLETCHER: Oh, so the first thing
7 that you would need to do would be to file a
8 motion to lift the stay, that's number one if you
9 want to combine the cases. So, that's the first
10 step. Then the next step would be to file a
11 motion to combine the cases, so first lift the
12 stay then combine. That's a two-step process if
13 you want to do that.

14 MR. RUECKGAUER: Okay and so
15 (Simultaneous speaking.) and for doing that, do I
16 need to have the group of five plus the DCCA
17 signing on that or can the ANC request that
18 alone?

19 MS. FLETCHER: I don't have the 2019
20 case in front of me, so there's more than
21 protestant in this case?

22 MR. RUECKGAUER: Yes, the ANC, Dupont
23 Circle Citizens Association and the group of five
24 or more residents.

25 MS. FLETCHER: Do you know if they're

1 all interested in lifting the stay or no?

2 MR. RUECKGAUER: Yes, everyone's on
3 board with doing this.

4 MS. FLETCHER: Well then yeah, it can
5 just be a joint motion.

6 MR. RUECKGAUER: Okay.

7 MS. FLETCHER: Everybody would just
8 sign that motion.

9 MR. RUECKGAUER: Right and who do we
10 address that to?

11 MS. FLETCHER: The ABC Board.

12 MR. RUECKGAUER: ABC Board.

13 MS. FLETCHER: You can address to the
14 ABC Board and e-mail it to Martha Jenkins.

15 MR. RUECKGAUER: Right, okay.

16 MS. FLETCHER: The other thing, Mr.
17 Rueckgauer, just so that you know, if this matter
18 is resolved during mediation, you may also
19 resolve the 2019 protest at the same time. If
20 you would like to do that, but in the settlement
21 agreement you would have to say that you're
22 resolving the 2019 case and the 2022 case. I
23 just wanted to tell you about that option as
24 well.

25 MR. RUECKGAUER: Okay, whichever is

1 the easiest one for everybody is the one we want
2 to go with.

3 MS. FLETCHER: It'll probably be
4 easiest for you if you reach an agreement, if you
5 just close the 2019 case out in the 2022
6 agreement. You would just need the 2019 case
7 number. Do you have that?

8 MR. RUECKGAUER: I believe we do.

9 MS. FLETCHER: Okay, if you don't, you
10 can -- I have it right here. I'll give it to you
11 just in case.

12 MR. RUECKGAUER: Okay. All righty.

13 MS. FLETCHER: Okay, the 2019 case
14 number is 19-PRO-00140.

15 MR. RUECKGAUER: And that was P as in
16 Peter or T as in Thomas?

17 MS. FLETCHER: Oh, P as in Peter.
18 Peter as in Peter --

19 MR. RUECKGAUER: Okay.

20 MS. FLETCHER: R-O 19-PRO-00140.

21 MR. RUECKGAUER: Okay, great. Thank
22 you very much.

23 MS. FLETCHER: Okay, so then all
24 right, I'll see you on the 24th and we'll see
25 what happens.

1 MR. RUECKGAUER: Okay.

2 MS. FLETCHER: Thank you very much for
3 coming.

4 MR. RUECKGAUER: Thank you very much.

5 MS. FLETCHER: Okay. Anything, Mr.
6 Griswell?

7 MR. GRISWELL: No, I believe that
8 answers all my questions.

9 MS. FLETCHER: Okay, well thank you
10 for coming. The roll call hearing in the matter
11 of The Fireplace is closed.

12 (Whereupon, the proceeding went off
13 the record at 10:42 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: The Fireplace

Before: DC ABRA

Date: 12-12-22

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

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