

Wednesday,
March 6, 2019

MOURAD BENJELLOUN, Licensee
COUNTEE GILLIAM, ABRA Investigator
SIMON RYCHLIK, Licensee

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

2 2:41 p.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is another Fact-Finding Hearing, Case
5 No. 19-251-00002, Trio Rest & Fox & Hounds
6 Lounge, License No. 168.

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

9 MR. RYCHLIK: Simon Rychlik, ABC
10 Manager and bartender.

11 CHAIRPERSON ANDERSON: Good afternoon,
12 sir.

13 MR. RYCHLIK: Good afternoon.

14 CHAIRPERSON ANDERSON: You, sir?

15 MR. BENJELLOUN: Mourad Benjelloun,
16 the owner of Trio Rest & Fox & Hounds Lounge.

17 CHAIRPERSON ANDERSON: Good afternoon.

18 MR. BENJELLOUN: Good afternoon.

19 CHAIRPERSON ANDERSON: There is a
20 sign-in sheet. Please, sign-in. You said Mr.
21 Benjamin?

22 MR. BENJELLOUN: Benjelloun, Mourad,

1 yes.

2 CHAIRPERSON ANDERSON: How do you
3 spell your last name?

4 MR. BENJELLOUN: B-E-N-J-E-L-L-O-U-N.

5 CHAIRPERSON ANDERSON: You said E-L-L?

6 MR. BENJELLOUN: L-L.

7 CHAIRPERSON ANDERSON: Uh-huh.

8 MR. BENJELLOUN: Yeah.

9 CHAIRPERSON ANDERSON: And how do you
10 pronounce that now?

11 MR. BENJELLOUN: Benjelloun.

12 CHAIRPERSON ANDERSON: Benjelloun?

13 MR. BENJELLOUN: Yes.

14 CHAIRPERSON ANDERSON: Okay. Mr.

15 Benjelloun. Okay. Have a seat.

16 MR. BENJELLOUN: Thank you, sir.

17 CHAIRPERSON ANDERSON: Yes, sir?

18 INVESTIGATOR GILLIAM: Investigator
19 Countee Gilliam, C-O-U-N-T-E-E last name is G-I-
20 L-L-I-A-M.

21 CHAIRPERSON ANDERSON: All right.

22 Again, this is just a Fact-Finding Hearing where

1 the Board is -- it's non-adversarial. As I
2 stated before, we are just doing some
3 investigation to see whether or not the
4 establishment has acted appropriately under this
5 situation.

6 The Board, at the end of the hearing,
7 will either vote to send this to the Attorney
8 General's Office for further -- for them to do a
9 Show Cause Hearing or we can vote to take no
10 further action, depending on what we hear.

11 We will go back and figure what it is
12 that we are going to do. So I don't know yet,
13 but we will see what is presented today.

14 So, Mr. Gilliam, can you, please,
15 introduce yourself and let us know, bring us up
16 to speed and what is this incident about?

17 INVESTIGATOR GILLIAM: Yes, sir.
18 Investigator Gilliam, ABRA.

19 On Sunday, November 25, 2018 at
20 approximately 2:02 in the morning, an aggravated
21 assault occurred at Trio Rest & Fox & Hounds
22 Lounge. During the investigation, I interviewed

1 three of the victims listed in the MPD 251
2 report.

3 On Wednesday the 28th, I talked to Mr.
4 John Kennedy. He was identified in the report as
5 Victim 1. He stated that him and his brother-in-
6 law was outside the majority of the night. He
7 did enter inside the establishment for a period
8 of time, ordered an alcoholic beverage, but the
9 majority of time he was outside talking to his
10 brother-in-law.

11 He said towards the end of the night,
12 he re-entered and told his wife who was listed in
13 the 251 report as Victim 2, her last name is --
14 her name is Ms. Gabrielle Bessell, and told her
15 he was ready to leave.

16 She said -- he stated that they began
17 to exit. He said when he -- let me backtrack.
18 He said when he -- after he told her he wanted to
19 leave, he said he heard a commotion inside the
20 restaurant, but he didn't pay any attention to
21 it. He said he walked outside, then his wife and
22 her sister came outside along with the suspect,

1 Suspect 1 and Suspect 2.

2 He said an argument ensued. They
3 started being -- yelling profanities at his wife
4 and his sister-in-law and then he said he was
5 assaulted by S1. And during the assault S1 took
6 his finger and stuck it in between his teeth and
7 his jaws and actually split open his lip, the
8 inside of his lip from the back of the jaw all
9 the way to the front of his mouth. And on the
10 exhibits it shows the pictures of his injuries.

11 After I talked to him, I talked to his
12 wife. Like I said, Ms. Bessell, she was
13 identified on the report as Victim 3. She stated
14 that she was inside the establishment with her
15 sister. She stated that her sister could be
16 overly flirtatious at times. She stated that
17 when her husband came in, they was getting ready
18 to leave.

19 She stated that the suspects got upset
20 because they was getting ready to leave and then
21 the argument ensued. She stated once she got
22 outside, the fight ensued. She was actually

1 assaulted and suffered an injury, a broken wrist
2 to her hand. She said she was hit from the --
3 she was hit in the back of the head and threw
4 down to the ground.

5 After that, my next step of the
6 investigation, I interviewed ABC Manager, Mr.
7 Rychlik. He actually was working that night. He
8 told me, he stated that he was the only one that
9 was working that night. He said that during the
10 incident, that the victim's sister, she is not
11 identified in the report, stated that she started
12 becoming aggressive stating that somebody stole
13 her cell phone and accused them as well that he
14 had stole her cell phone.

15 He stated they exited out. He said at
16 first he didn't pay attention what was going on.
17 Then he looked up again and realized there was
18 commotion. He stepped outside. He witnessed the
19 assaults occurring.

20 Actually during the interview
21 questioning, did he call 911? He stated no, that
22 he did not. I asked him why. He stated he

1 didn't know he was supposed to call 911.

2 After that occurred, I interviewed
3 Victim 2, which was Mr. Jason Dunlevy. And
4 during the interview, he couldn't recall pretty
5 much, he was suffering from concussion-like
6 symptoms, so he really couldn't provide any
7 detail.

8 He did advise that he felt like --
9 because there wasn't too many people inside the
10 establishment, that the situation shouldn't have
11 got that drastic.

12 I reviewed the video footage. Through
13 the video footage you can see that S1 and S2
14 actually did engage in assaulting Victim 1,
15 Victim 2 and Victim 3. And during the assault,
16 Suspect 2 and Victim 2 got -- they was involved
17 in the assault and landed on somebody's car.
18 That person, he didn't have anything to do with
19 the incident, but he was the person that actually
20 called 911 and that's how police assistance was
21 able to get there so quickly.

22 CHAIRPERSON ANDERSON: Does this

1 establishment have a security plan?

2 INVESTIGATOR GILLIAM: No, sir.

3 CHAIRPERSON ANDERSON: What type of
4 establishment is this?

5 INVESTIGATOR GILLIAM: It's a true
6 restaurant, Mr. Chairman.

7 CHAIRPERSON ANDERSON: What do you
8 mean by it's a true restaurant?

9 INVESTIGATOR GILLIAM: Well, as a
10 matter of fact, let me take that back. It's --
11 when I say true restaurant, they actually serve
12 food and they more cater to serving food than
13 actually the entertainment aspect. But let me
14 clarify the word here. In that on one side of
15 the establishment, they do have a jukebox where
16 you can play music by the bar. And that is when
17 this incident occurred.

18 CHAIRPERSON ANDERSON: Well, what time
19 of day was this?

20 INVESTIGATOR GILLIAM: It was like
21 2:00 in the morning on Sunday, November 25, 2018.

22 CHAIRPERSON ANDERSON: All right. All

1 right. That's it?

2 (No audible answer.)

3 CHAIRPERSON ANDERSON: Mr. Benjelloun?

4 MR. BENJELLOUN: Benjelloun.

5 CHAIRPERSON ANDERSON: Benjelloun.

6 MR. BENJELLOUN: Yes, sir.

7 CHAIRPERSON ANDERSON: Your name is
8 spelled differently on the police report that the
9 way you just spelled it. So but also this is --
10 we are also having this Fact-Finding Hearing
11 because the Chief of Police had asked us to have
12 a Fact-Finding Hearing, because they were
13 concerned that there were -- this was, as of
14 November 26, 2018 and I'm not sure how true this
15 is, but the Chief of Police reported that -- I'm
16 sorry, between January 1st and November 26th, at
17 least when you wrote this report, that there has
18 been 10 occasions that the police were called to
19 your -- the establishment.

20 And it could be maybe it was just an
21 address, so maybe it wasn't necessarily that they
22 actually responded to an incident in the

1 establishment that -- but that's something that
2 the Chief of Police has pointed out.

3 And the Chief of Police had concerns--
4 was complaining -- was concerned that nobody
5 called 911. So at least from your perspective,
6 can you tell us what happened? And how is it
7 that you plan for something like this not to
8 occur again?

9 MR. BENJELLOUN: Mr. Chairman, yes,
10 that's -- I mean, we have been in this business
11 for so long and we always manage the situations.
12 And as I explained to my staff, alcohol is a
13 weapon. And when people consume it, so my
14 bartender is trained well to be sure like people
15 that consume alcohol, you know, responsibly and
16 that's what happened.

17 Like those people in this incident, I
18 check with him and say how many drinks? I say
19 there be no -- there be two to three hours they
20 consume, some of them consume two drinks, some of
21 them consume three. And also he is responsible
22 inside, so when he was serving and taking care of

1 some customers, he heard there is people -- there
2 is a fight outside.

3 And when he went, he was shocked
4 seeing people fighting. Maybe he was under -- a
5 little confused, but usually that's the first
6 thing you should do, you should call 911.

7 But I said why you didn't call? And
8 I said by the time I was thinking to call, they
9 already -- they show up, the police they show up.
10 I mean between the incidents maybe Mr. -- the
11 Investigator he has the information between, you
12 know, the fights and/or they show up. I think it
13 should be about two or three minutes.

14 It wasn't like a big time, you know,
15 so the police they show up. Usually he is
16 supposedly the first one, but somebody approached
17 him -- I mean, called the police before him. But
18 I advised him in our review, you know, I sit
19 down, I have seminar with him because he is new
20 maybe in this job as bartender and he is new to
21 the situation, but I explained him to be more
22 responsible to be careful.

1 And any incident, that's why if he see
2 10 times we call the 911, because sometimes
3 police want time. And somebody working inside
4 the establishment, one of those homeless in the
5 street and stole a purse of a lady and ran away.
6 So we call the police, rather than go after the
7 person. So that's one of the incidents.

8 So there is a lot of things happen.
9 Sometimes, you know, people homeless because it's
10 cold outside, they come inside and they want to
11 sit over there and they won't leave. We have the
12 -- and if they don't -- we advise them to leave
13 and they don't want to leave, we have to call the
14 police, that we don't do those things that's why,
15 you know.

16 But that's also justification why we
17 have so few calls. But I don't think so, we have
18 10. Maybe it's not dialed from our phone, you
19 know, probably two or three from what I'm aware
20 of, yeah.

21 CHAIRPERSON ANDERSON: So you are
22 saying this is just an isolated incident? It's

1 not something that happens?

2 MR. BENJELLOUN: Well, that's -- yeah.
3 And I mean, our history with ABRA can prove that.
4 You know, we never have the -- any single
5 violation for over 40 years.

6 CHAIRPERSON ANDERSON: How many years?

7 MR. BENJELLOUN: I've been in this
8 business for about 25, but our license is 165,
9 the number of licenses --

10 CHAIRPERSON ANDERSON: 168.

11 MR. BENJELLOUN: Huh?

12 CHAIRPERSON ANDERSON: It's 168.

13 MR. BENJELLOUN: 168.

14 CHAIRPERSON ANDERSON: Yes.

15 MR. BENJELLOUN: Yeah.

16 CHAIRPERSON ANDERSON: I would like to
17 ask you about that, too, that so 168, that says
18 that is a very -- and a license that was issued a
19 very long time ago. And I have never seen an
20 investigative history. I mean that in all the
21 years that you have been in business, that this
22 is actually the first time you are coming to us

1 for something, which is I'll say that, that's a
2 positive. That's positive.

3 MR. BENJELLOUN: Thank you.

4 MEMBER SILVERSTEIN: May I ask --

5 CHAIRPERSON ANDERSON: Yes, just a
6 minute. Do you have anything else you want to
7 say?

8 MR. BENJELLOUN: No. I mean, it's
9 true. You know, I mean, that's why when you have
10 911, we've got to call them and we didn't. And I
11 and the little session with him and explained the
12 situation, that's why alcohol is a weapon.
13 You've got to be careful when you see something,
14 immediately I want my bartender to be the first
15 person calling 911.

16 CHAIRPERSON ANDERSON: How many
17 employees do you have working there at a time? I
18 mean, how large is this place? And like --

19 MR. BENJELLOUN: Well, the numbers
20 vary between 15 to 25 people, between both
21 restaurants, because we are open early the
22 restaurant and we close a little bit later, 2:00,

1 so it's between 15 people, you know, between
2 server and bartenders and the cook, 15 to 25
3 people. 25 in the busy time when the patio is
4 open, because we have outdoor seating.

5 CHAIRPERSON ANDERSON: All right. Mr.
6 Silverstein?

7 MEMBER SILVERSTEIN: Yes, Mr.
8 Chairman, I would point out that Trio is the
9 second oldest sidewalk cafe in the history of
10 Washington, D.C. Bassin's was the first. And
11 after the rise of 1968, there was so much fear on
12 17th Street that George Mallios decided that the
13 best way to get people back on the street of all
14 kinds, he welcomed everyone, was to open sidewalk
15 cafes. And it has been there for almost 50 years
16 or 50 years.

17 That George, who was Dimitri's
18 brother, ran the place until he retired and then
19 in order to keep it in the neighborhood, he
20 transferred it, sold it to people who had been
21 there for many years as well.

22 There are calls for service. Some of

1 them because it is the corner of 17th and Q and
2 anything that happens there, you give an address
3 and that's the major address.

4 Also there are problems or issues
5 occasionally with homeless people in that
6 neighborhood. It is my neighborhood. I'm a
7 little concerned with what happened here, but it
8 does appear to be a one-off.

9 Their record is as clean as a whistle.
10 They are a neighborhood establishment, an icon.
11 And I think that if you are going to look at the
12 record, you are not going to find one any better.

13 MR. BENJELLOUN: Thank you.

14 CHAIRPERSON ANDERSON: Any other
15 comments?

16 MEMBER SILVERSTEIN: No further
17 comments.

18 CHAIRPERSON ANDERSON: Thank you, Mr.
19 Silverstein. Any other comments by any other
20 Board Members?

21 Ms. Dantzler, do you want to make --
22 any final comments you want to make?

1 MEMBER SILVERSTEIN: Mr. Gilliam.

2 CHAIRPERSON ANDERSON: You know, we've
3 been here a long time. I apologize, Mr. Gilliam.
4 I am trying to multi-task, but I never look up.
5 I never look up. I'm trying to multi-task, so
6 therefore I'm trying to find these orders and try
7 to run this hearing, so my apologies.

8 I was wondering, that's why I looked
9 up, why there was no response. All right. Mr.
10 Gilliam?

11 INVESTIGATOR GILLIAM: I would just
12 advise the Board, I talked to the licensee a
13 little bit after the incident and just implored
14 to him just to make sure that he trained his
15 staff to just go and call 911, because even
16 though a member of the public called 911, it just
17 was so quick and the injuries in this case was
18 horrendous, so he actually explained. He said
19 that's what he did.

20 So as long as he got his staff up to
21 par, you know, just asking to call for police
22 assistance then.

1 CHAIRPERSON ANDERSON: Thank you, Mr.
2 Gilliam. All right. Any comments, sir? You have
3 any final comments you want to make, sir?

4 MR. BENJELLOUN: That's true also, Mr.
5 Mike Silverstein mentioned something people when
6 you get lost, you just tell the taxi driver to
7 take you to Trio. They know where to find Trio.
8 It's basically a strategic area, a lot of things,
9 you know, there is like homeless, you know,
10 curled up in the street, so you call 911. And it
11 happened a lot of times, you know.

12 So those calls that you see is
13 basically from a lot of them and from those
14 incidents that happened in the street. And also
15 it is very safe neighborhood and we are trying to
16 maintain it to keep it safe and we are trying to
17 serve our neighbors as we have been doing for all
18 those years.

19 CHAIRPERSON ANDERSON: All right. All
20 right. Thank you, sir.

21 MR. BENJELLOUN: Thank you.

22 CHAIRPERSON ANDERSON: All right.

1 With that said, I make a motion that we take no
2 further action. Is there a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON ANDERSON: Any abstention
5 or opposition?

6 All right. So passes 4-0-0.

7 Thank you for being here today, sir.

8 MR. BENJELLOUN: Thank you, Mr.
9 Chairman. Thank you.

10 CHAIRPERSON ANDERSON: And just one
11 minute. I just want to thank you for, as I
12 stated before, you have a License 168 and it says
13 that once -- there are no violations, so it says
14 that you have been running an establishment there
15 that you have been complying with the law. And
16 thank you for that.

17 MR. BENJELLOUN: Thank you, Mr.
18 Chairman.

19 CHAIRPERSON ANDERSON: All right.
20 Have a great day. Thanks.

21 (Whereupon, the above-entitled matter
22 was concluded at 3:00 p.m.)

<p>A</p> <p>ABC 2:9 7:6 able 8:21 above-entitled 20:21 ABRA 1:21 4:18 14:3 abstention 20:4 accused 7:13 acted 4:4 action 4:10 20:2 address 10:21 17:2,3 advise 8:8 13:12 18:12 advised 12:18 afternoon 2:11,13,17 2:18 aggravated 1:10 4:20 aggressive 7:12 ago 14:19 ALBERTI 1:18 alcohol 11:12,15 15:12 alcoholic 1:2,13,14 5:8 ANC 1:8 and/or 12:12 Anderson 1:15,17 2:3 2:11,14,17,19 3:2,5,7 3:9,12,14,17,21 8:22 9:3,7,18,22 10:3,5,7 13:21 14:6,10,12,14 14:16 15:5,16 16:5 17:14,18 18:2 19:1,19 19:22 20:4,10,19 answer 10:2 apologies 18:7 apologize 18:3 appear 17:8 approach 2:7 approached 12:16 appropriately 4:4 approximately 4:20 area 19:8 argument 6:2,21 asked 7:22 10:11 asking 18:21 aspect 9:13 assault 1:10 4:21 6:5 8:15,17 assaulted 6:5 7:1 assaulting 8:14 assaults 7:19 assistance 8:20 18:22 attention 5:20 7:16 Attorney 4:7 audible 10:2 aware 13:19</p>	<p>16:13 backtrack 5:17 bar 9:16 bartender 2:10 11:14 12:20 15:14 bartenders 16:2 basically 19:8,13 Bassin's 16:10 becoming 7:12 began 5:16 Benjamin 2:21 Benjelloun 1:21 2:15 2:15,18,22,22 3:4,6,8 3:11,11,12,13,15,16 10:3,4,4,5,6 11:9 14:2 14:7,11,13,15 15:3,8 15:19 17:13 19:4,21 20:8,17 Bessell 5:14 6:12 best 16:13 better 17:12 beverage 1:2,13,14 5:8 big 12:14 bit 15:22 18:13 Board 1:2,13 4:1,6 17:20 18:12 BOBBY 1:18 bring 4:15 broken 7:1 brother 16:18 brother-in- 5:5 brother-in-law 5:10 Building 1:14 business 11:10 14:8,21 busy 16:3</p>	<p>2:3,11,14,17,19 3:2,5 3:7,9,12,14,17,21 8:22 9:3,7,18,22 10:3 10:5,7 13:21 14:6,10 14:12,14,16 15:5,16 16:5 17:14,18 18:2 19:1,19,22 20:4,10,19 check 11:18 Chief 10:11,15 11:2,3 clarify 9:14 clean 17:9 close 15:22 cold 13:10 COLUMBIA 1:1 come 13:10 coming 14:22 comments 17:15,17,19 17:22 19:2,3 commotion 5:19 7:18 complaining 11:4 complying 20:15 concerned 10:13 11:4 17:7 concerns-- 11:3 concluded 20:22 concussion-like 8:5 confused 12:5 consume 11:13,15,20 11:20,21 Control 1:2,13,14 cook 16:2 corner 17:1 Countee 1:21 3:19 CR 1:8 curled 19:10 customers 12:1</p>	<p>either 4:7 employees 15:17 engage 8:14 ensued 6:2,21,22 enter 5:7 entertainment 9:13 establishment 4:4 5:7 6:14 8:10 9:1,4,15 10:19 11:1 13:4 17:10 20:14 exhibits 6:10 exit 5:17 exited 7:15 explained 11:12 12:21 15:11 18:18</p>
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This is to certify that the foregoing transcript

In the matter of: Trio Restaurant

Before: DC ABRA

Date: 03-06-19

Place: Washington, DC

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