

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE AND CANNABIS BOARD

+ + + + +

MEETING

```

-----=
IN THE MATTER OF:           :
                             :
MGBK, LLC                   :
t/a Marte Bar & Lounge     :
4815 Georgia Ave NW       : Protest
Retailer CT - ANC 4D      : Hearing (Status)
License No. 125774        :
Case No. 23-PRO-00094     :
                             :
(Substantial Change -      :
Request for Change of      :
Hours and Entertainment    :
Endorsement to Provide    :
Live Indoor Entertainment):
-----=

```

Wednesday
March 6, 2024

The Alcoholic Beverage and Cannabis Board met via Webex videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:
DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:
JOSE ORELLANA, DC ABCA Staff
MISRAK KERR, Applicant
KARL KERR, Applicant
ROXAN KERR, Applicant
CHRYSANTHE COURNIOTES, ANC 4D
MESKEREM BALKEW, Amharic Interpreter

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

2 10:49 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 23-PRO-
5 00094, Marte Bar and Lounge, License No. 125774.

6 Mr. Orellana, can you please elevate
7 the Amharic interpreter, the Licensee, and also
8 the Protestant for this case?

9 MR. ORELLANA: Meskerem Balkew, your
10 access has been elevated.

11 Roxan Kerr, your access has been
12 elevated.

13 Misrak and Karl Kerr, your access has
14 been elevated.

15 Commissioner Courniotes, your access
16 has been elevated.

17 And I believe that's all, Chairman.

18 CHAIRPERSON ANDERSON: Who is the
19 interpreter?

20 MR. ORELLANA: Meskerem Balkew.

21 CHAIRPERSON ANDERSON: Ms. Balkew, can
22 you turn your camera on, please? All right. Can
23 you spell and state your name for the record,
24 ma'am?

25 MS. BALKEW: M-E-S-K-E-R-E-M, first

1 name Meskerem, last name B-A-L-K-E-W.

2 CHAIRPERSON ANDERSON: All right.
3 Could you raise your right hand, ma'am? Do you
4 solemnly affirm that you will faithfully and
5 accurately interpret the proceedings in this
6 matter from English to Amharic and from Amharic
7 to English to the best of your ability?

8 MS. BALKEW: I do.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you.

11 I see Ms. Roxan Kerr and then I see
12 another Ms. Kerr and Karl Kerr. Who is on the
13 other line? Can you be on camera?

14 MS. R. KERR: I don't think they have
15 camera capability.

16 CHAIRPERSON ANDERSON: All right, but
17 I hear them talking. If you're not speaking, I
18 need you to mute your line.

19 All right. Okay. Who is the owner?
20 Who is the Licensee?

21 MS. R. KERR: This is Roxan Kerr
22 speaking. The owner is Misrak and Karl Kerr.
23 And I'm Counsel, Roxan Kerr.

24 CHAIRPERSON ANDERSON: I apologize,
25 ma'am. I was not aware.

1 All right. So we need an Amharic
2 interpreter; is that correct?

3 MS. R. KERR: Well, we will for the
4 hearing. I think today, since there's nothing to
5 report, we probably won't need her for today.

6 CHAIRPERSON ANDERSON: So you're
7 saying that we -- I just want to make sure that's
8 on the record. You are Counsel and you're
9 stating that we do not need an interpreter for
10 this protest hearing status today; is that
11 correct, ma'am?

12 MS. R. KERR: That is correct.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you.

15 Ms. Balkew, thank you very much for
16 your appearance today. You're free to go.

17 MS. BALKEW: Thank you.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you.

20 All right. Good morning, Ms. Kerr.
21 Can you please spell and state your name for the
22 record and your representation?

23 MS. R. KERR: Yes. Good morning. My
24 name is Roxan Kerr. And the spelling, first name
25 R-O-X-A-N, last name is K-E-R-R. And I'm Counsel

1 to Misrak and Karl Kerr, Marte Bar and Lounge.

2 CHAIRPERSON ANDERSON: All right.
3 Good morning. Can they spell and state their
4 name for the record?

5 MS. R. KERR: Yes.

6 MS. M. KERR: Yes. This is Misrak
7 Vekele Kerr. It's M-I-S-R-A-K V-E-K-E-L-E, Kerr,
8 K-E-R-R.

9 CHAIRPERSON ANDERSON: Good morning,
10 ma'am.

11 MS. M. KERR: Good morning.

12 MR. KERR: I'm Karl Kerr, K-A-R-L K-E-
13 R-R.

14 CHAIRPERSON ANDERSON: Good morning.
15 You both are the owners of the establishment; is
16 that correct?

17 MR. KERR: That's correct.

18 CHAIRPERSON ANDERSON: All right. Ms.
19 Courniotes, I apologize if I -- can you please
20 spell and state your --

21 MS. COURNIOTES: It's fine. I'm
22 Commissioner Chrysanthe Courniotes, C-H-R-Y-S-A-
23 N-T-H-E C-O-U-R-N-I-O-T-E-S. I'm Commissioner
24 for 4D04. I'm representing our 4D Commission
25 today.

1 CHAIRPERSON ANDERSON: Good morning,
2 ma'am.

3 MS. COURNIOTES: Good morning.

4 CHAIRPERSON ANDERSON: Ms. Kerr, are
5 there any preliminary matters you want to bring
6 to the attention of the Board?

7 MS. R. KERR: No, sir, there's not.

8 CHAIRPERSON ANDERSON: Ms. Courniotes,
9 are there any preliminary matters you want to
10 bring to the attention of the Board?

11 MS. COURNIOTES: No, there are not.
12 Thank you.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you.

15 This matter is scheduled for a protest
16 hearing on April 10th at 1:30 p.m. And let me
17 just read the instructions for the protest
18 hearing.

19 Now that we have scheduled this matter
20 for a protest hearing, there are a few things
21 that I would like to instruct the applicant and
22 the protestants about so that the protest hearing
23 is focused and addresses only those issues that
24 are being protested.

25 The Board does not intend to hear

1 testimony on matters that are not relevant to
2 this case. You should have received by
3 electronic or regular mail a letter explaining
4 the protest process, a copy of the protest
5 information form, and a copy of the exhibit form.
6 If you do not have these documents, please
7 contact our legal office following this hearing.

8 It is imperative that you review the
9 rules closely and adhere to them before and
10 during the protest hearing. You're also required
11 to complete and submit the protest information
12 form (PIP) and the exhibit form seven days before
13 the date of the hearing.

14 These two forms and accompanying
15 documents need to be submitted to ABCA's Legal
16 Division and to all opposing parties in this
17 matter. If we do not receive a copy of your PIP,
18 your application or your protest, whichever side
19 you're representing, may be subject to dismissal.

20 Likewise, if we do not receive a copy
21 of the exhibit form and the exhibits themselves,
22 your exhibits may be excluded from the record
23 upon a finding that the opposing party has been
24 prejudiced or no good cause for failure to submit
25 has been shown. Likewise, witnesses other than a

1 party may also be subject to exclusion if not
2 identified on the PIP.

3 Accordingly, these forms are very
4 important. They greatly assist the Board in
5 narrowing the protest issues, facilitating the
6 process, and keeping the parties on point during
7 the hearing. They likewise provide notice to
8 opposing parties, enabling them to better prepare
9 for the hearing.

10 As you are aware, all our hearings are
11 now conducted virtually. You will have one hour
12 to present your case, and you will only be
13 allowed to call five witnesses.

14 If you require more time to present
15 your case and require more than five witnesses,
16 please file a motion with the ABC Board
17 requesting additional time and/or additional
18 witnesses.

19 We thank you greatly for your
20 cooperation. If you have any questions today or
21 at any time leading up to the hearing, please do
22 not hesitate to contact ABCA's Legal Division.

23 Any questions before I bring this
24 hearing to a closure?

25 MS. R. KERR: No, sir. Thank you.

1 CHAIRPERSON ANDERSON: All right.
2 Thank you very much. Again, if this matter can
3 be settled through a settlement agreement, the
4 Board supports that. If not, we will see you on
5 April 10th at 1:30 p.m.

6 MS. COURNIOTES: Sir, one quick
7 question.

8 CHAIRPERSON ANDERSON: Yes, ma'am.

9 MS. COURNIOTES: Sorry. If a
10 settlement agreement can be reached prior to, is
11 there a deadline to submit that?

12 CHAIRPERSON ANDERSON: I'd prefer you
13 provide the Board a settlement agreement as soon
14 as possible.

15 MS. COURNIOTES: Okay.

16 CHAIRPERSON ANDERSON: If the hearing
17 is scheduled and you have a settlement agreement,
18 I'll accept it. If you truly believe that this
19 case can be settled, you can advise us.

20 I prefer settlements because if
21 there's a settlement agreement, then at least we
22 know that the community and the licensee agree on
23 the operation. If the Board has to make a
24 decision, then one side might be happy and the
25 other side will be unhappy.

1 So I'm open to accepting a settlement
2 at any point during the proceeding, but as soon
3 as possible. We would appreciate it if you can
4 advise us if you believe this case is going to be
5 settled, okay?

6 MS. COURNIOTES: Okay. Thank you.

7 CHAIRPERSON ANDERSON: All right.

8 Thank you.

9 MS. R. KERR: Thank you.

10 CHAIRPERSON ANDERSON: Have a great
11 day. Bye-bye.

12 MS. R. KERR: You too.

13 MS. COURNIOTES: You too. Bye-bye.

14 (Whereupon, the above-entitled matter
15 went off the record at 10:58 a.m.)
16
17
18
19
20
21
22
23
24
25

A	C-H-R-Y-S-A 5:22 C-O-U-R-N-I-O-T-E-S 5:23 calendar 2:4 call 8:13 camera 2:22 3:13,15 Cannabis 1:3,16 capability 3:15 case 1:10 2:4,4,8 7:2 8:12,15 9:19 10:4 cause 7:24 Chairman 2:17 Chairperson 1:16,18 2:3,18,21 3:2,9,16,24 4:6,13,18 5:2,9,14,18 6:1,4,8,13 9:1,8,12,16 10:7,10 Change 1:11,11 Chrysanthe 1:23 5:22 closely 7:9 closure 8:24 COLUMBIA 1:1 Commission 5:24 Commissioner 2:15 5:22,23 community 9:22 complete 7:11 conducted 8:11 contact 7:7 8:22 cooperation 8:20 copy 7:4,5,17,20 correct 4:2,11,12 5:16 5:17 Counsel 3:23 4:8,25 Courniotes 1:23 2:15 5:19,21,22 6:3,8,11 9:6,9,15 10:6,13 CT 1:9	English 3:6,7 Entertainment 1:12,13 establishment 5:15 excluded 7:22 exclusion 8:1 exhibit 7:5,12,21 exhibits 7:21,22 explaining 7:3	issues 6:23 8:5
a.m 2:2 10:15 ABC 8:16 ABCA 1:21 ABCA's 7:15 8:22 ability 3:7 above-entitled 10:14 accept 9:18 accepting 10:1 access 2:10,11,13,15 accompanying 7:14 accurately 3:5 additional 8:17,17 addresses 6:23 adhere 7:9 advise 9:19 10:4 affirm 3:4 agree 9:22 agreement 9:3,10,13,17 9:21 Alcoholic 1:3,16 allowed 8:13 Amharic 1:23 2:7 3:6,6 4:1 ANC 1:9,23 and/or 8:17 Anderson 1:17,18 2:3 2:18,21 3:2,9,16,24 4:6,13,18 5:2,9,14,18 6:1,4,8,13 9:1,8,12,16 10:7,10 apologize 3:24 5:19 appearance 4:16 applicant 1:21,22,22 6:21 application 7:18 appreciate 10:3 April 6:16 9:5 assist 8:4 attention 6:6,10 Ave 1:8 aware 3:25 8:10	Change 1:11,11 Chrysanthe 1:23 5:22 closely 7:9 closure 8:24 COLUMBIA 1:1 Commission 5:24 Commissioner 2:15 5:22,23 community 9:22 complete 7:11 conducted 8:11 contact 7:7 8:22 cooperation 8:20 copy 7:4,5,17,20 correct 4:2,11,12 5:16 5:17 Counsel 3:23 4:8,25 Courniotes 1:23 2:15 5:19,21,22 6:3,8,11 9:6,9,15 10:6,13 CT 1:9	F facilitating 8:5 failure 7:24 faithfully 3:4 file 8:16 finding 7:23 fine 5:21 first 2:25 4:24 five 8:13,15 focused 6:23 following 7:7 form 7:5,5,12,12,21 forms 7:14 8:3 free 4:16	J JAMES 1:19 JOSE 1:21 JR 1:19,19
B	D	G	K
B-A-L-K-E-W 3:1 Balkew 1:23 2:9,20,21 2:25 3:8 4:15,17 Bar 1:8 2:5 5:1 believe 2:17 9:18 10:4 best 3:7 better 8:8 Beverage 1:3,16 Board 1:3,16 6:6,10,25 8:4,16 9:4,13,23 bring 6:5,10 8:23 Bye-bye 10:11,13	date 7:13 day 10:11 days 7:12 DC 1:21 deadline 9:11 decision 9:24 dismissal 7:19 DISTRICT 1:1 Division 7:16 8:22 documents 7:6,15 Donovan 1:17,18	Georgia 1:8 go 4:16 going 10:4 good 4:20,23 5:3,9,11 5:14 6:1,3 7:24 GRANT 1:19 great 10:10 greatly 8:4,19	K-A-R-L 5:12 K-E- 5:12 K-E-R-R 4:25 5:8 Karl 1:22 2:13 3:12,22 5:1,12 keeping 8:6 Kerr 1:21,22,22 2:11,13 3:11,12,12,14,21,21 3:22,23 4:3,12,20,23 4:24 5:1,5,6,7,7,11,12 5:12,17 6:4,7 8:25 10:9,12 know 9:22
C	E	H	L
electronic 7:3 elevate 2:6 elevated 2:10,12,14,16 enabling 8:8 Endorsement 1:12	hand 3:3 happy 9:24 hear 3:17 6:25 hearing 1:9 4:4,10 6:16 6:18,20,22 7:7,10,13 8:7,9,21,24 9:16 hearings 8:10 hesitate 8:22 hour 8:11 Hours 1:12	leading 8:21 legal 7:7,15 8:22 letter 7:3 License 1:9 2:5 licensee 2:7 3:20 9:22 likewise 7:20,25 8:7 line 3:13,18 Live 1:13 LLC 1:7 Lounge 1:8 2:5 5:1	M M 5:6,11 M-E-S-K-E-R-E-M 2:25 M-I-S-R-A-K 5:7 ma'am 2:24 3:3,25 4:11 5:10 6:2 9:8 mail 7:3 March 1:15 Marte 1:8 2:5 5:1 matter 1:6 3:6 6:15,19 7:17 9:2 10:14 matters 6:5,9 7:1 MEETING 1:5 Member 1:19,19 Meskerem 1:23 2:9,20 3:1 met 1:16 MGBK 1:7 Misrak 1:21 2:13 3:22 5:1,6 morning 4:20,23 5:3,9 5:11,14 6:1,3 motion 8:16 mute 3:18
		I identified 8:2 imperative 7:8 important 8:4 Indoor 1:13 information 7:5,11 instruct 6:21 instructions 6:17 intend 6:25 interpret 3:5 interpreter 1:23 2:7,19 4:2,9	

N	R-O-X-A-N 4:25 R-R 5:13 raise 3:3 reached 9:10 read 6:17 receive 7:17,20 received 7:2 record 2:23 4:8,22 5:4 7:22 10:15 regular 7:3 relevant 7:1 report 4:5 representation 4:22 representing 5:24 7:19 Request 1:11 requesting 8:17 require 8:14,15 required 7:10 Retailer 1:9 review 7:8 right 2:3,22 3:2,3,9,16 3:19 4:1,13,18,20 5:2 5:18 6:13 9:1 10:7 Roxan 1:22 2:11 3:11 3:21,23 4:24 rules 7:9	T	4
N-T-H-E 5:23 name 2:23 3:1,1 4:21 4:24,24,25 5:4 narrowing 8:5 need 3:18 4:1,5,9 7:15 notice 8:7 NW 1:8	regular 7:3 relevant 7:1 report 4:5 representation 4:22 representing 5:24 7:19 Request 1:11 requesting 8:17 require 8:14,15 required 7:10 Retailer 1:9 review 7:8 right 2:3,22 3:2,3,9,16 3:19 4:1,13,18,20 5:2 5:18 6:13 9:1 10:7 Roxan 1:22 2:11 3:11 3:21,23 4:24 rules 7:9	t/a 1:8 talking 3:17 testimony 7:1 thank 3:10 4:14,15,17 4:19 6:12,14 8:19,25 9:2 10:6,8,9 things 6:20 think 3:14 4:4 time 8:14,17,21 today 4:4,5,10,16 5:25 8:20 truly 9:18 turn 2:22 two 7:14	4815 1:8 4D 1:9,23 5:24 4D04 5:24
O	right 2:3,22 3:2,3,9,16 3:19 4:1,13,18,20 5:2 5:18 6:13 9:1 10:7 Roxan 1:22 2:11 3:11 3:21,23 4:24 rules 7:9	U	5
office 7:7 okay 3:19 9:15 10:5,6 open 10:1 operation 9:23 opposing 7:16,23 8:8 Orellana 1:21 2:6,9,20 owner 3:19,22 owners 5:15	right 2:3,22 3:2,3,9,16 3:19 4:1,13,18,20 5:2 5:18 6:13 9:1 10:7 Roxan 1:22 2:11 3:11 3:21,23 4:24 rules 7:9	unhappy 9:25	6
P	S	V	6 1:15
P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 6:16 9:5 parties 7:16 8:6,8 party 7:23 8:1 PIP 7:12,17 8:2 please 2:6,22 4:21 5:19 7:6 8:16,21 point 8:6 10:2 possible 9:14 10:3 prefer 9:12,20 prejudiced 7:24 preliminary 6:5,9 prepare 8:8 present 1:18,20 8:12,14 presiding 1:17 prior 9:10 probably 4:5 proceeding 10:2 proceedings 3:5 process 7:4 8:6 protest 1:8 4:10 6:15,17 6:20,22 7:4,4,10,11 7:18 8:5 Protestant 2:8 protestants 6:22 protested 6:24 provide 1:12 8:7 9:13	saying 4:7 scheduled 6:15,19 9:17 see 3:11,11 9:4 settled 9:3,19 10:5 settlement 9:3,10,13,17 9:21 10:1 settlements 9:20 seven 7:12 SHORT 1:19 shown 7:25 side 7:18 9:24,25 SILAS 1:19 sir 6:7 8:25 9:6 solemnly 3:4 soon 9:13 10:2 Sorry 9:9 speaking 3:17,22 spell 2:23 4:21 5:3,20 spelling 4:24 Staff 1:21 state 2:23 4:21 5:3,20 stating 4:9 status 1:9 4:10 subject 7:19 8:1 submit 7:11,24 9:11 submitted 7:15 Substantial 1:11 supports 9:4 sure 4:7	V-E-K-E-L-E 5:7 Vekele 5:7 videoconference 1:16 virtually 8:11	
Q	X	W	
question 9:7 questions 8:20,23 quick 9:6	want 4:7 6:5,9 Webex 1:16 Wednesday 1:14 went 10:15 whichever 7:18 witnesses 7:25 8:13,15 8:18	W 1:17,18 want 4:7 6:5,9 Webex 1:16 Wednesday 1:14 went 10:15 whichever 7:18 witnesses 7:25 8:13,15 8:18	
R	Y	Z	
R 3:14,21 4:3,12,23 5:5 6:7 8:25 10:9,12	0	0	
	1	0	00094 2:5
	2	0	1:30 6:16 9:5 10:49 2:2 10:58 10:15 10th 6:16 9:5 125774 1:9 2:5
	3	0	2024 1:15 23-PRO- 2:4 23-PRO-00094 1:10

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Marte Bar & Lounge

Before: DC ABCA

Date: 03-06-24

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

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W., STE. 200

WASHINGTON, D.C. 20009-7831