

PETITION TO FINE, SUSPEND, OR \* BEFORE THE ALCOHOLIC  
 REVOKE THE TEMPORARY \* BEVERAGE HEARING BOARD  
 CLASS C ALCOHOLIC BEVERAGE \* FOR  
 LICENSE HELD BY CORY JOSEPH, \* HOWARD COUNTY  
 RESPONDENT, ON BEHALF OF \*  
 ROOT & CULTURE, INC. \* Case No. 18-24-V

\*\*\*\*\*

**DECISION AND ORDER**

The Board of License Commissioners for Howard County, Maryland (the “Liquor Board”), pursuant to Rule 1.02(A) of the Liquor Board Rules and Regulations, has delegated the authority to hear and decide cases to the Alcoholic Beverage Hearing Board for Howard County, Maryland (the “Hearing Board”). This Proposed Decision and Order shall take effect immediately in accord with Rule 7.05(C), and shall become Final, as provided in Rule 6.13.

On February 7 and February 27, 2018, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, the Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the temporary Class C Beer, Wine, and Liquor license held by Cory Joseph (“Licensee”), on behalf of Root & Culture, Inc., 5921 Robindale Road, Catonsville, Maryland 21228, for the sale of alcoholic beverages to benefit the non-profit organization.

The Licensees were not represented by counsel. David Moore, Esquire, represented the Petitioners. All of the documents on file were incorporated into the record by reference.

**SUMMARY OF TESTIMONY**

Abdul Sallah, President of Root & Culture, Inc., was sworn and testified that Cory Joseph,

who is the applicant, is out of the country and so not present at the hearing. Mr. Sallah stated that Mr. Joseph was aware of the hearing date. Mr. Sallah stated that he was not aware that Mr. Joseph was required to appear.

Mr. Taylor noted that Mr. Sallah cannot represent Mr. Joseph, who is not present, and that Mr. Joseph is the applicant and was notified by the Liquor Board of the violation. Mr. Joseph did not contact the Board to indicate that he would not be present, so if the Board does determine that a sanction is appropriate, it would be applied to Mr. Joseph and not to Mr. Sallah. The Board decided to proceed with the hearing.

Mr. Sallah testified that he was not aware of the violation until told by Liquor Board staff when he was applying for a subsequent one-day Temporary Class C license. Mr. Sallah stated that he was present at the event and aware of the planning of the event. Mr. Sallah indicated that he was willing to stipulate to the violations, however, he was informed that he cannot do that on behalf of Mr. Joseph. Mr. Sallah testified that he left the event at 1:45 a.m. and that Mr. Joseph was not on-site when the Detective Baxter arrived at the event.

Detective Mark Baxter was sworn and testified that he received a request from the Board of License Commissioners to investigate the event being held on October 13, 2017 at the Friendship Center in Howard County. Detective Baxter testified that he checked online for advertising for the event and found several flyers that were different than the flyer submitted with the Temporary Class C application.

Detective Baxter testified that he arrived at the event at 2:48 a.m. on October 14, 2017, and there were approximately 150 people still at the event with a line of people waiting to be served at the bar, which still appeared to be serving alcohol. Detective Baxter stated that servers

at the bar were pouring from a bottle that had an alcohol label and a brown liquid in it, which he assumed was alcohol. Detective Baxter stated that Mr. Joseph could not be located so he spoke to Henry Wambo who indicated he was in charge of the event. Detective Baxter testified that he informed Mr. Wambo that everyone needed to leave the premises and Mr. Wambo indicated that he was unaware that people had to leave and he just thought the beverage service had to be completed by 2:00 a.m. Detective Baxter testified that the flyer submitted to the Liquor Board indicated that the event would conclude by 1:00 a.m. and that he saw the license at the event with the Temporary Class C rules attached.

Mr. Sallah testified that almost everything in the Petition was correct and even though he was not present, he does take responsibility. He stated that he left the event at 1:45 a.m. knowing that the event had to end by 2:00 a.m. Mr. Sallah testified that he does believe what he was told by people present at the event that they were only serving water after 2:00 a.m.

Mr. Sallah testified that Mr. Joseph is not an officer of Root & Culture Inc. He stated that the flyers advertised "Amber's Birthday" and Amber was present, however, he does not know her real name.

Mr. Sallah testified that Root & Culture raises funds for feeding and clothing the homeless in Baltimore City. He stated that they paid \$1,800 for the venue and did not make a profit, however, if there was a profit they would have split the proceeds with Amber. Mr. Sallah testified that he has had several licenses for different events in Baltimore City and Baltimore County and has never had a violation. He stated that he was unaware that at least 50% of the proceeds must go to the charity. Mr. Sallah testified that Root & Culture has four officers and about fifty members and that Mr. Joseph is not an officer of the entity.

The Board deliberated in closed session.

### **BOARD DELIBERATIONS**

The Alcoholic Beverage Hearing Board determined during deliberations that it required additional information to assess the appropriate penalty in this case and requested that Root & Culture, Inc., provide certain documents related to the event. A letter from the Board dated February 9, 2018, was mailed and e-mailed to Root & Culture, Inc., requesting the following:

1. The last six months of statements for any bank account used by Root & Culture, Inc.
2. Any documents, including receipts/ invoices, and contracts related to expenses to produce the Event, including purchases and returns of alcohol.
3. Any documents related to donations to Root & Culture related to the Event.
4. Any documents related to revenue generated by the Event.
5. A financial report that addresses the cost of the Event, the revenue generated by the event and the disposition of any funds generated by the Event.
6. Copies of any invitations or tickets issues for the Event.
7. Contact information for Amber Roxy and for the DJ and catering vendors used for the Event.
8. Contact information for anyone having evidence of Root & Culture's charitable activities.

These documents were required to be submitted to the Board by February 22, 2018, and deliberations were rescheduled for February 27, 2018. A letter was mailed to Root & Culture, Inc., at 5921 Robindale Road, Catonsville, Maryland, and Cory Joseph at 9455 Riverark Road, Columbia, MD. Both letters were returned to the Liquor Board's office as "unable to forward", and there was no response to a February 12, 2018 e-mail from the Board Administrator to Mr. Sallah about whether the information was going to be provided to the Board. No one appeared at the Board's deliberations on February 27, 2018.

Based on the evidence presented at the hearing and lack of response to the Board's letter dated February 9, 2018, requesting additional information, the Hearing Board makes the

following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. The Hearing Board finds that Licensee, Cory Joseph, applied for a temporary Class C liquor license on behalf of Root & Culture, Inc., for the sale of alcoholic beverages to benefit the organization.
2. The Hearing Board finds that the Licensee, held an event on October 13, 2017, at the Friendship Center located at 9055-C Maier Road, Laurel, Maryland.
3. The Hearing Board finds that Detective Baxter discovered several online postings advertising the event to be held at the Friendship Center on October 13, 2017 as an “Addicted to Champagne” event presented by “Amber Roxy.” The advertising did not mention a Root & Culture, Inc. fundraiser.
4. The Board finds that on October 14, 2017, at approximately 2:48 a.m., Detective Baxter entered the Friendship Center at 9055-C Maier Road, Laurel, Maryland and observed approximately 150 individuals still in attendance at the event. The individuals were at the bar area being served alcoholic beverages, were dancing to music being provided by a DJ, and were sitting and talking at tables with bottles of champagne.
5. The Board finds that Detective Baxter met with Henry Wambo, who indicated that the licensee, Cory Joseph, was not present.
6. The Board finds that Mr. Sallah, President of Root & Culture, Inc., was willing to stipulate to the violations.
7. The Hearing Board concludes that persons consumed alcohol on the licensed premises after 2am, in violation of Rule 5.07.A.

8. The Hearing Board concludes that alcoholic beverages were open, served, and given away on the licensed premises during hours prohibited by law in violation of Rule 5.07.B.
9. The Hearing Board concludes that the licensed premises remained open to patrons beyond the time allowed by law, in violation of Rule 5.07.D.
10. The Hearing Board finds concludes these violations constitute violations of Rules 4.04, 4.08, and 5.08.
11. The Hearing Board concludes that there is not sufficient evidence to show a False Statement in violation of Rule 5.20.
12. The Hearing Board finds that in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine in the amount of One Thousand Five Hundred Dollars (\$1,500.00) plus an administrative fee in the amount of Two Hundred and Seventy Dollars (\$270.00) for a total of One Thousand Seven Hundred Seventy Dollars (\$1,770.00) and to impose a two-year suspension on Root & Culture, Inc., , Cory Joseph, and Abdul Sallah, prohibiting them from obtaining an alcoholic beverage license in Howard County.

#### **CONCLUSIONS OF LAW**

1. The Hearing Board concludes that Licensee, Cory Joseph applied for a temporary Class C liquor license on behalf of Root & Culture, Inc., for the sale of alcoholic beverages to benefit the organization.
2. The Hearing Board concludes that the Licensee held an event on October 13, 2017 at the Friendship Center located at 9055-C Maier Road, Laurel, Maryland.

3. The Hearing Board concludes that persons consumed alcohol on the licensed premises after 2am, in violation of Rule 5.07.A.
4. The Hearing Board concludes that alcoholic beverages were open, served, and given away on the licensed premises during hours prohibited by law in violation of Rule 5.07.B.
5. The Hearing Board concludes that the licensed premises remained open to patrons beyond the time allowed by law, in violation of Rule 5.07.D.
6. The Hearing Board finds concludes these violations constitute violations of Rules 4.04, 4.08, and 5.08.
7. The Hearing Board concludes that there is not sufficient evidence to show a violation of Rule 5.20.
8. The Hearing Board concludes that in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine in the amount of One Thousand Five Hundred Dollars (\$1,500.00) plus an administrative fee in the amount of Two Hundred and Seventy Dollars (\$270.00) for a total fee of One Thousand Seven Hundred Seventy Dollars (\$1,770.00) and to impose a two-year suspension on Root & Culture, Inc., , Corey Joseph, and Abdul Sallah, prohibiting them from obtaining an alcoholic beverage license in Howard County.



**ORDER**

For the foregoing reasons, and upon finding a violation of 4.04, 4.08, 5.07(A); 5.07(B); 5.07(D); and 5.08 of the Liquor Board's Rules and Regulations, it is this 23<sup>rd</sup> day of October, 2018, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

1. That a **FINE** in the amount of **One Thousand Five Hundred Dollars (\$1,500.00)** for violation of Rules 4.04, 4.08, 5.07(A); 5.07(B); 5.07(D); and 5.08 of the Liquor Board's Rules and Regulations and an administrative fee in the amount of **Two Hundred and Seventy Dollars (\$270.00)** for a total of **One Thousand Seven Hundred Seventy Dollars (\$1,770.00)**, is **HEREBY IMPOSED** upon Root & Culture, Inc. and the Licensee, Cory Joseph and **SHALL BE PAID NO LATER THAN OCTOBER 31, 2018;** and
2. That a **TWO-YEAR SUSPENSION IS HEREBY IMPOSED** on Root & Culture, Inc., Cory Joseph, and Abdul Sallah, from the date of this Decision and Order, prohibiting them from obtaining an alcoholic beverage license in Howard County.



ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND



Robin Regner  
Board Administrator



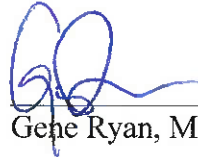
Heather Gaetano, Chairperson

\_\_\_\_\_  
Mary Bird, Vice-Chairperson

REVIEWED BY HOWARD COUNTY  
OFFICE OF LAW  
GARY W. KUC  
COUNTY SOLICITOR



Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire  
Senior Assistant County Solicitor

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Charley C. Sung, Member

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY APPEAL THE  
DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS OF THE DATE OF THE  
DECISION, IN ACCORD WITH RULE 6.14 OF THE RULES AND REGULATIONS OF THE  
LIQUOR BOARD.