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

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| In the Matter of: | | |
| MGBK, LLC<br>t/a Marte Bar & Lounge | Case No.:<br>License No.: | 25-CMP-00089<br>ABCA-125774 |
| | Order No.: | 2026-666 |
| Holder of a<br>Retailer's Class CT License | | |
| at premises<br>4815 Georgia Avenue NW<br>Washington, DC 20011 | | |

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

**PARTIES:** MGBK, LLC, t/a Marte Bar & Lounge, Respondent

Roxan A. Kerr, Counsel, on behalf of the Respondent

Alycia K. Hogenmiller, Assistant Attorney General
Office of the Attorney General for the District of Columbia

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## ORDER DENYING MOTION FOR RECONSIDERATION

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In Board Order No. 2026-583, the Alcoholic Beverage and Cannabis (Board) found that MGBK, LLC, t/a Marte Bar & Lounge, (hereinafter "Respondent" or "Marte Bar & Lounge") violated § 25-823(a)(5)(E) where the investigator verbally requested that video footage be provided on July 26, 2025, followed up with an email to the Respondent on July 28, 2025, and the Respondent failed to comply with either request. Subsequently, the Respondent filed a motion for reconsideration which was opposed by the Government. The Board, on this 5th day of August, hereby **AFFIRMS** Board Order No. 2026-583 and **DENIES** Respondent's motion for reconsideration where the prior Order adequately addresses the points and contentions raised by the motion and for the reasons stated by the Government in its opposition. A copy of this Order shall be provided to the parties.

## *Procedural Background*

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on November 4, 2025. *ABCA Show Cause File No. 25-CMP-00089*, Notice of Status Hearing and Show Cause Hearing, 2 (Nov. 4, 2025). The Notice charges the Respondent with one violation, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice charges the Respondent with the following violations:

> Charge I: [On July 25, 2025,] [y]ou interfered or failed to cooperate with an ABCA investigation by failing to produce videos no more than 48 hours from the time of the request . . . [in violation of] D.C. Code § 25-823(a)(5)(E).

*Notice of Status Hearing and Show Cause Hearing*, at 2.

The Show Cause Status Hearing occurred on Show Cause Status Hearing on December 10, 2025. The parties proceeded to a Show Cause Hearing and argued their respective cases on April 1, 2026.

## *Proposed Findings Filed by Parties*

In this matter, both parties filed proposed findings of fact and conclusions of law, which the Board has taken into consideration. When the Board operates in the role of a fact finder in an administrative adjudication, it may consider and adopt the proposed findings of fact and conclusions of law submitted by one or more parties. *Sheridan Kalorama Historical Ass'n v. Dist. of Columbia Bd. of Zoning Adjustment*, 229 A.3d 1246, 1255 (D.C. 2020). The benefit of doing so is that it allows the Board to expedite the issuance of decisions and reduce the time needed to resolve contested cases. *Id*. at 1256. Nevertheless, the Board must ensure that its final decision represents an independent judgement regarding the evidence, legal analysis, and outcome of the case. *Watergate E. Comm. Against Hotel Conversion to Co-op Apartments v. Dist. of Columbia Zoning Comm'n*, 953 A.2d 1036, 1045 (D.C. 2008). In that vein, the Board's order should only rely on facts supported by the record; not "ignore [relevant] evidence or inferences from evidence favorable to the other party . . ."; and address significant objections provided by the non-prevailing party. *Monaco v. Dist. of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1102 (D.C. 1979); *Durant v. Dist. of Columbia Zoning Comm'n*, 99 A.3d 253, 257-58 (D.C. 2014). Furthermore, evidence of independent judgement may include the addition or removal of words, sentences, and paragraphs; appropriate reference to legal authority applicable to the case; grammatical and typographical changes; and structural changes. *St. Mary's Episcopal Church v. Dist. of Columbia Zoning Comm'n*, 174 A.3d 260, 268–69 (D.C. 2017). In this case, whether adopted verbatim or by paraphrase, the Board acknowledges its adoption of various proposed findings and conclusions provided by the parties in resolving this adjudication based on its reasoned judgement that the relied upon findings and conclusions represent an adequate and reasonable resolution of the present controversy.

## FINDINGS OF FACT

The following statements represent the Board's findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

1. Marte Bar & Lounge holds a Retailer's Class CT License at 4815 Georgia Avenue NW, Washington, DC. *ABCA License No.* 125774.

2. ABCA Investigator LaKeta Coates has been an ABCA investigator for two years. *Transcript* (*Tr.*), April 1, 2026 at 24-25. Her duties include conducting inspections of alcohol licensed establishments to ensure compliance. *Id.* at 25. On Saturday, July 26, 2025, Investigator Coates was monitoring for after-hours operations on Georgia Avenue NW. *Id.* at 26–27. She arrived at the establishment around 4:50 a.m. and observed Marte in operation. *Id.* at 26–27.

3. Investigator Coates tried to enter the establishment, but the door was locked. *Id.* at 27. Investigator Coates informed her supervisor that the door was locked. *See id.* at 33-34. She advised her supervisor to contact the Metropolitan Police Department (MPD). *Id*. Investigator Coates knocked on the door to get the bartender's attention, the bartender noticed her, and then unlocked the door. *Id*. at 27. Once inside the establishment, she identified herself with her government issued badge and then asked if the owner or ABC manager was present. *Id*. at 27-28. The owner, Misrak Bekele-Kerr, was present at that time. *Id.* at 28; *Case Report* (25-CMP-00089), Driver's License Photograph, at 4.

4. Investigator Coates explained to Ms. Bekele-Kerr that she could not have the front door locked due to the fire code, and that she was operating beyond the approved hours of operation on her liquor license. *Tr*., 4/1/2026 at 28, 46. Ms. Bekele-Kerr responded that the front door was locked for safety reasons. *Id.* Investigator Coates then asked what time the establishment closed, if Respondent was still serving alcohol, and what time Respondent had stopped serving alcohol. *Id.* at 28–29. Ms. Bekele-Kerr responded that Respondent stopped service on time. *Id.* at 29. While Investigator Coates and Ms. Bekele-Kerr were speaking, Investigator Coates saw people moving cups. *Id.* Investigator Coates asked Ms. Bekele-Kerr what was going on because it appeared that people were moving and shuffling cups at the end of the bar. *Id.* Ms. Bekele-Kerr responded that those drinks had already been on the counter and that they were not alcohol. *Id*. Investigator Coates walked down to the end of the bar and saw a red solo cup in the sink that was behind the bar. *Id.* at 29-30. Investigator Coates asked about the cup in the sink and Ms. Bekele-Kerr denied it was alcohol. *Id*.

5. In response to this claim, Investigator Coates requested security footage to determine what time alcoholic beverages were served and whether any alcohol was poured after hours. *Id.* at 29-32, 56. The investigator did not recall the owner's response. *Id*. at 32. Nevertheless, she recalled telling the owner directly to provide video footage from 2:00 a.m. until 4:00 a.m. *Id*. at 51, 53, 56, 80.

6. Investigator Coates next requested Ms. Bekele-Kerr's identification. *Id*. at 32-33. Ms. Bekele-Kerr responded that Investigator Coates had not shown her identification. *Id.* Investigator Coates showed Ms. Bekele- Kerr her badge. *Id.* Ms. Bekele-Kerr said she wanted to see Investigator Coates' identification. *Id.* Investigator Coates showed her work identification, which included Investigator Coates's name, agency, and title. *Id.* Ms. Bekele-Kerr requested to take a picture of Investigator Coates' identification but the investigator denied the request. *Id.*

7. Ms. Bekele-Kerr refused to provide her identification to Investigator Coates. *Id.* at 33. While reporting the incident to her supervisor, Investigator Coates heard Ms. Bekele-Kerr on the phone saying that "ABRA" was harassing her. *Id*. at 33-35. After arriving, MPD told Ms. Bekele-Kerr that she needed to identify herself to the investigator. *Id.* at 35. Ms. Bekele-Kerr then showed her identification to Investigator Coates. *Id.*

8. On July 28, 2025, Investigator Coates emailed the Respondent at the email address on file with the agency to follow up on her request for video footage from the Respondent, which was a Gmail address. *Id*. at 37-38.[1] The email was listed as an email address of record for the Respondent in ABCA's files. *Id*. at 38. Respondent never produced the requested video footage in response to the email. *Id*. The email provided the date, time, and camera angles sought by the investigator. *Case Report*, Exhibit No. 3.

9. The record does not demonstrate that Respondent received or reviewed the email. *Respondent's Proposed Findings of Fact and Conclusions of Law*, at ¶¶ 46-47. The Respondent uses a separate Yahoo email for communications as of the date of the incident in this case. *Tr*., at 65-66. The email address on file used by the investigator was for the Respondent's agent. *Id*. ta 95, 98. While she used the new email address to conduct business with the agency in 2023 and beyond, the owner did not take steps to remove the old email from her contact records. *Id*. at 95. *See Respondent's Exhibit D* (email exchange does not indicate Respondent request that agency not use the Gmail address used by the investigator).

10. The record contains no credible indication that the Respondent requested or reported a change of contact information in accordance with 23 DCMR § 500.5 to remove the email address used by the investigator.[2][3]

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[1] The Board will refrain from stating the emails in the order to avoid the risk revealing Respondent's personal information. The Gmail address in the record is the one on record with the agency, and the Yahoo address is the one alleged to be the current email address of the Respondent that may also be listed as an email address on record with the agency.

[2] Any changes to an applicant's listed contact information, including mailing address, e-mail address, and telephone number, provided on its license application that has been submitted to or approved by the Board shall be reported to ABRA within thirty (30) calendar days of the change. The failure to comply after a written warning has been issued concerning the licensee's timely compliance with this subsection, shall be deemed a secondary tier violation and may result in the Board issuing a fine, suspension or revocation of the license.

[3] 23 DCMR § 500.5 (West Supp. 2026).

11. The Board does not credit testimony by the owner or the manager, Jamal Mills, that the investigator failed to display identification or failed to verbally request video. *Id*. at 105-06. Jamal Mills, a manager for the business, indicated that in addition to people affiliated with the establishment, there were at least two other people present, including an employee's boyfriend and another friend. *Id*. at 118.[4] He observed the owner provide license documents but refuse to provide identification. *Id*. at 119. Mr. Mills admitted that the investigator identified herself as an official with ABCA at the time she entered the premises. *Id*. at 121. Likewise, the Board does not credit the testimony of Alem Ababi that the investigator did not request video footage. *Id*. at 126.

## CONCLUSIONS OF LAW

12. The Board has the authority to fine, suspend, or revoke the license of a licensee who violates any provision of Title 25 of the District of Columbia (D.C.) Official Code pursuant to D.C. Code § 25-823(a)(1).

### I. Standard of Proof

13. In this matter, the Board shall only base its decision on the "substantial evidence" contained in the record. 23 DCMR § 1718.3 (West Supp. 2026). The substantial evidence standard requires the Board to rely on "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Clark v. D.C. Dep't of Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) *citing Children's Defense Fund v. District of Columbia Dep't of Employment Servs.,* 726 A.2d 1242, 1247 (D.C. 1999). The Board further notes that ". . . hearsay evidence is admissible in administrative proceedings" and may constitute "substantial evidence." *Compton v. Dist. of Columbia Bd. of Psychology*, 858 A.2d 470, 476 (D.C. 2004). In that vein, "The weight to be given to any piece of hearsay evidence is a function of its truthfulness, reasonableness, and credibility." *Id*. at 477.

### II. The Respondent Failed to Provide Video Footage Within 48 Hours of the Request.

14. The Board may fine, suspend, or revoke the license of a licensee who violates any of the provisions of Title 25 of the D.C. Code, the regulations promulgated under that Title, or any other laws of the District under D.C. Code § 25-823(a)(1). A licensee interferes or fails to cooperate with an ABCA investigation when it fails to produce requested videos within 48 hours from the time of the request. D.C. Code § 25-823(a)(5)(E). There is no requirement in the law that the request be in writing.

15. The Board credits the investigator's testimony that a verbal request for video footage was made on the night of the inspection for the hours of 2:00 a.m. to 4:00 a.m. *Supra*, ¶ 5. At that

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[3] The Respondent should a file a request with the licensing division to remove any unwanted contact information from its records.

[4] It should be noted that once an establishment's legal hours of sale, service, and consumption of alcohol end, not only patrons have to cease consuming alcohol. In addition, an establishment's owner, managers, staff, and their friends cannot consume alcohol on the premises after an establishment's Board approved hours expire.

time, it was the Respondent's responsibility to provide all footage from that evening within 48 hours; nevertheless, the footage was not provided within the required time.

16. Separate and apart from this determination, the investigator followed up with an email request for video. *Supra*, at ¶ 8. The agency is entitled to send official communications to any of the official mailing addresses or emails of record, and nothing prevents the Respondent from having multiple emails on file with the agency. If the Respondent is actually only using an alternative email address, it is the responsibility of the Respondent to update its records to remove unmonitored email accounts from its records. *Supra*, at ¶ 10. Otherwise, it assumes the risk of missing important communications. In this case, the investigator sent the email request to at least one of Respondent's emails of record with the agency, which triggered the requirement to respond a second time on July 28, 2026, which was also not responded to by the Respondent.

18. The Board considered the Respondent's witness testimony to the contrary. Nevertheless, "a witness is presumed to speak the truth, but the presumption may be outweighed by the manner in which the witness testified, by [the] character of the testimony given, or by contradictory evidence." *Belcon v. D.C. Water & Sewer Auth.*, 826 A.2d 380, 386 (D.C. 2003). Likewise, credibility may be negatively impacted where there are "powerful motives to advance [one's] own interests[,]" which may render a witness "biased and untrustworthy . . . ." *Valdez v. United States*, 320 A.3d 339, 370 (D.C. 2024), *cert. denied,* 223 L. Ed. 2d 521 (Jan. 12, 2026). The Board is also entitled to credit the testimony of one witness over multiple witnesses when it finds that witness credible over the others. *See Jenkins v. Strauss*, 931 A.2d 1026, 1036 (D.C. 2007).

19. Respondent's owner's and employees' testimony that they did not hear Investigator Coates request for video footage is self-serving testimony. Investigator Coates was investigating whether Respondent was operating after hours and requested the video footage to confirm if Respondent was operating after hours. The owner's testified that she did not hear Investigator Coates's request and did not produce the requested videos, which allows the Respondent to avoid the present charge, and potentially a charge for illegally operating after hours. The Board further considers the furtive and evasive behavior of the owner and staff on the night of the incident in assessing their credibility. While inside the premises, the investigator observed people moving and dumping cups of liquid which can be interpreted as attempt to thwart a lawful investigation into after-hours alcohol activity. Likewise, the owner refused a lawful request to provide identification and her actions resulted in an unnecessary delay and a visit by the police to force her to provide identification. D.C. Code § 25-711(f). Finally, the staff of the establishment are subject to the same bias as the owner and the Respondent did not provide any impartial corroborating evidence, such as the video footage from that evening to discredit the investigator despite potentially having such footage in her possession. As a result, the Board is entitled to credit the investigator over the Respondent's testimony.

20. The Boad considered the Respondents' defense that no specific cameras were requested and that the report did not contain specific hours requested as part of the video request. *Respondent's Proposed Findings of Fact and Conclusions of Law*, at 10-11. Nevertheless, this is not persuasive where this lack of information does not undermine the investigator's

testimony. Instead, if this is the case, it simply means the Respondent had to provide all footage for all hours that day if there was any lack of specificity in the request. It should be further noted that Respondent made no effort to clarify the request.

21. The Board further notes that in assessing the accuracy and veracity of the Investigator's testimony the Board considered the testimony provided by the investigator as adequately explaining any discrepancies. Furthermore, there is no requirement that the case report contain all information known by the investigator, and the Government is entitled to rely on testimony to fill in any gaps. The Board is further entitled to accept an investigator's hearsay testimony regarding statements contained in ABCA's records as such testimony can be countered by the other side through the submission of the actual record. Finally, there is no reason to believe the investigator is biased, as there is no negative prior history between the investigator and the Respondent reported in the record. Therefore, the Board is satisfied that the investigator's testimony in this case regarding the key facts at issue are credible.

## III. Penalty

22. Respondent's Investigative History shows this is Respondent's first primary tier violation within a year of the violation date. Thus, the Board must fine Respondent no less than $1,000 and may fine Respondent up to $2,000. D.C. Code § 25-830(c)(1)(A); 23 DCMR 801.1(a). The Board will elect to impose the minimum fine based on the Respondent's prior history of violations.

## ORDER

Therefore, the Board, on this 24th day of June 2026, finds MGBK, LLC, t/a Marte Bar & Lounge, guilty of violating § 25-823(a)(5)(E). The Board imposes the following penalty on Marte Bar & Lounge:

(1) For the violation described in Charge I, Marte Bar & Lounge shall pay a $1,000 fine.

**IT IS FURTHER ORDERED** that the Respondent must pay all fines imposed by the Board within thirty (30) days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.

**IT IS FURTHER ORDERED**, in accordance with 23 DCMR § 800 (West Supp. 2026), the violations found by the Board in this Order shall be deemed a primary tier violation.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision. The omission of any testimony or evidence in the Board's Order indicates that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board's findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

The Board **ADVISES** the parties that an establishment that locks its door and refuses admission upon the request of an ABCA investigator may be charged with a violation of D.C. Official Code § 25-823(a)(5)(A).

The ABCA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage and Cannabis Board

Donovan Anderson, Chairperson

Silas Grant, Jr., Member

Teri Janine Quinn, Member

Ryan Jones, Member

David Meadows, Member

James Turner, Member

Any party adversely affected may file a Motion for Reconsideration of this decision within ten days of service of this Order with the Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street NE, Suite 4200-A, Washington, DC 20002. Also, pursuant to § 11 of the *District of Columbia Administrative Procedure Act*, Pub. L. 90-614, 82 Stat. 1209, D.C. Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, a party that is adversely affected may have the right to appeal this Order by filing a petition for review, within 30 days of the date of service of this Order, with the District of Columbia Court of Appeals, located at 430 E Street NW, Washington, DC 20001. Parties are advised that 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). Parties are further advised that the failure to present all matters of record that have allegedly been erroneously decided in a motion for reconsideration may result in the waiver of those matters being considered by the Board. The Board also reserves the right to summarily deny or not consider multiple and repetitive motions.

Parties are also advised that the Superior Court of the District of Columbia may have jurisdiction to hear appeals in non-contested cases or in matters where that court is specifically provided jurisdiction by law. Finally, advisory neighborhood commissions (ANCs) are advised that their right to appeal or challenge a decision of the Board may be limited by the laws governing ANCs. *See e.g.,* D.C. Code § 1-309.10(g).