

IN THE MATTER OF: :
:
MGBK, LLC, :
t/a Marte Bar & Lounge :
4815 Georgia Ave NW : Roll Call
Retailer CT - ANC 4D : Hearing
License #ABRA-125774 :
Case #23-PRO-00094 :
:
(Substantial Change - :
change of hours and :
entertainment endorsement :
to provide live indoor :
entertainment) :
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Tuesday
January 2, 2024

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

PRESENT:

LAVERNE FLETCHER, ABC Board's Agent

ALSO PRESENT:

CHRYSANTHE COURNIOTES, Protestant
AMAN GEORGE, Protestant
ROXAN KERR, Applicant's Counsel

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

10:12 a.m.

MS. FLETCHER: The next case on the calendar is Marte Bar & Lounge. This is Case Number 23-PRO-00094. MGBK, LLC, 4815 Georgia Avenue, Northwest. License Number ABRA-125774.

This is a Retailer Class CT a tavern. This is a Substantial Change application to change the hours and Entertainment Endorsement to provide live indoor entertainment. The protest issues are adverse impact on peace, order and quiet.

My name is LaVerne Fletcher conducting the Roll Call Hearing as the Board's Agent.

Is anyone present on behalf of the establishment?

MS. KERR: Good morning, Ms. Fletcher. This is Roxan Kerr on behalf of Marte Bar & Grill.

MS. FLETCHER: Can you state the name one more time?

MS. KERR: Roxan Kerr, that's R-O-X-A-N, last name is Kerr, K-E-R-R.

MS. FLETCHER: Okay. Thank you.

So, Ms. Kerr, I have the name of

1 Misrak Bekele-Kerr. Is that someone else?

2 MS. KERR: Yes, it is. That's the
3 owner of the establishment, I'm counsel.

4 MS. FLETCHER: Thank you. Because I
5 stated that name I'm going to have to spell it
6 for the Court Reporter now. That is, I may be
7 mispronouncing it but it appears to be spelled,
8 Misrak Bekele-Kerr which is spelled M-I-S-R-A-K
9 B like Boy E-K-E-L-E dash K-E-R-R.

10 Okay, Ms. Kerr, you're counsel for the
11 Applicant?

12 MS. KERR: That's correct.

13 MS. FLETCHER: Thank you very much.

14 Ms. Kerr, I don't have your entry of
15 appearance, beyond this forum are we going to be
16 contacting you directly?

17 MS. KERR: That's correct.

18 MS. FLETCHER: Okay.

19 MS. KERR: Is there a form or I can
20 make my own, of course?

21 MS. FLETCHER: You can make your own.
22 Do you have my email address?

23 MS. KERR: I do not.

24 MS. FLETCHER: Okay. I'm going to tell
25 you what it is, you can send it to me and include

1 your email address so that we can send future
2 communications to you.

3 MS. KERR: Perfect.

4 MS. FLETCHER: My name is LaVerne
5 Fletcher. My name is spelled L-A-V-E-R-N-E dot
6 Fletcher, which is spelled F as in Frank -L-E-T-
7 C-H-E-R@dc.gov.

8 The other thing, Ms. Kerr, just so
9 that you know if you receive a copy or received a
10 copy of the correspondence sent to your client my
11 name and email address is in that document as
12 well in the Roll Call Hearing notice.

13 MS. KERR: I do have that but I think
14 your email is written there as messenger@webex.

15 MS. FLETCHER: Yes. It's in a
16 different notice but that's okay.

17 MS. KERR: Okay.

18 MS. FLETCHER: I just wanted to let you
19 know that your client has it somewhere.

20 MS. KERR: Okay. No problem.

21 MS. FLETCHER: But it is
22 LaVerne.fletcher@dc.gov. And once I receive that
23 communications will be directed to you going
24 forward.

25 MS. KERR: Excellent. And the case

1 number would that be just the --

2 MS. FLETCHER: Yes, the case number is
3 23-PRO-00094. And, Ms. Kerr, if you would put on
4 the subject line the name of the establishment.

5 MS. KERR: And did you say T like in
6 Tom R-O?

7 MS. FLETCHER: For the case number?

8 MS. KERR: Correct.

9 MS. FLETCHER: 23-P like Paul R-O-
10 00094. MS. KERR: Thank you.

11 MS. FLETCHER: You're welcome.

12 Is anyone present on behalf of ANC 4D?

13 COMMISSIONER COURNIOTES: Yes, it's
14 Commissioner Courniotes for DL4.

15 MS. FLETCHER: Commissioner, would you
16 spell your name please. I can hear you but not
17 very well but at least you're not breaking up.

18 COMMISSIONER COURNIOTES: Okay. My
19 name is Chrysanthé like the flower so C-H-R-Y-S-
20 A--N-T-H-E C-O-U-R-N-I-O-T-E-S.

21 MS. FLETCHER: Thank you. Is anyone
22 else present from ANC 4D?

23 COMMISSIONER GEORGE: Yes, Commissioner
24 George is on the call FROM 4006.

25 MS. FLETCHER: Thank you, Commissioner

1 George. Would you spell your name for the
2 record, please?

3 COMMISSIONER GEORGE: Sure. My first
4 name is Aman, A-M-A-N, sounds like a man. My
5 last name is George, G-E-O-R-G-E.

6 MS. FLETCHER: Thank you, Commissioner
7 George.

8 ANC 4D does have standing as a
9 protestant. I should tell you, Commissioners,
10 some other individuals appeared here this morning
11 in person. Were you expecting other individuals
12 from the ANC or from the community to show up
13 today?

14 COMMISSIONER COURNIOTES: Yes. I mean
15 we --

16 MS. FLETCHER: Oh, I'm sorry. Before
17 you speak could you state your name for the Court
18 Reporter, please?

19 COMMISSIONER COURNIOTES: Commissioner
20 George, do you want to chime in first?

21 MS. FLETCHER: Well, who was that
22 speaking, Ms. Courniotes?

23 COMMISSIONER GEORGE: Yes.

24 MS. FLETCHER: Just a second. Ms.
25 Courniotes, was that --

1 COMMISSIONER COURNIOTES: Commissioner
2 Courniotes, I'm sorry.

3 MS. FLETCHER: Just a second. I'm
4 trying to clarify for the record.

5 Ms. Courniotes, that was you just
6 asking Commissioner George if he wanted to speak?

7 COMMISSIONER COURNIOTES: Yes, ma'am.
8

9 MS. FLETCHER: Okay. Commissioner
10 George?

11 COMMISSIONER GEORGE: This is
12 Commissioner George. Commissioner Courniotes,
13 you're welcome to go ahead.

14 COMMISSIONER COURNIOTES: Yes. So,
15 this is Commissioner Courniotes again. We have
16 explained to the community members that are
17 interested in t his case that this was a Roll
18 Call Hearing that, you know, they didn't
19 necessarily have to attend or so on and so forth.
20 But at the same time I think they just wanted to
21 show their interest in the case, you know, from
22 my understanding. But, yes, we were aware of
23 that.

24 MS. FLETCHER: Okay. So, they're
25 members of the community that wanted to show

1 their support from the protest filed by ANC 4D?

2 COMMISSIONER COURNIOTES: Yes, ma'am.

3

4 MS. FLETCHER: Just so that you know
5 about four of them appeared here in the
6 receptionist area. As you know, we only conduct
7 hearings virtually. What I had them to do is to
8 write their names for me. I will provide them to
9 you and they're going to leave them with someone
10 at the front desk. Just FYI.

11 COMMISSIONER COURNIOTES: Okay. So,
12 they showed up in person is what you're saying?

13 MS. FLETCHER: Four people showed up in
14 person.

15 COMMISSIONER COURNIOTES: Okay.

16 MS. FLETCHER: In support of ANC 4D
17 this morning. They showed up in person. And
18 they would not have been sent Webex invitations
19 because they're not Protestants. But this is a
20 public hearing. And so they always could have
21 gone to U-Tube to watch the hearing. But they
22 wouldn't have been invited to attend the Roll
23 Call. But I just wanted you to know -- pardon?

24 COMMISSIONER GEORGE: Yes. Ms.
25 Fletcher, this is Commissioner George.

1 MS. FLETCHER: Uh-huh.

2 COMMISSIONER GEORGE: If you're able to
3 send us an email with their names just so that we
4 can insure that we're in touch with all the
5 interested community members.

6 MS. FLETCHER: Yes.

7 COMMISSIONER GEORGE: That would be
8 very helpful.

9 MS. FLETCHER: I didn't have time to
10 engage with them very much. They showed up at
11 about 10, that's why I was a couple of minutes
12 late. But I did ask them to write their names
13 down and to give them to the front desk and I'll
14 pick them up on my way back to my desk. And then
15 I'll email you.

16 COMMISSIONER GEORGE: Thank you.

17 MS. FLETCHER: You're very welcome.

18 ANC 4D does have standing as a
19 protestant. We need to set a date for mediation,

20 MS. KERR: If I may, Ms. Fletcher, this
21 is Roxan Kerr.

22 MS. FLETCHER: Yes.

23 MS. KERR: I'd like to publicly and on
24 the record object to ANC 4D to having been given
25 standing. And we object because of the fact that

1 they didn't follow their own rules of procedure
2 and did not invite or notify Marte's Bar & Grill
3 that they would be the topic of conversation at
4 any of the ANC meetings which they're supposed to
5 be notified whenever they're going to be the
6 topic of conversation. And so for that, I just
7 wanted to publicly object to ANC 4D be given
8 standing in this case.

9 MS. FLETCHER: Ms. Kerr, that does not
10 apply to ANCs. That standard applies to citizen
11 associations where they are required to hold a
12 meeting concerning the protest and to give the
13 Applicant at least a seven-day notice of the
14 hearing. That does not apply to the Advisory
15 Neighborhood Commission.

16 MS. KERR: I understand that. I just
17 wanted to object anyway because the ANC --

18 MS. FLETCHER: That's fine. I'm just
19 letting you know.

20 MS. KERR: Okay.

21 MS. FLETCHER: There can be no
22 objection. You can object but that standing does
23 not apply to Advisory Neighborhood Commissioners.
24 But it does apply to citizens associations and
25 neighborhood associations. But the ANC is not

1 required to provide that notice according to our
2 rules. But your objection will be noted, Ms.
3 Kerr.

4 MS. KERR: Thank you.

5 MS. FLETCHER: You're welcome.

6 I'm going to give you the dates of the
7 Status and Protest Hearings first.

8 The Status Hearing is scheduled for
9 March 6th, 2024, at 10:30 a.m.

10 The Protest Hearing is scheduled for
11 April the 10th at 1:30.

12 I will give you the next available
13 date for Mediation. The next available day for
14 Mediation is January the 11th. It's January the
15 11th at anytime between 10:30 and 1:30. That's
16 Thursday, January 11 if that's good for anyone?

17 MS. KERR: 11 at what time, I'm sorry?

18 MS. FLETCHER: Anytime between 10:30
19 and 1:30 on January 11th. That's the next
20 available day.

21 COMMISSIONER GEORGE: I'm available
22 from 10:30 to 12 on that day.

23 MS. FLETCHER: Is that George --

24 COMMISSIONER GEORGE: Commissioner
25 George.

1 MS. FLETCHER: Okay.

2 COMMISSIONER GEORGE: I'm, available
3 from 10:30 to 12 on that day.

4 COMMISSIONER COURNIOTES: I'm
5 available, this is Commissioner Courniotes, I'm
6 sorry. I'm available from 10:30 to 11 and from
7 noon to 1:00 that day. So, that morning.

8 MS. FLETCHER: Let's make it a
9 different day.

10 COMMISSIONER COURNIOTES: Okay.

11 MS. FLETCHER: How about it may take
12 longer than -- it will most likely take longer
13 than 30 minutes. So, let me just move to a
14 different day.

15 What about Friday, January 12, any
16 time between 10:30 and 1:30?

17 MS. KERR: I just want to be clear.
18 This is Roxan Kerr. All of these meetings, the
19 Mediation and the hearings are virtual as you
20 stated?

21 MS. FLETCHER: Yes.

22 MS. KERR: Okay.

23 COMMISSIONER GEORGE: And this is
24 Commissioner George. I'm fully available that
25 day.

1 MS. FLETCHER: Ms. Kerr, will that work
2 for you, the 12th, anytime between 10:30 and 1:30?

3 MS. KERR: That's fine.

4 MS. FLETCHER: Ms. Courniotes, what
5 about you?

6 COMMISSIONER COURNIOTES: My daughter
7 has an appointment from 9:00 to 10:30, but I
8 should be available prior to that if you could, I
9 just blocked that time so, yes, I'm available
10 from 10:30 to noon.

11 MS. FLETCHER: Okay. So, then we'll
12 make it 10:30 on January 12th. And I'll send you
13 the Webex invitation.

14 Ms. Kerr, once I get your email
15 address I'll up0date our records so that the
16 Webex invitation comes to you.

17 MS. KERR: Perfect.

18 COMMISSIONER COURNIOTES: Ms. Fletcher,
19 this is Commissioner Courniotes. What time is
20 the Status Hearing on the 6th? I know that April
21 10th you said 1:30, correct?

22 MS. FLETCHER: Yes. And the Status on
23 March 6 is at 10:30.

24 COMMISSIONER COURNIOTES: Okay. Thank
25 you, thank you very much.

1 Happy New Year.

2 MS. FLETCHER: Happy New Year. Thank
3 you.

4 MS. KERR: This is Roxan Kerr.

5 MS. FLETCHER: Yes, Ms. Kerr.

6 MS. KERR: The Protest Hearing is it
7 possible for us to have an earlier hearing?

8 MS. FLETCHER: The date that I gave you
9 is the next available date on the Board's
10 calendar. So, that's their next available day.

11 MS. KERR: Okay. All right. Thank
12 you.

13 MS. FLETCHER: You're welcome.

14 COMMISSIONER MUHAMMAD: Ms. Fletcher,
15 this is Commissioner Muhammad. I logged on late,
16 I'm so sorry. I'm getting over this cold.

17 MS. FLETCHER: Ms. Muhammad, you got
18 here in time. But since you mentioned your name
19 would you spell it, please?

20 COMMISSIONER MUHAMMAD: M-U-H-A-M-M-A-
21 D.

22 MS. FLETCHER: Ms. Muhammad, your case
23 is the next case on the calendar. You made it in
24 time. Thanks for coming.

25 COMMISSIONER MUHAMMAD: Okay. Thank

1 you.

2 MS. FLETCHER: You're welcome. Okay.

3 Are there any other questions in the
4 Marte Bar & Lounge?

5 MS. KERR: No, ma'am.

6 MS. FLETCHER: Okay. Well, thank you
7 for coming.

8 Ms. Kerr, I believe that was you
9 saying, no ma'am?

10 MS. KERR: That was correct.

11 MS. FLETCHER: I recognize your voice
12 already.

13 MS. KERR: Can we be excused at this
14 time?

15 MS. FLETCHER: The hearing in this
16 matter is concluded. Thank you.

17 MS. KERR: Excellent, have a great day.

18 MS. FLETCHER: You, too. See you soon.
19 Thank you.

20 MS. KERR: Alrighty.

21 COMMISSIONER MUHAMMAD: Thank you, Ms.
22 Fletcher, have a good day.

23 MS. FLETCHER: You're welcome, Ms.
24 Courniotes.

25 COMMISSIONER COURNIOTES: Courniotes,

1 but you can call me Commissioner CC. That's
2 fine.

3 MS. FLETCHER: I'm getting better.

4 Okay.

5 Thank you.

6 (Whereupon, this proceeding was
7 concluded at 10:28 a.m.)
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In the matter of: Marte Bar & Lounge

Before: DC ABCA

Date: 01-02-24

Place: teleconference

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