

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
Matthias, Inc.)	Case No.: 18-PRO-00042
t/a Sylvia Liquors)	License No: 104606
)	Order No: 2019-010
Application to Renew a)	
Retailer's Class A License)	
)	
at premises)	
1818 Benning Road, N.E.)	
Washington, D.C. 20002)	

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: Matthias, Inc., t/a Sylvia Liquors, Applicant

Sidon Yohannes and Andrew Kline, Counsels, on behalf of the Applicant

Sydelle Moore, President, Langston Civic Association, Protestants

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER DENYING MOTION FOR RECONSIDERATION AND AMENDING BOARD
ORDER NO. 2018-694**

INTRODUCTION

The Alcoholic Beverage Control Board (Board) approved the Application to Renew a Retailer's Class A License filed by Matthias, Inc., t/a Sylvia Liquors, (hereinafter "Applicant" or "Sylvia Liquors") subject to conditions. *In re Matthias, Inc., t/a Sylvia Liquors*, Case No. 18-PRO-00042, Board Order No. 2018-694, 1 (D.C.A.B.C.B. Nov. 28, 2018).

Subsequently, the Langston Civic Association (LCA) filed a motion for reconsideration requesting the modification of the conditions. Specifically, the LCA requests that the Applicant be made to comply with the conditions imposed by the Board within 30 days, and also required to hire security. The LCA further requests that the Board amend the Order to indicate that a Baby Einstein II day care facility and the Blow Pierce Elementary and Middle School are nearby. *Mot. for Recon.* at 1-2.

In response, the Applicant argues that the Board's Order adequately addressed the LCA's issues and concerns raised at the Protest Hearing. *Resp.* at 1-2. The Applicant further argues that the LCA did not provide sufficient evidence or testimony that security personnel were appropriate. *Id.* at 2. Finally, the Applicant indicates that there is no evidence another day care facility operates nearby, but has no objection to acknowledging the existence of the school. *Id.*

The Board denies the motion for reconsideration for several reasons. First, a condition implemented by the Board that is imposed without a time deadline must be complied with immediately. Furthermore, more than 30 days has passed since the issuance of the Order. Consequently, the suggested amendment to the condition is moot. Second, the Board agrees with the Applicant that the record does not support the imposition of security guards. Indeed, there is no evidence that crime or violence occurs within the store and it is questionable whether security guards would have an impact on crime occurring in the general area. Third, the Board will solely amend the Order to reflect the existence of the Friendship Public Charter School, as this is indicated in the protest report. *Protest Report*, at 4. The Board will not amend the order further because there is insufficient evidence to show that a day care is operating nearby. *Id.* Finally, the Board notes that even if the Board adopted all of the findings suggested by the LCA it would not alter the Board's initial determination, because the record does not support the conclusion that the Applicant's operations interfere with the operation of any school or otherwise targets minors.

ORDER

Therefore, the Board, on this 9th day of January 2018, hereby **DENIES** the motion for reconsideration.

IT IS FURTHER ORDERED that the paragraph 2 in Board Order No. 2018-694 shall be struck and replaced with the following:

2. ABRA Investigator Vernon Leftwich investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 18-PRO-00042, Protest Report* (Sept. 2018) [*Protest Report*]. The establishment is located in a MU-4 zone. *Protest Report*, at 3. Five licensed establishments are located within 1,200 feet of the proposed location; specifically, there are four off-premise retailers and one on-premise retailer. *Id.* at 3-4. There are no operating recreation centers, public libraries, or day care centers located within 400 feet of the establishment. *Id.* at 4. The Friendship Public Charter School is located at 725 19th Street, N.E. *Id.* Sylvia Liquors' hours of operation and sale are from 9:00 a.m. to midnight. *Id.* at 5.

The ABRA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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 Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 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, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) 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. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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).