

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

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In the Matter of:	)	
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MGBK, LLC	)	Case No.: 24-PRO-00106
t/a Marte Bar & Lounge	)	License No.: ABRA-125774
	)	Order No.: 2024-796
Application for a Substantial Change to a	)	
(Change of Hours)	)	
Retailer’s Class A License	)	
	)	
at premises	)	
2200 16th Street, S.E.	)	
Washington, D.C. 20020	)	

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**BEFORE:** Donovan Anderson, Chairperson  
Silas Grant, Jr., Member  
Teri Janine Quinn, Member  
Ryan Jones, Member  
David Meadows, Member

**ALSO PRESENT:** MGBK, LLC, t/a Marte Bar & Lounge, Applicant  
  
Roxan A. Kerr, Counsel, on behalf of the Applicant  
  
Anthony Pirrotti, Chairperson, Advisory Neighborhood Commission  
(ANC) 4D, Protestant  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage and Cannabis Administration

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**ORDER DENYING PROTESTANT’S REQUEST TO BE REINSTATED**

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The Application filed by MGBK, LLC, t/a Marte Bar & Lounge (Applicant), for a Substantial Change to change its hours of operation and alcoholic beverages sales, service, and consumption to its Retailer’s Class CT License, having been protested, came before the Alcoholic Beverage and Cannabis Board (Board) for a Roll Call Hearing on October 15, 2024. The Applicant was the sole party present for the hearing. On October 16, 2024, the Board dismissed the Protestant for failing to appear for the Roll Call Hearing.

On October 25, 2024, the Protestant filed a formal request with the Board for its protest petition to be reinstated. The Protestant argued that two of the four Advisory Neighborhood Commissioners (ANC) designated as representatives on the case, Commissioners Aman George, and Chrysanthe Cournotes were unable to attend the hearing for two reasons: (1) Commissioner George was attending a work-related training that was occurring at the same time as the Roll Call Hearing; and (2) Commissioner Cournotes had a family medical emergency. Shortly after, the Applicant through counsel opposed the Protestant's request for a reinstatement. The Applicant argued that the Protestant did not demonstrate good cause to be reinstated because: (1) the Protestant did not produce documentation to prove that the events stated above occurred; and (2) Commissioner George had advance notice of the Roll Call Hearing therefore, he had ample opportunity to notify the Board of his work conflict. The Protestant is required to demonstrate good cause in order for the protest petition to be reinstated however, the Board is not convinced that these reasons satisfy that threshold. As a result, the Board denies the Protestant's request.

Per 23 DCMR § 1603.6, "Failure to appear in person or through a designated representative at the roll call hearing may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear . . ." 23 DCMR § 1603.6. Subsection 1603.7 further states, ". . . In reviewing the request for reinstatement of the license application or the protest, the Board shall consider whether, in the discretion of the Board, the party has shown good cause for his or her failure to appear at the roll call hearing." 23 DCMR § 1603.7. Good cause is determined on a case-by-case basis where in some cases, it may be sufficient for the Board "to accept the Applicant's proffer that an emergency occurred without burdening the parties to provide documentation . . ." *In re Smoke & Tingz 2, Inc., t/a Smoke & Tingz 2 Inc.*, Case No. 24-PRO-00085, Board Order 2024-645 (D.C.A.B.C.B. Sept. 18, 2024). Furthermore, in the event that there are multiple designated representatives and one member is unable to attend the Roll Call Hearing, any other member may be present for the hearing. *In re Badsri Incorporated t/a 4 Seasons Convenience Store*, Case No. 18-PRO-00038, Board Order 2018-408 (D.C.A.B.C.B. June 27, 2024).

In the case before us, four ANC Commissioners were designated as the representatives in the original protest letter, Commissioners Abele Amene, Chrysanthe Cournotes, Aman George, and Anthony Pirrotti. *ABRA Protest File, Case No. 24-PRO-00106, Protest Letter*, at 2 (Sept. 20, 2024) (*Protest Letter*). Commissioner Cournotes proffered testimony that she had a sudden family medical emergency which like *In re Smoke & Tingz 2, Inc.*, documentation may not be necessary to prove that this event occurred. *ABRA Protest File, Case No. 24-PRO-00106, Request for Reinstatement*, at 2 (Sept. 20, 2024) (*Request for Reinstatement*). Commissioner George proffered testimony on his conflicted work schedule but failed to provide the Board advance notice even though he received the Roll Call Hearing Notice three weeks prior to the date of the hearing. *ABRA Protest File, Case No. 24-PRO-00106, Roll Call Hearing Notice*, at 1 (Sept. 25, 2024). For Commissioners Amene and Pirrotti, the Request for Reinstatement did not include any reasons on why they were unable to attend the Roll Call Hearing even though they were listed as designated representatives. *Id.* Even if the designated representatives may have had good reasons not to appear for the Roll Call Hearing, ANC 4D consists of eight Commissioners and the Commission failed to provide the Board an advance notice that would substitute any of the four Commissioners not listed as designated representatives to appear for the Roll Call Hearing. For these reasons, the

Board is not satisfied that the ANC has demonstrated good cause for their protest petition to be reinstated. Therefore, the Board denies the ANC's request.

**ORDER**

The Board does hereby, on this 6th day of November 2024, **DENY** ANC 4D's request to reinstate their protest petition. Copies of this Order shall be sent to the Parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDoc.com  
*Donovan Anderson*  
Key: ac430b8b59d5f0e4c730093d1d0c88

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Donovan Anderson, Chairperson



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Silas Grant, Jr., Member

*Teri Janine Quinn*

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Teri Janine Quinn, Member



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Ryan Jones, Member

*David Meadows*

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David Meadows, Member

Pursuant to D.C. Official Code § 25-433(d)(1) (applicable to alcohol matters) or 22-C DCMR § 9720 (applicable to medical cannabis matters), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage and Cannabis Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001 (202/879- 1010). However, the timely filing of a Motion for Reconsideration stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).