

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

IN THE MATTER OF: :  
:  
The Fireplace Restaurant, Inc.:  
t/a The Fireplace :  
2161 P Street NW : Fact Finding  
Retailer CT - ANC 2B : Hearing  
License No. 14419 :  
Case #19-251-00105 :  
:  
(Assault with a Deadly :  
Weapon, Failed to Follow :  
Security Plan) :

Wednesday,  
September 18, 2019

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Suite 400S, Washington, D.C. 20009, Chairperson  
Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
BOBBY CATO, JR., Member  
JAMES SHORT, Member  
  
RAFI CROCKETT, Member

**ALSO PRESENT:**

**ANDREW KLINE, COUNSEL FOR APPLICANT**

**STEVEN WEINSTEIN, APPLICANT**

**PERRY MOREHOUSE, APPLICANT MANAGER**

**INVESTIGATOR MIKEA NELSON, ABRA**

**LIEUTENANT JONATHON PONGRATZ, DC MPD**

T-A-B-L-E O-F C-O-N-T-E-N-T-S

STATEMENTS

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

2 10:38 a.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case, we have a Fact-Finding Hearing, Case  
5 No. 19-251-00105, The Fireplace, License No.  
6 14419.

7 Will the parties, please, approach and  
8 identify themselves for the record, please?

9 MR. KLINE: Good morning. Andrew  
10 Kline on behalf of the applicant.

11 CHAIRPERSON ANDERSON: Good morning,  
12 Mr. Kline.

13 MR. WEINSTEIN: Steven Weinstein,  
14 owner.

15 CHAIRPERSON ANDERSON: Good morning,  
16 Mr. Weinstein.

17 INVESTIGATOR NELSON: Good morning.  
18 ABRA Investigator Mikea Nelson.

19 CHAIRPERSON ANDERSON: Good -- I'm  
20 sorry, your last name again?

21 INVESTIGATOR NELSON: Nelson.

22 CHAIRPERSON ANDERSON: Good morning,

1 Ms. Nelson.

2 MR. MOREHOUSE: Perry Morehouse,  
3 Manager of Fireplace.

4 CHAIRPERSON ANDERSON: Good morning,  
5 Mr. Morehouse.

6 MR. HOLMES: Howard Holmes, security  
7 at The Fireplace.

8 CHAIRPERSON ANDERSON: Good morning,  
9 Mr. Holmes. Yes, sir?

10 LIEUTENANT PONGRATZ: I'm Lieutenant  
11 Pongratz. I'm the PSA Manager for 208 and I was  
12 the one that drafted the Fact-Finding letter for  
13 The Fireplace in reference to this incident.

14 CHAIRPERSON ANDERSON: Good morning,  
15 Lieutenant Pongratz.

16 All right. As you know, Mr. Kline,  
17 this is a Fact-Finding Hearing for a serious  
18 incident that the Chief of Police brought to our  
19 attention about an incident that occurred at The  
20 Fireplace on July -- June 16, 2019 at 4 -- at  
21 1:14 a.m.

22 And this is just a Fact-Finding

1 Hearing, as you are aware. The Board is  
2 gathering information to make a determination  
3 what the next steps are.

4 The Board has not referred this matter  
5 to the OAG, so we are just gathering information  
6 to see if it -- if there are any violations that  
7 needs further action from the Board. So we are  
8 just gathering information.

9 And so we will start off with Ms.  
10 Nelson. Maybe you can just -- well, let me --  
11 no. Let me start a bit differently. Let me ask  
12 Lieutenant Pongratz. Since the Chief of Police  
13 had -- pull up a chair, sir.

14 I'll ask you since the Chief of Police  
15 is the one who had asked the Board to investigate  
16 this matter, so could you just tell us why --  
17 what, from your perspective, happened and why did  
18 the Chief of Police require the ABC Board --  
19 request of the ABC Board to have a Fact-Finding  
20 Hearing.

21 You can pull the microphone closer to  
22 you, sir.

1                   LIEUTENANT PONGRATZ: Yes. So on the  
2 morning of June 16th, I believe it was about 1:30,  
3 we had an officer out front of The Fireplace who  
4 was working overtime or the RDO Detail. And he  
5 was alerted by a patron that there had been a  
6 fight inside.

7                   So as the officer entered into the  
8 establishment, he saw someone with a shirt with  
9 blood on it and being escorted out by, who he  
10 knew to be, security staff. Then he understood  
11 that there was still a fight that was still in  
12 the back.

13                   So when the officer got to the back,  
14 he saw one of the bartenders that he knows come  
15 down and he had a severe laceration to his left  
16 forearm. That's when the officer called for Fire  
17 and EMS to respond. He went out the side  
18 entrance with the victim. And then that victim  
19 was actually transported to Washington Hospital  
20 Center.

21                   At the hospital, the victim was  
22 uncooperative about his name. It was the

1 hospital staff who actually gave them the true  
2 name, that I don't have right now.

3 We found out hours later when two  
4 victims showed up at Bowie Hospital out in Bowie,  
5 Maryland that the fight had started between the  
6 suspect and the complainant. The complainant had  
7 stepped out of the bathroom and accidentally  
8 spilled a drink on the suspect and they had  
9 words.

10 Then the second suspect threw his  
11 drink at the complainant. Well, the  
12 complainant's fiancée was standing right there  
13 and he started to fight with the suspect that  
14 threw the drink.

15 So then the first complainant, the guy  
16 that accidentally spilled the drink, then tried  
17 to defend his fiancée, that's when the suspect  
18 pulled out a knife and started to cut -- that's  
19 when the suspect stabbed the first victim  
20 multiple times on his left arm, his lower back  
21 and the back of his head. And then he stabbed  
22 the second complainant, the one that was coming



1 to the defense of his fiancée in the stomach.

2 And that's when the security staff,  
3 the bartender attempted to break up the fight and  
4 then he got stabbed on the left arm.

5 So there was, when the officers also  
6 arrived on the scene, cleaning up of blood in the  
7 front of the establishment, the chair that is  
8 right there in the entrance way, they were  
9 mopping it up. The officers had to tell them to  
10 stop doing that.

11 And then upstairs where the fight had  
12 actually occurred, there was also they were  
13 cleaning up as well, mopping, the barstools were  
14 on the bar. And then when we asked for security  
15 footage, we were told that they couldn't get it.  
16 The person that can access it wouldn't be there  
17 until Monday.

18 CHAIRPERSON ANDERSON: And what day of  
19 the week was this?

20 LIEUTENANT PONGRATZ: Sorry?

21 CHAIRPERSON ANDERSON: What day of the  
22 week was this?

1                   LIEUTENANT PONGRATZ: I believe this  
2 was a Saturday night, June 16th. I believe a  
3 Saturday into Sunday morning.

4                   CHAIRPERSON ANDERSON: Okay.

5                   LIEUTENANT PONGRATZ: And then I think  
6 we eventually did get the video.

7                   CHAIRPERSON ANDERSON: So you are  
8 saying that they cleaned up the crime scene and  
9 that security footage was not provided  
10 immediately?

11                   LIEUTENANT PONGRATZ: Correct.

12                   CHAIRPERSON ANDERSON: Any other --  
13 anything else you want to bring to the Board's  
14 attention?

15                   LIEUTENANT PONGRATZ: Not at this  
16 moment, no.

17                   CHAIRPERSON ANDERSON: Ms. Nelson,  
18 from your perspective, can you tell us what  
19 occurred from ABRA's perspective or your  
20 perspective, please.

21                   INVESTIGATOR NELSON: Okay. During my  
22 investigation, I interviewed ABC Managers from

1 The Fireplace, all security personnel that --

2 CHAIRPERSON ANDERSON: Pull the  
3 microphone closer.

4 INVESTIGATOR NELSON: I apologize.  
5 All security personnel that was present as well  
6 as MPD officers that arrived on the scene. I  
7 also reviewed camera footage and incident reports  
8 that were wrote that night.

9 During my review, I found that a fight  
10 ensued on the second floor that started with a  
11 drink being thrown, then barstools. All security  
12 personnel attempted to contain the fight as well  
13 as the second floor barback, who was injured and  
14 it resulted in three victims suffering from stab  
15 wounds and lacerations.

16 Security was notified about the second  
17 victim by one of the victim's friends and brought  
18 downstairs to a first floor barstool where he was  
19 told to wait while he went and found -- while he  
20 went and contacted help, but as he did that, the  
21 victim fled. That all can be seen on camera.

22 From the MPD interview, I found that

1 the establishment was told to evacuate the second  
2 floor and turn on the lights and not to clean.  
3 But during the camera review, I found that  
4 patrons as well as staff on the second floor  
5 attempted to clean by putting barstools together,  
6 cleaning the bar and mopping the floor with  
7 bleach.

8 The staff was extremely helpful in  
9 assisting me during my investigation and I  
10 attempted to contact all victims and was  
11 unsuccessful.

12 CHAIRPERSON ANDERSON: Any -- did you  
13 see -- did you conclude that -- were there any  
14 violations?

15 INVESTIGATOR NELSON: Yes.

16 CHAIRPERSON ANDERSON: And what were--

17 INVESTIGATOR NELSON: The  
18 establishment has both a settlement agreement and  
19 a security plan and I found that they violated  
20 Page 6, Section 10 of their security plan by  
21 cleaning the crime scene.

22 CHAIRPERSON ANDERSON: That's it?

1 INVESTIGATOR NELSON: Yes.

2 CHAIRPERSON ANDERSON: Mr. Kline, how  
3 does your client respond?

4 MR. KLINE: A number of things, Mr.  
5 Chairman. The Fireplace takes this incident and  
6 any incident involving injury to patrons very  
7 seriously, that's why you see here today one of  
8 the owners of the establishment, the manager that  
9 was on duty that night, the security person.

10 We are here to answer any questions  
11 the Board has and to be cooperative. There are a  
12 number of things that were done right. I mean,  
13 if you go through the situation, number one,  
14 let's start with the fact that they maintain RDO  
15 for the safety of their patrons in front of the  
16 establishment.

17 When this incident occurred and there  
18 seems to be perhaps some conflict, but Mr.  
19 Morehouse is here, he is the general manager, and  
20 he contacted RDO immediately in front of the  
21 establishment. The lights came up. The music  
22 was off. The Investigator, ABC Investigator, Ms.

1 Nelson, indicated that they had interceded to  
2 break up the fight.

3 The security footage although perhaps  
4 not available instantaneously, was made available  
5 for review promptly and copies were made  
6 available, I think, within five or six days. So  
7 I mean, there was cooperation on the part of the  
8 establishment all the way across the board.

9 There is one thing that they did wrong  
10 and I don't think there is much question about  
11 that in terms of cleaning up the scene. They  
12 have in terms of their intentions, if you look at  
13 the security plan, which is quoted in the  
14 Investigator's report, they have about the most  
15 extensive instructions for preserving a crime  
16 scene that I think I have ever seen in any  
17 security plan that has been submitted to this  
18 Board.

19 Now, the problem is it wasn't  
20 followed. Ownership recognizes that, management  
21 recognizes that. They have retrained and will  
22 continue to retrain and have again provided --

1 they are providing copies of the security plan to  
2 all personnel, not just security, and making sure  
3 that they are familiar with it.

4 Because despite their intentions, with  
5 respect to cleaning the crime scene, that wasn't  
6 done right. They obviously did not follow the  
7 extensive language in their security plan, which  
8 the language is very good, but if it's not  
9 implemented, it doesn't mean a whole lot.

10 All in all however, in terms of what  
11 we view as a serious situation, I'm sure the  
12 Board does too, when people get stabbed, people  
13 get injured, our client takes that seriously and  
14 I know the Board does as well.

15 If you look at everything that was  
16 done, for the most part, they did everything by  
17 the book. They did what was supposed to have  
18 been done. And prior to that, they had taken the  
19 precaution of making sure that they had  
20 reimbursable detail. He was there and reacted.

21 In terms of why these individuals fled  
22 when they obviously needed medical treatment, why

1 they would refuse to identify themselves at the  
2 hospital, one can only speculate about that.  
3 That obviously doesn't have anything to do with  
4 the establishment. There are other issues there,  
5 but this establishment I think gets like a B- for  
6 what they did here, only because they didn't do  
7 what they were supposed to do with respect to  
8 preserving the crime scene.

9 And their staff has been reminded of  
10 that and there has been retraining on that issue  
11 and we expect that that will not be an issue in  
12 the future.

13 We're happy to answer any questions  
14 that you have, because we have everybody here to  
15 answer them.

16 CHAIRPERSON ANDERSON: Mr. Kline, how  
17 long has The Fireplace been open?

18 MR. KLINE: 30 years.

19 CHAIRPERSON ANDERSON: 30 years.

20 MR. KLINE: Yes, sir.

21 CHAIRPERSON ANDERSON: And I have  
22 looked at the investigative history and I'm not--



1 I'm doing this for a reason. Okay. I have  
2 looked at the investigative history and there is  
3 18 incidents on the investigative history, at  
4 least I have in front of me. And I'm not blaming  
5 The Fireplace, so things happen.

6 And it appears there is a lot of  
7 injuries, simple assault, so it doesn't appear  
8 that this is the first time an incident like this  
9 occurred at The Fireplace.

10 I'm saying this for a reason.  
11 Therefore, how is it then that staff would have  
12 gone and cleaned up the crime scene if this is  
13 not the first time? If this is the first time an  
14 incident occurred, like this occurred, then one  
15 would have to say well, I didn't know. I mean, I  
16 didn't know that I'm not supposed to clean up the  
17 crime scene.

18 But this is a place that has been in  
19 business for 30 years. How could someone do  
20 such? How could the staff go about cleaning up  
21 the crime scene? That should be elementary. So  
22 I don't understand. That's -- it can't be well,

1 you know, staff -- we are going to retrain staff.  
2 This is fundamental, that this is something that  
3 should never occur and especially if you have RDO  
4 outside, the RDO responded immediately, so how --  
5 why would the staff do that?

6 And a second, how could someone get  
7 into the establishment -- what type of security  
8 procedures are followed? How can someone get  
9 into the establishment with a knife? We need --  
10 that's something we need to take care of.

11 MR. KLINE: Mr. Chairman, we --

12 CHAIRPERSON ANDERSON: So we need to  
13 know that.

14 MR. KLINE: -- don't even know that it  
15 was a knife. At this point, no one -- you know,  
16 I interviewed the staff of the establishment who  
17 were there that night.

18 CHAIRPERSON ANDERSON: All right. Let  
19 me ask this question then.

20 How did this person get into The  
21 Fireplace with a weapon? Because I'm not -- I've  
22 been told that it was a bottle. If you -- if

1 it's a bottle, then one could say you serve in  
2 cups. So it's not a restaurant so one could say  
3 there was -- people were eating, so there was a  
4 knife and someone used the knife from the  
5 restaurant.

6 From -- based on what occurred,  
7 someone brought a weapon inside this  
8 establishment. How is it -- what type of  
9 security procedure is followed, is being followed  
10 at the door to allow someone to enter the  
11 establishment with a weapon?

12 MR. KLINE: Mr. Chairman, we don't  
13 know whether a weapon was brought in. We just  
14 don't know what happened with respect to that.

15 And you mentioned 18 --

16 CHAIRPERSON ANDERSON: I'm not blaming  
17 you. I'm just saying that --

18 MR. KLINE: No, no. But I just --

19 CHAIRPERSON ANDERSON: Yeah.

20 MR. KLINE: -- you know, I want to  
21 make a different point in terms of you saying  
22 well, this isn't their first, I'll paraphrase,

1 trip to the barbecue, they should know what is  
2 going on.

3 And I think it is important to note  
4 that the Board looked at 17 or 18 other incidents  
5 and took no further action. They made a mistake.  
6 We admit it. I mean, we are not -- they are  
7 wrong. I mean, you say how could they do this?  
8 They are wrong. And we say we agree, we are  
9 wrong. Staff made a mistake.

10 They can't do this. This is  
11 fundamental. You can't clean up a crime scene.  
12 We are not going to disagree with you on that.  
13 And not going to dispute that with the Board.  
14 That needs to be dealt with in the future. If  
15 there is a crime scene, it needs to be preserved.

16 These very extensive procedures which  
17 obviously were well-thought out, I mean, the  
18 point is they know what needs to be done. It's  
19 right in their security plan and it is more  
20 complete in my experience than I have seen from  
21 any other operator in terms of what needs to be  
22 done to preserve a crime scene.

1                   So, yes, they know what needs to be  
2 done. It should have been done. It wasn't done.  
3 They were wrong. We can't say -- we can't make  
4 any excuse, the staff that was there cleaned it  
5 up.

6                   If you look at motivation, it  
7 certainly wasn't any effort to cover anything up.  
8 They alerted RDO themselves, so police were  
9 there, police were involved. I think that  
10 managers were told we don't dispute that managers  
11 were told to preserve the scene. There was not  
12 follow-through. It didn't happen. So they are  
13 wrong.

14                   I mean, I can't -- I'm not going to  
15 sit here and make excuses for what was not done  
16 that should have been done. We acknowledge it.  
17 I do point out that they are aware of what their  
18 responsibilities are. They just -- there was a  
19 breakdown and it didn't get done.

20                   CHAIRPERSON ANDERSON: So what type of  
21 training? And you talked about the extensive  
22 security plan that they have.

1 MR. KLINE: Yes.

2 CHAIRPERSON ANDERSON: So what type of  
3 training is being utilized to make sure that the  
4 employees are aware of the security plan?

5 MR. KLINE: They are reviewing the  
6 plan with all employees and before it was just  
7 security and those involved in alcohol, but they  
8 are reviewing it with all employees from  
9 barbacks, dishwashers all the way up, giving them  
10 all a copy and having them all sign for receipt  
11 of it and impressing the importance of following  
12 the requirements of the security plan.

13 CHAIRPERSON ANDERSON: And another  
14 question regarding the -- was this a new employee  
15 who was cleaning up the crime scene or was this  
16 an employee who has worked there for a number of  
17 years?

18 MR. KLINE: I don't know. Jerry, can  
19 you answer that?

20 MR. MOREHOUSE: I don't know.

21 MR. KLINE: Not Jerry.

22 MR. MOREHOUSE: I don't know. We

1 don't know. I don't know who cleaned it up,  
2 unless it's on the tape.

3 MR. KLINE: We are not -- we don't  
4 know.

5 MR. GRISWELL: I was not present for  
6 the incident, so --

7 CHAIRPERSON ANDERSON: I can't hear  
8 you, sir.

9 MR. GRISWELL: I'm sorry. I was not  
10 present for the incident, so I can't answer that  
11 question.

12 MR. KLINE: Perry, do you --

13 MR. MOREHOUSE: I don't know who it  
14 was, because I was the manager on duty, but they  
15 brought, Howard brought an injured person  
16 downstairs and I didn't know how injured he was  
17 until he sat down on the stool.

18 I went to get my phone and to call 911  
19 to make sure that there was an adequate number of  
20 people to show up for this and when I went to get  
21 my phone, they fled.

22 CHAIRPERSON ANDERSON: I don't care

1 about persons fleeing. That's not --

2 MR. MOREHOUSE: Oh, okay.

3 CHAIRPERSON ANDERSON: -- you can't --  
4 the only person who can detain a person at an  
5 establishment is the RDO.

6 MR. MOREHOUSE: Right. But what I'm  
7 trying to say is there was blood on the stool and  
8 there was blood on the floor. We did not -- that  
9 was downstairs. I never went upstairs, because I  
10 couldn't leave the bar downstairs. There was  
11 nobody to watch the bar. There was nobody at the  
12 door. They were all upstairs.

13 There was blood on the stool. There  
14 was blood on the floor. The policeman came in  
15 and said don't touch this. We did not touch it  
16 until he came -- he said don't touch this. We  
17 are going to the hospital to interview the  
18 injured. We didn't touch it. We actually had  
19 people walking through the blood, there was that  
20 much blood on the floor.

21 He came back in before they left and  
22 he said we are not coming back. So we cleaned it



1 up. And Howard can attest to that.

2 CHAIRPERSON ANDERSON: Who said? The  
3 police said they are not coming back?

4 MR. MOREHOUSE: The police said they  
5 were going to go interview, this was like maybe  
6 20 minutes or half an hour after, and they said  
7 we are not coming back. We are not going to come  
8 -- they said we are going down to interview this  
9 person and we will be back.

10 And then he came back in and said we  
11 are not going to come back. So we then cleaned  
12 up the blood. But that blood was on the floor  
13 for 45 minutes at least.

14 CHAIRPERSON ANDERSON: Lieutenant, can  
15 you clarify? What's the procedure that the  
16 police follow when -- especially the RDO, what's  
17 the procedure that is followed when there is the  
18 crime scene and blood? I mean, what is it that--  
19 he is saying that the police said well, we are  
20 not going to come back. So is that even  
21 possible?

22 LIEUTENANT PONGRATZ: I spoke with

1 Officer Offomata who was the RDO that night and  
2 he didn't tell me that when I talked to him about  
3 this, he never told me that he said that we are  
4 not coming back.

5 I know that Sergeant Hedgecock and  
6 Officer Higgins went to the hospital and I'm  
7 unaware of him having a conversation with the  
8 manager and telling him that we are not coming  
9 back. The procedure and policy is in that case  
10 really is to shut down the whole club. Get  
11 everybody out and any witnesses, you have to hold  
12 to the side until everybody gets out. We rope it  
13 off and call the crime scene to come take  
14 pictures and the crime scene processes the scene.

15 I think part of it was when it was  
16 being cleaned up, at that point, it was just kind  
17 of too late. Like I said when the officers went  
18 upstairs, the barstools were already being put  
19 up, it was being mopped up.

20 We were unaware of the two other  
21 victims that went out to Bowie. And in  
22 relationship to that, the reason why they left or

1        what they told the detective was because they  
2        wanted to go out to Bowie because one of them  
3        lives out there. He didn't realize the extent of  
4        the injuries to his fiancée until all the  
5        bleeding in the car and then that's when they  
6        were -- went to Bowie Health Center.

7                    MR. MOREHOUSE: May I interject one  
8        thing?

9                    CHAIRPERSON ANDERSON: Yes, sir.

10                   MR. MOREHOUSE: The police -- when the  
11        policeman came in and said don't let anybody else  
12        in the club, they didn't say shut down the club.  
13        They just said don't let any -- close the  
14        upstairs and don't let anybody else in the club.  
15        So that -- I stood at the door.

16                   You see on the tape, I was at the door  
17        for half an hour. There were people sitting  
18        around the bar, but nobody was getting any  
19        service because I was also the bartender on duty.

20                   MR. KLINE: It's also our  
21        understanding and we don't know the details.  
22        This is obviously internal MPD, that the RDO

1 Officer was suspended from working at the  
2 establishment for 90 days after this incident.  
3 What that was about and what he was suspended  
4 for, obviously, that's, you know, MPD internal,  
5 but, you know, we admit we didn't do something  
6 right, but obviously something else must not have  
7 been done right as well.

8 LIEUTENANT PONGRATZ: That --

9 CHAIRPERSON ANDERSON: Yes,  
10 Lieutenant?

11 LIEUTENANT PONGRATZ: -- I can answer.  
12 So the detective -- so like I said, we weren't  
13 able to piece this together until hours later,  
14 once we discovered there were two victims  
15 actually out at Bowie Health Center.

16 Officer Offomata had left and gone  
17 home about 4:00 in the morning and that's when a  
18 detective was calling out asking for the RDO to  
19 interview about what he had seen and what he had  
20 done.

21 So our commander was upset with that  
22 and that he should have stayed longer, so that he

1 would have been available to the detective to  
2 talk to and that's why he was not allowed to work  
3 RDO for like three months.

4 CHAIRPERSON ANDERSON: All right.  
5 Thank you for providing that clarification.

6 I'm still concerned about it. So can  
7 you, in the security plan, describe how is it  
8 that folks enter the establishment? What type of  
9 security procedure? What occurs when someone is  
10 entering this establishment? Yes, generally,  
11 what type of -- what happens at the door?

12 MR. KLINE: Do you want to explain  
13 this?

14 MR. GRISWELL: Hi, I'm Jeremiah  
15 Griswell for The Fireplace. I wrote the security  
16 plan. We check IDs at the door as well as check  
17 bags and any oversized bags or items that they  
18 may have. After 8:00, since this incident has  
19 happened, we do not allow any oversized bags or  
20 backpacks inside the establishment.

21 CHAIRPERSON ANDERSON: But folks can  
22 still have a knife or any type of instrument on

1 their body, so if that's still so, so how do  
2 you --

3 MR. GRISWELL: Well, I'm sure somebody  
4 can walk in with a knife inside their coat, yes.  
5 We do not pat-down coats that look oversized or  
6 anything, but somebody with an oversized coat,  
7 yes, does get patted.

8 We have taken to weekends being  
9 Friday, Saturday and Sunday, we have taken to  
10 using a wand just in case in the event that this  
11 would happen.

12 CHAIRPERSON ANDERSON: So is this  
13 something that is permanent or is it just --

14 MR. GRISWELL: I perceive it as being  
15 permanent seeing as it's a good safety precaution  
16 and actually our customers are very pleased that  
17 we are taking an active role to stop any violence  
18 from happening inside the bar.

19 CHAIRPERSON ANDERSON: Is that -- is  
20 this currently a part of your security plan?

21 MR. GRISWELL: I haven't written it  
22 in, but I can.

1                   CHAIRPERSON ANDERSON: Mr. Kline,  
2 would you -- will your client, and of course you  
3 know that I can't order you to do anything at a  
4 Fact-Finding Hearing, but is this something that  
5 your client would consider adding to their  
6 security plan to say maybe I guess on -- I would  
7 assume -- well, to utilize wandering?

8                   I mean, we -- I'm asking.

9                   MR. KLINE: Yeah, we will certainly  
10 consider it and look at it and if it is deemed  
11 that that is advisable going forward, we will put  
12 it in the plan and file the plan.

13                  CHAIRPERSON ANDERSON: Do you have  
14 something to say -- I'm sorry, Mr. Kline.

15                  MR. KLINE: I said yes and if it is  
16 deemed that that is something that should be  
17 done, then we will file an amended plan with the  
18 Board.

19                  CHAIRPERSON ANDERSON: Did you want to  
20 say something, Ms. Nelson?

21                  INVESTIGATOR NELSON: Yes, sir, if I  
22 may.

1                   CHAIRPERSON ANDERSON: Sure.

2                   INVESTIGATOR NELSON: After reviewing  
3 the camera footage, The Fireplace has a large  
4 quantity of male patrons. I recommend, if I may  
5 recommend, that The Fireplace have more than two  
6 security officers for the amount of patrons that  
7 they have.

8                   CHAIRPERSON ANDERSON: So what is the  
9 -- how many security officers does The Fireplace  
10 have routinely? I mean, again, during periods  
11 when it is crowded. I guess, Friday, Saturday,  
12 whenever the peak is. You know when the peak  
13 hours are. So what's --

14                   MR. GRISWELL: It's two security  
15 officers. One downstairs and one upstairs and  
16 then we have the RDO that we have stationed out  
17 front.

18                   CHAIRPERSON ANDERSON: Is that  
19 sufficient security? I don't know. I'm asking  
20 based on your peak hours.

21                   MR. GRISWELL: I would consider it so,  
22 yes.



1 MEMBER SHORT: Mr. Chair?

2 CHAIRPERSON ANDERSON: Yes, go ahead,  
3 Mr. Short.

4 MEMBER SHORT: I would like to ask you  
5 are the head of security, I take it?

6 MR. GRISWELL: Yes, sir.

7 MEMBER SHORT: Your name again is?

8 MR. GRISWELL: Jeremiah Griswell.

9 MEMBER SHORT: Mr. Griswell. Mr.  
10 Griswell, who does the training and how qualified  
11 are they to do the training?

12 MR. GRISWELL: The training of the  
13 security staff?

14 MEMBER SHORT: Yeah.

15 MR. GRISWELL: I do.

16 MEMBER SHORT: Who train --

17 MR. GRISWELL: And I am host security  
18 certified.

19 MEMBER SHORT: Okay. That --

20 CHAIRPERSON ANDERSON: You are what  
21 security certified? I didn't hear.

22 MR. GRISWELL: Host security

1 certified.

2 CHAIRPERSON ANDERSON: What's that?

3 MR. GRISWELL: Um --

4 MR. KLINE: That's a former Police  
5 Officer Robert Smith's Security Training. Robert  
6 has been coming to town and giving this training  
7 periodically.

8 MEMBER SHORT: Can I weigh in real  
9 quick on that? Now, how many people did Mr.  
10 Smith train? Just you?

11 MR. GRISWELL: Yes, sir.

12 MEMBER SHORT: Okay. What I have  
13 found since I have been a Board Member is when  
14 the whole staff is trained, just like you are,  
15 then your security plan works a lot better than  
16 you knowing what it says and they never -- they  
17 being the rest of the staff knowing what to do.

18 You know what to do. So apparently it  
19 didn't work out so well.

20 MR. GRISWELL: If I may? I agree  
21 entirely with you, which is why the online  
22 courses that he offers, even just for the basic

1 security training, is something that I'm wanting  
2 to do with my current security staff.

3 MEMBER SHORT: Well, I would say this.  
4 If I could just say something to Mr. Kline and  
5 the owner, and, Mr. Kline, you have been involved  
6 with some of these before where we had some  
7 successes. And successes normally follow when we  
8 have everyone trained at the same time by the  
9 same trainer, everybody is on the same page.

10 And normally then when you have an  
11 extensive, as you said it's very extensive, but  
12 if you don't know -- if you have never read it  
13 and all you do is sign a copy of it, then we have  
14 incidents like this.

15 And again, wandering and pat-downs at a  
16 lot of places that had a lot of problems before,  
17 once they start wandering and patting down, then  
18 the weapons stopped coming into the places.

19 But your history says, and I know Mr.  
20 Kline we give a lot of no further actions, but  
21 things have changed a little in town. We have  
22 more assaults now and I think police officers and

1 the lieutenant could attest to this, we have more  
2 assaults now than we normally would have had. So  
3 we need to go to different measures.

4 So if we can get some wandering and get  
5 some pat-downs and get everyone trained, if  
6 that's agreeable, Mr. Chair, if we can get any  
7 kind of buy-in on that, I think we won't be here  
8 again any time soon for this kind of incident.

9 And again, as far as the manager goes  
10 downstairs, normally, and I have a little  
11 background in public safety and nightclubs, when  
12 the lights go up and the music is off, you don't  
13 let anybody else in and if the person is not  
14 involved in a crime, you want them out, so they  
15 won't be walking through the blood.

16 You want to close down the club, so  
17 people are still there when all this was going  
18 on. Do you have something to say? People were  
19 still sitting around the bar.

20 MR. MOREHOUSE: People were  
21 downstairs. No one was upstairs.

22 MEMBER SHORT: Not a problem. But

1 they were still in there.

2 MR. MOREHOUSE: Right.

3 MEMBER SHORT: And the blood was down  
4 there where they were.

5 MR. MOREHOUSE: All the policeman said  
6 was don't let anybody else in.

7 MEMBER SHORT: What does your security  
8 plan say about happening -- what do you do when  
9 someone gets stabbed or someone is bleeding,  
10 because apparently you don't -- it just -- the  
11 injury happened and somebody is bleeding and they  
12 are bleeding profusely.

13 MR. MOREHOUSE: Right.

14 MEMBER SHORT: So what is your normal  
15 operating procedure for that?

16 MR. MOREHOUSE: Well, if it happened  
17 upstairs, we did, we opened --

18 MEMBER SHORT: If it happens anywhere  
19 in the club, what do you do? Anywhere in the  
20 club.

21 MR. MOREHOUSE: It doesn't -- we don't  
22 -- it doesn't say that in the security plan.

1                   MEMBER SHORT: Okay. That's why you  
2 need training. Sir, please, especially someone  
3 who has got -- you take care of the first floor,  
4 I take it?

5                   MR. MOREHOUSE: Well, I take care of  
6 the whole bar, but I'm also a bartender. There  
7 is not a manager on duty who is just the manager  
8 on duty.

9                   MEMBER SHORT: Well, let me ask this.  
10 Have you ever been trained?

11                  MR. MOREHOUSE: Yeah.

12                  MEMBER SHORT: By whom?

13                  MR. MOREHOUSE: I have been trained by  
14 him. I worked at Omega and The Fireplace since  
15 1979. And then they closed down, I went to work  
16 at the -- I mean, I worked at Omega and The Frat  
17 House since 1979 and when they closed down, I  
18 moved to The Fireplace.

19                  MEMBER SHORT: Things have changed an  
20 awful lot since 1979, haven't they?

21                  MR. MOREHOUSE: True.

22                  MEMBER SHORT: And would you agree

1 also that training would help anybody --

2 MR. MOREHOUSE: Sure.

3 MEMBER SHORT: -- who has been around  
4 for any distant time? Just -- not just one  
5 person training you, but everybody getting  
6 trained at the same time.

7 MR. MOREHOUSE: True.

8 MEMBER SHORT: Do you think that would  
9 help the establishment?

10 MR. MOREHOUSE: Probably.

11 MEMBER SHORT: Okay. And this is my  
12 last question. For the Lieutenant, thank you,  
13 Lieutenant, for taking the time to come out here  
14 and thank you for your service.

15 LIEUTENANT PONGRATZ: Thank you.

16 MEMBER SHORT: How long -- what  
17 history do you have with this particular  
18 licensee?

19 LIEUTENANT PONGRATZ: With this  
20 establishment?

21 MEMBER SHORT: History with this  
22 establishment. Do you have any? How long have

1 you been --

2                   LIEUTENANT PONGRATZ: Well, I have  
3 been a Lieutenant for a little over a year. This  
4 is the second incident that I have been a part  
5 of.

6                   MEMBER SHORT: At this establishment?

7                   LIEUTENANT PONGRATZ: At this  
8 establishment.

9                   MEMBER SHORT: What was that first  
10 one?

11                   LIEUTENANT PONGRATZ: That was back in  
12 March. It was a stabbing up on the top floor.  
13 It was domestic in nature. There was some glass  
14 broken, got cut, but like I said it was domestic.  
15 We knew who it was. It was -- there was  
16 boyfriends feuding.

17                   And in that scenario, The Fireplace  
18 did not clean it up. We had immediate access to  
19 the video.

20                   MEMBER SHORT: And that was just in  
21 March?

22                   LIEUTENANT PONGRATZ: Yeah, that was



1 the end of March.

2 MEMBER SHORT: So they did the right  
3 thing in March, but they didn't do the right  
4 thing this time.

5 LIEUTENANT PONGRATZ: Correct.

6 MEMBER SHORT: Okay. Well, I'm glad  
7 we are getting it on the record.

8 I would just like to see some more  
9 training and I would really like to see basically  
10 wanding and pat-downs, because apparently if you  
11 had a stabbing in March and then you have another  
12 stabbing for this incident, then apparently  
13 something is going awry when people come into the  
14 establishment, because you don't have a pool of  
15 blood from upstairs to downstairs and blood on  
16 the floor and people walking through it with just  
17 a fingernail file. It was a knife.

18 Well, at least that's my opinion. And  
19 I'll say that because I had some EMT training, as  
20 you know, Mr. Kline. And I'll just simply say  
21 this. We need to make sure that we are not  
22 sitting here again in another couple of months.

1 So if we can get some buy-in on the security and  
2 the wanding and everybody trained by Mr. Smith or  
3 whomever else, a professional.

4 And normally when that happens, also  
5 with successfulls, we have an ABRA Investigator  
6 that sits in with the training and observes  
7 everything that is -- so you can ask ABRA any  
8 questions, at that time, with your training and  
9 that protects your license.

10 Do you agree with that?

11 MR. MOREHOUSE: I most certainly do.

12 MEMBER SHORT: Okay. Thank you, Mr.  
13 Chair. That's all I have.

14 CHAIRPERSON ANDERSON: Thank you, Mr.  
15 Short. Are there any other questions by any  
16 other Board Members? Any final comments by  
17 anyone?

18 I do know, Mr. Kline, it's not  
19 establishments are here and we have a Fact-  
20 Finding Hearing. It's a response.  
21 Unfortunately, we live in a society where  
22 incidents occur and some are preventable and some

1 are not. And the responsibility, how is it that  
2 the licensee responds to the incident?

3 In this particular case, as you  
4 stated, that there was not the proper response by  
5 the licensee. I would ask if this is something  
6 that the licensee would continue doing and to  
7 amend its settlement agreement to provide wandng  
8 to -- I think some of the -- you talked about  
9 that I think large bags or packages are not  
10 allowed in the establishment.

11 MR. KLINE: Yes, sir.

12 CHAIRPERSON ANDERSON: I would suggest  
13 or if they want to formalize that and also  
14 formalize the wandng, because we need to come up  
15 with some way how to prevent incidents from  
16 occurring.

17 MR. KLINE: Mr. Chairman, I'm going to  
18 recommend that the establishment bring in someone  
19 for training. We will take another look at the  
20 security plan, see what would be most effective  
21 in deterring any incidents such as this one and  
22 also responding to it.

1                   I mean, I don't -- and I also as I  
2                   said at the outset, as you said, Mr. Chairman,  
3                   the issue is the response. Most of the response  
4                   was pretty good. I mean, I don't want to lose  
5                   sight of that. I understand the Board has  
6                   concerns and we share those concerns, but I don't  
7                   want the Board to lose sight of the fact that a  
8                   lot of what was done was very positive.

9                   The lights came up. The music was  
10                  off. There was RDO. The RDO was contacted. I  
11                  mean, there was a lot of things that were done  
12                  right. And I don't want to lose sight of that.

13                  But in spite of that, there were  
14                  things that were done wrong. They need to be  
15                  addressed and we will address them.

16                  CHAIRPERSON ANDERSON: Now, could we--  
17                  could I have some agreement on your part that the  
18                  establishment will undergo some type of training  
19                  the staff within the next 90 days? I think that  
20                  is more than reasonable, 90 days, go for some  
21                  part of some formalized training. And that you  
22                  would invite ABRA to this, the training?

1 MR. KLINE: Yes, sir.

2 CHAIRPERSON ANDERSON: All right. The  
3 Board will take this matter under advisement.

4 As I said it's a Fact-Finding Hearing.  
5 We are gathering information and we need to  
6 decide whether or not this is something that we  
7 should submit to the Office of Attorney General  
8 for further investigation.

9 I don't know, but we will discuss it.  
10 Thank you very much for being here, for everyone,  
11 from the -- Lieutenant, thank you for being here  
12 today. I appreciate the fact that you brought  
13 one, two, three, four staff members here, so it  
14 shows me that you take this matter seriously.

15 MR. KLINE: We do.

16 CHAIRPERSON ANDERSON: So I appreciate  
17 the fact the staff is here today and we are  
18 hoping that -- I tell folks that I never see them  
19 because it's a pleasurable experience. They are  
20 always here because something goes wrong. And I  
21 never take it personally if I never see a  
22 licensee again, because that tells me that

1 everything is working fine.

2 Thank you.

3 MR. KLINE: Thank you.

4 MR. MOREHOUSE: Thank you.

5 MR. KLINE: Have a good day.

6 MEMBER SHORT: Thank you, Ms. Nelson.

7 (Whereupon, the Fact-Finding Hearing  
8 was concluded at 11:16 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Hearing

Before: Alcoholic Beverage Control Board

Date: 09-18-19

Place: Washington, DC

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Court Reporter

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