Government of the District of Columbia Alcoholic Beverage Regulation Administration

Protest Report
of
Matthias, Inc.
Trading as
Sylvia Liquors
1818 Benning Road N.E.
License Class A–License Renewal
License # ABRA-104606
Case # 18-PRO-00042

Report Prepared by: Vernon Leftwich ABRA Investigator September 2018

I. INTRODUCTION AND BACKGROUND

Alcoholic Beverage Regulation Administration (ABRA) Investigator Vernon Leftwich was assigned the Protest investigation of a Class A License Renewal Application for Matthias, Inc. trading as Sylvia Liquors. Sylvia Liquors is located at 1818 Benning Road N.E. Washington, D.C.

The application for the Class A License Renewal of Sylvia Liquors, #ABRA-84379, was submitted by the owner, Mr. Seung Ryu.

On Thursday, May 24, 2018, Ms. Sydelle Moore, President of the Langston Civic Association, submitted a letter to ABRA opposing Sylvia Liquors' License Renewal Application on the basis of peace, order, and quiet (Exhibit #1).

PROTEST ISSUES

A. Adverse impact on peace, order, and quiet

Sylvia Liquors' Class A License Renewal Application is being protested by the Langston Civic Association, represented by their president, Ms. Sydelle Moore.

On Thursday, July 12, 2018, Investigator Leftwich telephonically spoke to Ms. Sydelle Moore. Ms. Moore stated that Langston Civic Association is comprised of 70 members. Ms. Moore stated that the Langston Civic Association is protesting the Class A License Renewal Application of Sylvia Liquors based on the adverse impact on peace, order and quiet. Ms. Moore stated that the establishment's owners are not always present, and are not consistent with their solutions to problems. Ms. Moore stated that the establishment allows, and encourages, customers to drink outside of the establishment. Ms. Moore stated that on any given day, she would observe a crowd of individuals loitering outside the establishment. Ms. Moore stated that she has witnessed customers sitting in lawn chairs outside the establishment drinking what she believes to be alcoholic beverages. Ms. Moore stated that while individuals are loitering outside the establishment, a large amount of trash is often left behind. Ms. Moore stated that at times you would believe the establishment is operating as if it had a Sidewalk Café. Ms. Moore stated that the establishment is at times a meeting place for three (3) different neighborhoods which has caused violent outbreaks. Ms. Moore reports that there have been shootings, two of which resulted in deaths. Ms. Moore stated that she would like the establishment to no longer sell single or miniature alcoholic beverages. Ms. Moore also stated that the establishment should only sell spirits in quantities of 750 ml and above. Ms. Moore also suggested that the establishment get security or employ a Metropolitan Police Department (MPD) detail to control the loitering.

Investigator Leftwich conducted a Regulatory Inspection (Exhibit #2) on July 12, 2018. No ABRA violations were observed.

On Thursday, August 30, 2018, Investigator Leftwich visited Sylvia Liquors and spoke with the owners; Mr. Seung Ryu, and Ms. Hye Na. Mr. Ryu stated that the establishment does not allow their customers to drink inside or outside of the establishment. Mr. Ryu stated that if they notice that a customer seems intoxicated, they will not sell any alcoholic beverages to them. Mr. Ryu stated that they have a log of their calls to MPD when they have any concerns. Mr. Ryu stated that MPD officers will clear the loiterers from near the establishment however, they tend to return as soon as the MPD officers leave. Mr. Ryu stated that they have installed an upgraded camera system, and are constantly monitoring inside, and outside of the establishment. Ms. Na stated that after meeting with Ms. Moore, they were willing to agree to all the terms she suggested. However, Ms. Moore's request to limit alcoholic beverage sales to four (4) packs, and 750 ml minimum was unreasonable and would have a detrimental impact on their business. Ms. Na stated that the establishment is located in Ward 5 where single sales are allowed, and therefore, they would not be willing to accept a ban on single sales that is not applied to all establishments in Ward 5.

II. CHARACTERISTICS OF THE NEIGHBORHOOD

Zoning

According to the District of Columbia Zoning Map Sylvia Liquors is located in a MU-4 zone. According to the zoning regulations, a MU-4 zone is described as the following: The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. The MU-4 zone is a mixed-use zone that is intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than 1 density designation.

Nearby Establishments

According to the District of Columbia Geographic Information System (GIS), as of July 19, 2018, there are five (5) licensed ABC establishments operating within 1,200 feet of Sylvia Liquors (Exhibit #3).

	TRADE NAME	ADDRESS	RETAIL CLASS	LICENSE #	SETTLEMEMT AGREEMENT (SA)
1,	Aldi Inc.	901 17th St NE	В	094098	
2.	Safeway	1601 Maryland Ave. NW	В	097703	
3.0	7 Food Store	1830 Benning Rd. NE	В	108479	SA
4,	Langston Bar & Grille	1831 Benning Rd. NE	CT	076260	SA
5	Silvermans Liquors	2033 Benning Rd. NE	A	014341	SA

Schools

According to the District of Columbia Geographic Information System (GIS), there are no public libraries, or recreation centers. However there is one (1) school within 400 feet of Sylvia Liquors (Exhibit #4). Kiddie City Day Care Center is listed on the GIS map. However, according to the Office of the State Superintendent of Education (OSSE), the facility has been closed since October 31, 2016.

School Name	School Address
Friendship Public Charter School	725 19 th Street NW

III. CHARACTERISTICS OF THE PREMISES

Outdoor Area Surrounding Establishment

Sylvia Liquors is a small establishment, located at 1818 Benning Road N.E. The establishment is located on a main street and is connected to a vacant building, and four (4) other establishments one of which is an ABC establishment (Exhibit #5). There are abandoned homes to the left of the establishment, and residential homes to the rear, and right.

Building Exterior

Sylvia Liquors is a small establishment with a single door entrance on Benning Road N.E (Exhibit #6). The establishment has a brick front with a large window.

Building Interior

Sylvia Liquors has one level. The establishment has an enclosed cashier's area where the spirits are stored (Exhibit #7). The establishment has several beverage coolers that store beer, wine, and juice (Exhibits #8-9). The establishment also has a variety of snacks on display for sale (Exhibit #10).

Hours of Operation

Day of Week	Hours of Operation	Hours of Sales
Sunday	9:00 a.m 12:00 a.m.	9:00 a.m 12:00 a.m.
Monday	9:00 a.m 12:00 a.m.	9:00 a.m 12:00 a.m.
Tuesday	9:00 a.m 12:00 a.m.	9:00 a.m 12:00 a.m.
Wednesday	9:00 a.m 12:00 a.m.	9:00 a.m 12:00 a.m.
Thursday	9:00 a.m 12:00 a.m.	9:00 a.m 12:00 a.m.
Friday	9:00 a.m 12:00 a.m.	9:00 a.m 12:00 a.m.
Saturday	9:00 a.m 12:00 a.m.	9:00 a.m 12:00 a.m.

DAYS AND HOURS OF VISITS TO THE PREMISES

DAY	DATE	ARRIVAL TIME	DEPARTURE TIME	OBSERVATIONS
Thursday	July 12, 2018	8:40 p.m.	9:40 p.m.	No ABRA violations observed.
Sunday	July 15, 2018	11:00 p.m.	12:00 a.m.	No ABRA violations observed.
Tuesday	July 17, 2018	12:50 a.m.	1:15 a.m.	No ABRA violations observed.
Wednesday	July 25, 2018	10:30 p.m.	11:30 p.m.	No ABRA violations observed.
Thursday	July 26, 2018	10:50 p.m.	11:20 p.m.	No ABRA violations observed.
Monday	August 13, 2018	11:40 p.m.	12:00 a.m.	No ABRA violations observed.
Thursday	August 16, 2018	10:10 p.m.	10:20 p.m.	No ABRA violations observed.
Sunday	August 26, 2018	11:20 p.m.	11:35 p.m.	No ABRA violations observed.
Tuesday	August 28, 2018	10:35 p.m.	10:50 p.m.	No ABRA violations observed.
Thursday	August 30, 2018	10:50 p.m.	11:30 p.m.	No ABRA violations observed.

V. THE EFFECT OF THE ESTABLISHMENT ON PEACE, ORDER, AND QUIET

ABRA investigators monitored Sylvia Liquors, located at 1818 Benning Road N.E. Washington, D.C. on ten (10) separate occasions from July 12, 2018 through August 30, 2018. At no point in time did ABRA investigators hear excessive noise or observe any other ABRA violations. However, Investigators observed people gathering directly to the left/right of the establishment. Investigators observed people sitting in chairs, and on crates in front of the abutting property to the left of Sylvia Liquors. Based on observations, Investigators determined that loitering occurs not only at Sylvia Liquors, but on the entire block. Investigators have also witnessed MPD officers requesting that people leave the area. It should be noted that on some visits the sidewalk was free of people siting and loitering. Additionally, some visits were made when the establishment was closed.

VI. THE EFFECT OF THE ESTABLISHMENT ON REAL PROPERTY VALUES

ABRA investigators are not qualified to address the issue of real property values.

VII. RECORD SEARCH

A Metropolitan Police Department (MPD) Calls for Service request revealed that there were 92 Calls for Service at Sylvia Liquors between August 1, 2017 and August 20, 2018 (Exhibit #11). At the conclusion of a cross reference check of the Calls for Service, and the establishment's ABRA investigative history, Investigator Leftwich determined that none of the Calls for Service initiated any ABRA action. A review of ABRA records confirmed that Sylvia Liquors has not had any Noise, Substantial Change, or Settlement Agreement violations within the previous three (3) years.

VIII. INVESTIGATIVE HISTORY

- 1. 12/10/17: **Case #17-CIT-00107**, No ABC Manager on duty; Citation #6380; \$250. 12/27/17: Citation Paid.
- 2. 12/18/16: Case #16-CC-00164, Sale to minor. 2/1/17: Sale to minor: Warning Letter; Failed to Take Reasonable Steps to Ascertain Legal Age: Warning Letter.

Abbreviations:

NAVF = No ABRA violations found VA = Voluntary Agreement OAG = Office of the Attorney General OIC = Offer in Compromise

EXHIBITS

- 1. Protest Letter from Langston Civic Association.
- 2. Regulatory Inspection, dated 07/12/2018.
- 3. G.I.S. information map of 1,200 feet within establishment, as of 07/19/2018.
- 4. G.I.S. information map of 400 feet within the establishment, as of 07/19/2018.
- 5. Photo of Establishment from Benning Road taken 09/04/2018.
- 6. Photo of exterior of Sylvia Liquors taken 09/04/2018.
- 7. Photo of interior, front, of Sylvia Liquors taken 09/04/2018.
- 8. Photo of interior, side, of Sylvia Liquors taken 09/04/2018.
- 9. Photo of interior, rear, of Sylvia Liquors taken 09/04/2018.
- 10. Photo of interior, snack display, of Sylvia Liquors taken 09/04/2018.
- 11. Calls for Service from MPD August 2017 to August 2018.

Alcoholic Beverage Control Board 2000 14th St. NW 4th Floor, Ste. 400 South Washington, DC 20009 abra.legal@dc.gov

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Chairperson Donovan Anderson:

Consistent with the requirements set forth in D.C. Code § 25-601, this letter is to notify you of the Langston Civic Association's intention to protest the renewal of ABRA License #ABRA-104606 held by Matthias Inc. (hereafter "Sylvia's Liquor"), located at 1818 Benning Rd. NE.

Many members of our community are increasingly concerned about a range of troubling activities occurring in and around Sylvia's Liquor. These troubling activities include, but are not limited to: violent crimes; daily illegal drug activity; loud altercations involving patrons of the store; unsightly graffiti; public urination, defecation, and nudity and litter that accumulates in the surrounding area. This state of lawlessness is severely disrupting the peace, order, and quiet enjoyment of our homes. Our property values are adversely impacted by the flagrant dysfunction and antisocial behavior that is observed everyday at Sylvia's Liquor. Indeed, Sylvia's Liquor is located at what could fairly be described as the main entrance to our neighborhood. The chaos and concerning activities described above which are sustained by Sylvia's Liquor is what greets current residents, prospective buyers, and visitors alike. Sylvia's Liquor and the dangerous activities and behavior that occur on its premises create a danger for residents who must walk past the store to an adjacent bus stop and station for DC's new Streetcar. ¹

Our community is frequently disturbed by shootings, stabbings and fights resulting from disputes that originate on the block where the store is located which has long been a well-known drug market. During 2016 alone, there were 128 calls for service to the Metropolitan Police Department for this address. Sadly, some of these calls have been due to murders. DeAndre Riley, Dante Kinard and Jamie Washington were all murdered on the 1800 block of Benning Road Northeast since 2014.

Not only does this violence and other illegal activity damage the community's sense of safety, but it also has a negative impact on the property values of nearby homes. Properties of similar size on the 700 block of 19th St. NE, near the store routinely sell for \$100,000 less than comparable homes only a few blocks away. In addition to the issues mentioned above, the establishment has a poor record of compliance with laws related to the sale of alcohol.

¹ These conditions represent routine non-compliance with the Appropriateness Standards outlined in DC Code § 25-313, and the provisions of § 25-726.

Considering that the store is operating in an atmosphere of rampant criminality, its recent investigative history listed below makes immediate action, including the revocation of Sylvia's Liquor's ABRA license an even more urgent matter.

Sylvia's Liquor Store Recent ABRA Investigative History:

- 1. 12/10/17: Case #17-CIT-00107, No ABC Manager on duty; Citation #6380; \$250.12/27/17: Citation Paid.
- 2. 12/18/16: Case #16-CC-00164, <u>Sale to minor</u>. 2/1/17: Sale to minor: Warning Letter; Failed to Take Reasonable Steps to Ascertain Legal Age: Warning Letter.

In light of Sylvia's Liquor's recent investigative history with ABRA as well as its disregard of and consistent failures to meet appropriateness standards as outlined in this letter in accordance with § 25-313 and § 25-315 of the DC code, we the undersigned representatives of the Langston Civic Association protest the ABRA license of the Sylvia's Liquor Store.

We also designate the undersigned president of the Langston Civic Association to represent the group in all hearings once the group is granted standing.

A. Sydelle Moore

President, Langston Civic Association

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813 20th St. NE

Washington, DC 20002 sydelle202@gmail.com

Alcoholic Beverage Regulation Adn Enforcement Division Licensed Premises

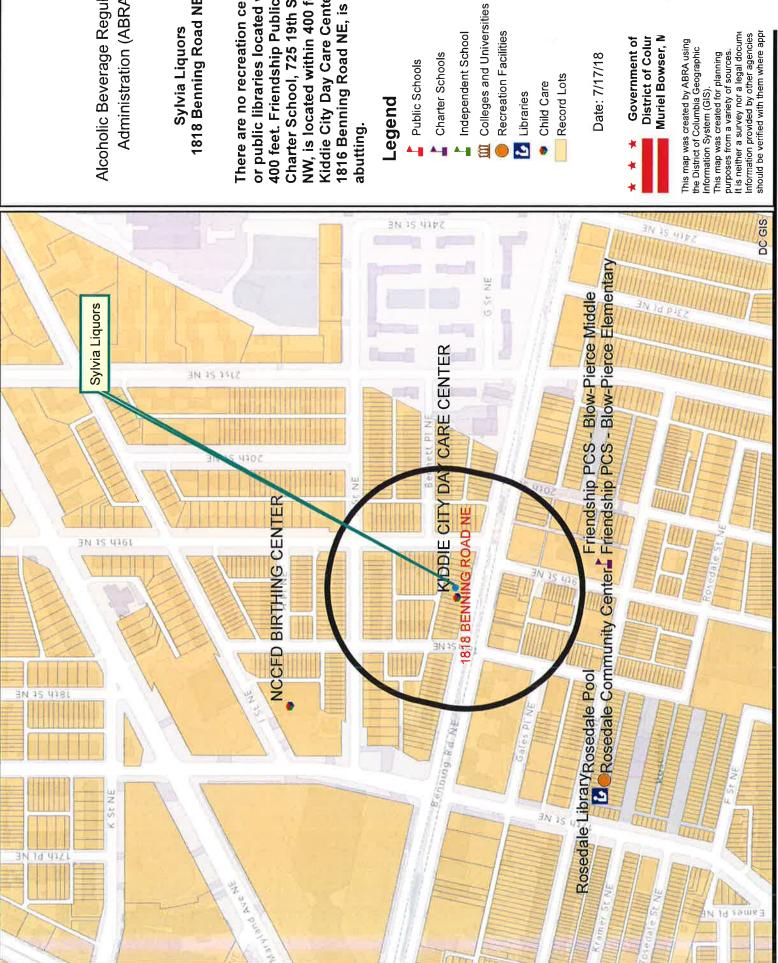
EXHIBIT	7

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EXHIBIT



Alcoholic Beverage Regulation Administration (ABRA)

1818 Benning Road NE Sylvia Liquors

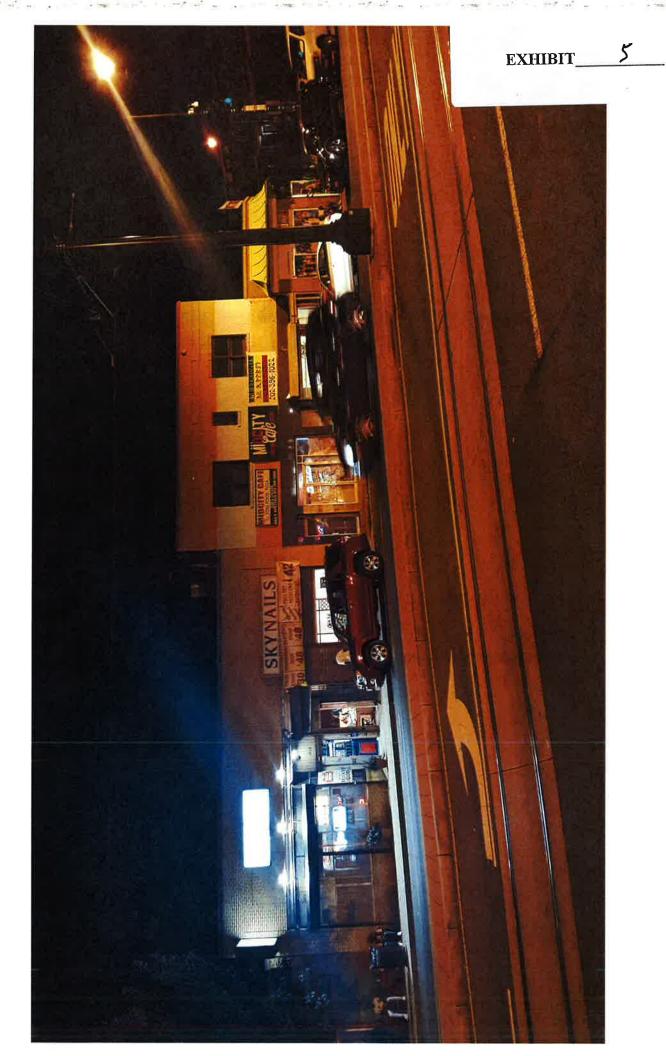
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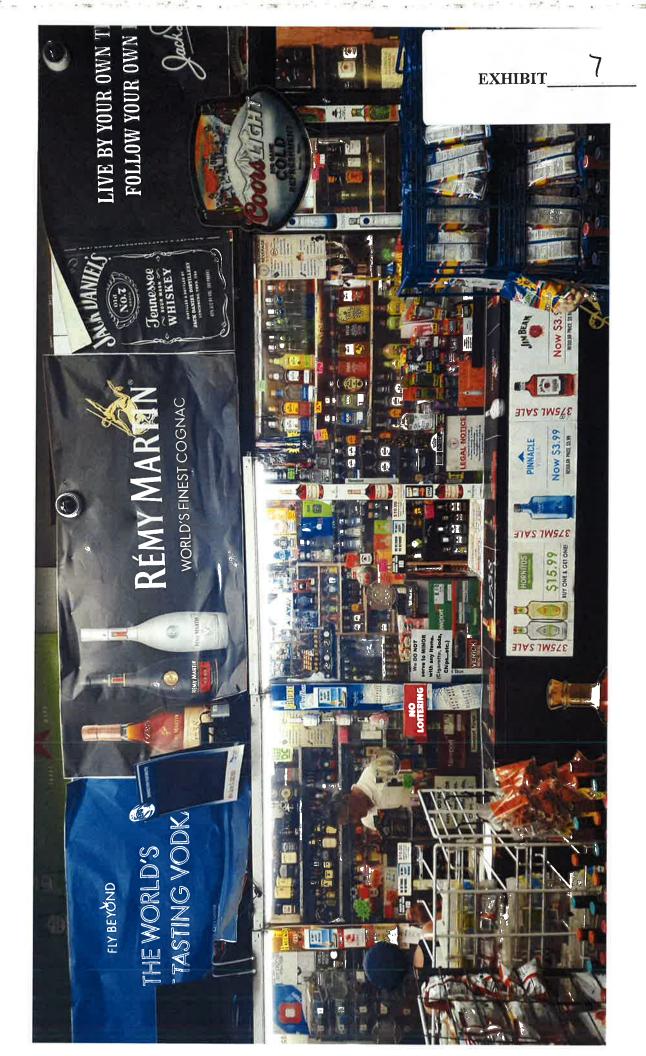
- Independent School

This map was created by ABRA using the District of Columbia Geographic Information System (GIS).

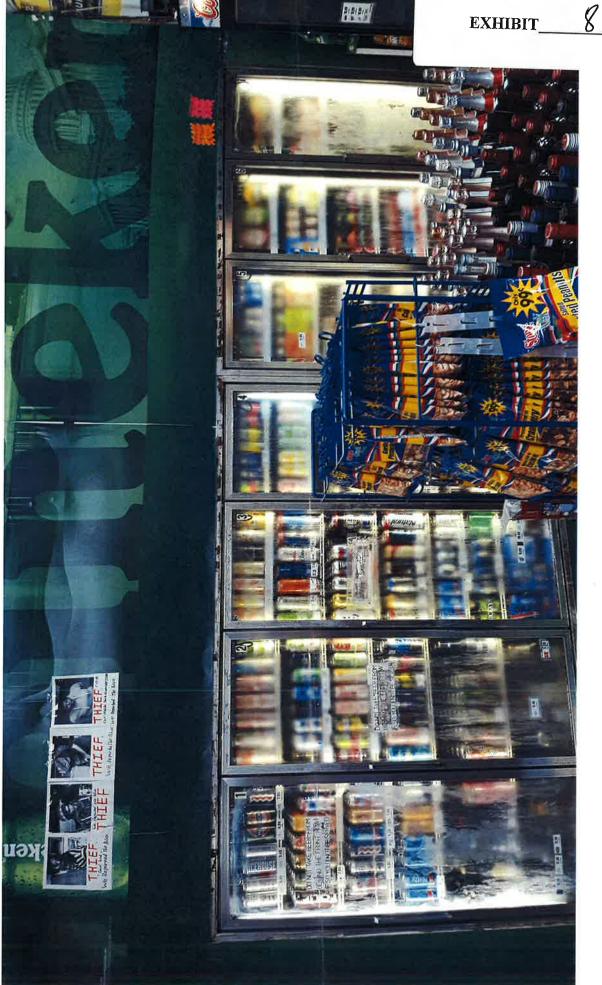
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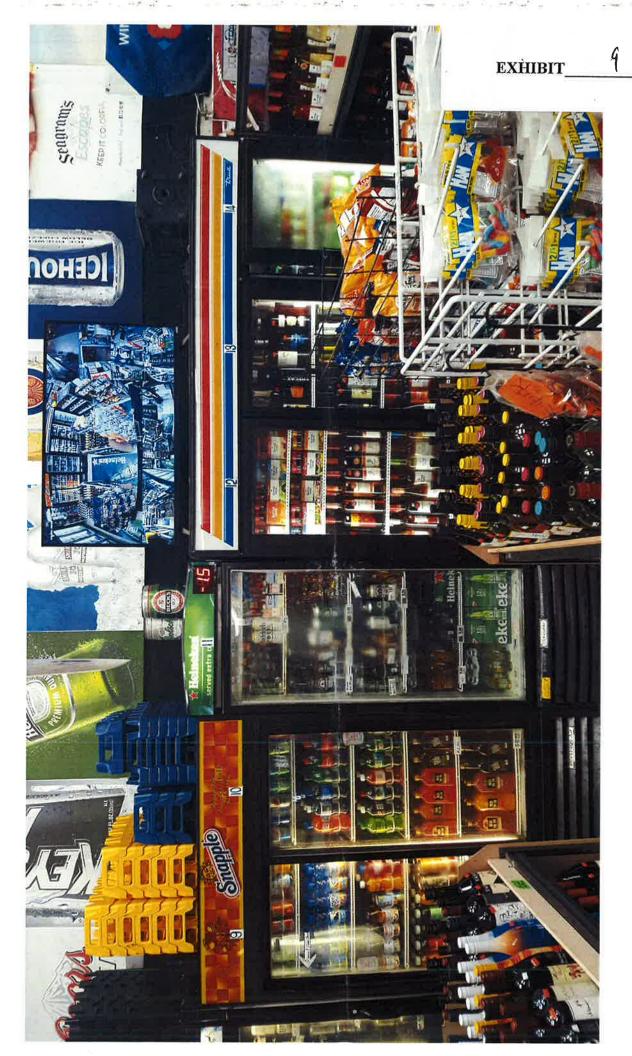
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1818 BENNING RD NE DC	FB	MADO	120180166556	02:07:54	03/26/18	2			MPD
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1818 BENNING RD NE DC	ΙP	DISO	120180137341	13:23:44	03/11/18	2	5D A		MPD
LIQUORS									
1818 BENNING RD NE DC: SYLVIA'S	ΙΡ	DISO	I20180129539	20:47:22	03/07/18	2	5D A		MPD
1818 BENNING RD NE DC	ΙP	DISO	I20180125138	16:43:46	03/05/18	2	5D A		MPD
1818 BENNING RD NE DC	NOS3	VUU	I20180115993	10:20:33	03/01/18	ယ			MPD
1818 BENNING RD NE DC	CCN	IRSA	I20180115987	10:18:13	03/01/18	ယ	5D A		MPD
TOTTODS	F	DISC	12010000000	44.54.10	02/20/10	1			11VI
1818 BENNING DD NE DC: CVI VI VIC	T H		120180000031	22.34.10	02/20/18) (フ! >;		MDD
LIQUORS 1818 BENNING RD NE DC	RPT	FNPR	I20180095764	12:35:18	02/19/18	ယ		5D	MPD
1818 BENNING RD NE DC: SYLVIA'S	ΙP	DISO	I20180093227	22:38:34	02/17/18	2			MPD
18 BENNING RD NE	ΙP	2NDS	120180093043	20:20:00	02/17/18	_	D A		MPD
1818 BENNING RD NE DC	ΙP	AGAS	I20180091447	23:04:21	02/16/18	<u></u>			MPD
1818 BENNING RD NE DC: @SYLVIA'S	IP	DISO	120180077693	22:46:00	02/09/18	2	D A	5D	MPD
LIQUOR									
1818 BENNING RD NE DC:SYLVIA'S	ΙΡ	DISO	120180077652	22:23:57	02/09/18	2	D A	5D	MPD

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	23:07:25	19:58:28	23:50:14	23:45:32	15:27:57	22:42:39	21:51:21	23:22:10	15:03:31	23:01:30	09:14:08	18:51:29	14:28:36	23:16:48	21:51:33	21:55:15	Time
	07/20/18 23:07:25 I20180417654	120180398797	120180397091	120180384552	15:27:57 120180380409	22:42:39 120180376755	120180357172	120180355148	120180313266	120180303207	I20180299623	120180292283	120180280812	120180277673	I20180242268	120180223789	Event Num
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	1818 BENNING RD NE DC: SYLVIAS	1818 BENNING RD NE DC: SILVIO LIQUORS	1818 BENNING RD NE DC	1818 BENNING RD NE DC	LIQUOR 1818 BENNING RD NE DC	1818 BENNING RD NE DC:SYLVIA'S	1818 BENNING RD NE DC:	BENNING RD NE	LIQUORS 1818 BENNING RD NE DC		BENNING RD NE	BENNING RD NE	1818 BENNING RD NE DC	Location			
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21:48:31	21:59:57	22:53:01	21:44:10		22:52:46		21:01:38		18:58:47	Time
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DISG RP	NW DISU	DISU	NOISE	RP	DISG	TER	COUN	WW	DISU	Type
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1818 BENNING RD NE DC: @LIQUOR STORE 0	1818 BENNING RD NE DC	1818 BENNING RD NE DC	1818 BENNING RD NE DC:LIQUOR STORE		1818 BENNING RD NE DC:LIQUOR STORE		1818 BENNING RD NE DC		default 1818 BENNING RD NE DC	Subtype Location
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