



Written by [Mary McHugh](#) on August 19, 2010

Hot Time at Jimmy's Old Town Tavern

Just after midnight on Saturday, July 24, at Jimmy's Old Town Tavern — "Where everyone is treated like a regular" — a very irregular event occurred. After 13 years of routinely doing their Friday night fire-breathing tricks at the Herndon, Virginia, establishment, bartenders Tegee Rogers, 33, and Justin Fedorchak, 39, were hauled out in handcuffs.



Arrested by a Fairfax County fire marshal who was present, the long-time employees were each charged with manufacturing and using an explosive device, setting a fire capable of spreading and burning or destroying a meeting house — all felonies. They were additionally charged with several statewide fire prevention code misdemeanors and released on a \$1,000 bond. Both had recently become fathers. They are very concerned with the possible 45 years of imprisonment facing them.

Said owner Jimmy Cirrito, "They were being treated as if they were terrorists, charged as if they intentionally tried to burn down the tavern." An investigator had informed him that the fire marshals had received a letter in the mail with a photo taken of a previous performance at the bar.

According to the [Washington Examiner](#), "Cirrito said he has never received a warning from the fire marshals, and he would have stopped if marshals had given him a warning."

"But I don't think we've done anything wrong," he insisted. "There's a lot of fire in restaurants. I've been served flaming desserts, I've roasted marshmallows on tables, I've seen 75 candles and sparklers on cakes, and I've seen bartenders perform the tricks coast-to-coast and no one's been arrested." The specific tricks by Jimmy's bartenders involved juggling bottles of alcohol and spitting out streams of flames. There has never been a previous complaint about the Friday night tradition which the Old Town Tavern has even publicized on its advertisements. The fire-breathing act was originally used just on special occasions such as birthdays or in honoring a fallen soldier, policeman — or firefighter.

The arrests were a surprise to everyone, except those who were in on it beforehand. Said Herndon Town Council member and Herndon Arts Council president Grace Wolf, "The charges seem pretty over-the-top. I'm pretty sure there are many other local bars where shots are set on fire. Why was Jimmy's singled out? And why these extreme charges when a simple warning seems much more appropriate?" There now is an investigation planned by Wolf, Fairfax County Supervisor John Foust (D-Dranesville), and Del. Tom Rust (R-Herndon) as to whether felony charges were appropriate.

Said Rust in the [Fairfax Times](#), "The charges do seem pretty harsh," and added he recently had a "lengthy and detailed" meeting with Cirrito at a fundraiser for the Herndon Arts Council sponsored by



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Jimmy's Old Town Tavern. "Jimmy is a great corporate citizen and I'm glad to help. It seems that this bar trick has been going on for a long time with the knowledge of authorities and no warning has ever been issued," Rust concluded.

According to Fire and Rescue spokeswoman Rene Stilwell, "They were performing some sort of entertainment that involved fire and it got out of hand." Stilwell, the only official quoted as saying the performance "got out of hand," asserted that the three felony charges were appropriate: "Warnings are not typically given in cases involving 'life safety issues.'" This was an occupied dwelling where fire safety violations were observed firsthand by a fire marshal." According to the *Fairfax Times*, some of the background ran as follows:

Herndon resident Vicky Dorman used to be a legislative assistant for former Fairfax County Supervisor Joan Dubois (R-Dranesville). She has performed her own investigation into the charges levied against Rogers and Fedorak and sent a letter about the case to county officials on Aug. 3.

In the letter, she alleges an unnamed "concerned citizen" took a photo of the bartenders "breathing fire" a week before and sent it to fire officials, who then came to the bar the following weekend, hoping to catch them in the act.

And yet according to Fire and Rescue spokesperson Rene Stilwell, to her knowledge fire marshals were not "tipped off" to the event, adding, "There are 70 fire marshals and fire investigators in the county. They routinely visit establishments unannounced during nighttime hours." It appears, however, that these officials had previously at least tolerated the Friday night performances. In addition, on the night of the arrest, agents from the Virginia Alcoholic Beverage Control happened to also be present, according to Mark Dycio, the attorney representing JOTT Incorporated, parent company to Jimmy's.

While the dispute continues about what has been termed a Nanny State overreaction, and bartenders Tegee Rogers and Justin Fedorchak await to hear their fates, some Herndon citizens and supporters of the Tavern's "Friday night lights" have established a legal defense fund on Facebook.



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