

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF TAMARA	*	
DUGUE AND JOSE DUGUE ON	*	BEVERAGE HEARING BOARD
BEHALF OF GISELE'S	*	
CREOLE CUISINE, INC T/A	*	FOR
GISELE'S CARIBEYOND	*	
RESTAURANT FOR A NEW	*	HOWARD COUNTY, MARYLAND
CLASS B BEER, WINE AND	*	
LIQUOR 7-DAY ON-SALE	*	Case No.: 22-04
LICENSE	*	

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”).

On January 11, 2022 and February 22, 2022, the Hearing Board heard the application of Tamara DuGue and Jose DuGue (the “Applicants”) on behalf of Gisele's Creole Cuisine, Inc. t/a Gisele's Caribeyond Restaurant ("Gisele's") for a New Class B, Beer, Wine and Liquor, 7-day on-sale license for a 2115 sq. ft. restaurant located at 6490 Dobbin Road, Suite C, Columbia, MD 21044.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were not represented by counsel.

All the documents on file were incorporated into the record by reference.

SUMMARY OF TESTIMONY

Tamara DuGue, 50% interest holder and proposed resident agent, was sworn in and

testified before the Board. Ms. DuGue stated she was thankful for the opportunity.

Jose DuGue, 50% interest holder and proposed licensee, was sworn in and testified before the Board. Mr. DuGue thanked the Board for the opportunity.

Ms. DuGue testified as to the location of the restaurant, that they would be selling Caribbean food, and that they would only be selling on-premises alcohol. Ms. DuGue stated she held a liquor license previously in Montgomery County at Gisele's Creole Cuisine. Ms. DuGue stated she would be on-site at the Howard County location and that Mr. DuGue and a Certified Alcohol Representative and Manager would be on-site at the Montgomery County location.

Ms. DuGue testified she had answered "N/A" on the application for Question 10 and Question 11, but she and her husband do have a financial interest in another alcoholic beverage business and license, which is their Wheaton restaurant, and that she had interpreted that question as being for a liquor store. Ms. DuGue stated she revised the application and wrote "no" for both questions. Ms. DuGue testified she wrote "no" for Question 13 but that she does agree that no manufacturer, brewer, distributor or wholesaler has any financial interest in the premises or the business. Ms. DuGue stated she also agreed they she has no indebtedness or other financial obligations to any manufacturer, brewer, distiller or wholesaler. Ms. DuGue stated she would make those changes if the license was approved.

Ms. DuGue testified her restaurant has been in operation since September. Ms. DuGue testified to her floorplan and that she has reduced seating capacity due to Covid and that a big space in the middle of the room is for access of guests going in and out. Mr. DuGue testified as to the floorplan and the cashier, entrance and bar space. Mr. DuGue

stated photos on Google were clearer and showed new pictures. Ms. DuGue stated they have shelves in place for the alcohol and that the cashier area would be the bar space.

Detective Mark Baxter was sworn in and testified before the Board.

Detective Baxter stated that on the background application it wasn't clear that the DuGues' had another alcoholic beverage license so he wasn't aware of that. After the line of questioning, Detective Baxter stated he found several violations at the Montgomery County location according to the Montgomery County public database. Detective Baxter stated there were four violations on three different dates in 2017, 2018 and 2020.

Ms. DuGue stated she did not recall the details of the violations.

The Chairperson stated that this case will be continued to February 22nd and the applicants agreed. Mr. DuGue stated they would submit more pictures of what they plan to do and that they didn't do a good job of explaining the plans. Ms. DuGue stated it does make sense to her and will try to provide something acceptable to the Board. Detective Baxter stated he will provide more details on the violations.

SUMMARY OF TESTIMONY – CONTINUATION DATE

Tamara DuGue, 50% interest holder and proposed resident agent, was sworn in and testified before the Board.

Jose DuGue, 50% interest holder and proposed licensee, was sworn in and testified before the Board.

Mr. DuGue testified as to the photos he submitted of the bar area. Ms. DuGue testified as to the photos of the shelves where the alcohol would be located.

Mr. DuGue stated apologized about the violations and explained that one violation was for the Wheaton restaurant, which was opened in June 2017. Mr. DuGue stated it was

their first restaurant and they had bought the owner out. Mr. DuGue stated the violation was in August 2017 and an undercover minor came in, was asked for I.D., and the waitress who looked at it miscalculated the date of age and served the minor. Mr. DuGue stated the violation occurred 40 days after they had opened and they didn't have experience, and the waitress had just been hired. Mr. DuGue stated he was Alcohol Awareness Certified, and the waitress was trained but she checked the I.D. and made a mistake.

Ms. DuGue testified to Question 8 on the application she re-submitted, regarding being involved in violations related to an alcoholic beverage license. Ms. DuGue stated on the original application she wrote "N/A", and on the resubmittal she wrote "no" because it was a new restaurant and thought it wasn't applicable. Ms. DuGue stated she misunderstood the question and apologized. Ms. DuGue stated at the time of her first hearing she wasn't aware of the violation on January 6, 2022.

Mr. DuGue stated the report of the January violation was provided later and he wasn't at the restaurant. Ms. DuGue stated a Certified Alcohol person was on-site at the time and said there was an inspection but didn't know it was a violation. Ms. DuGue stated they received notice of the violation on February 16, 2022.

The following exhibits were entered into the record:

Applicant's Exhibit #1 – 12 photos of the internal layout

Based on the evidence presented at the hearing, the Alcoholic Beverage Hearing Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Tamara DuGue and Jose DuGue (the “Applicants”) on behalf of Gisele's Creole Cuisine, Inc. t/a Gisele's Caribeyond Restaurant

("Gisele's") have applied for a New Class B, Beer, Wine and Liquor, 7-day on-sale license for a 2115 sq. ft. restaurant located at 6490 Dobbin Road, Suite C, Columbia, MD 21044.

2. The Hearing Board concludes that the Applicants are not fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board finds that Tamara DuGue is a Howard County resident.

4. The Hearing Board finds that the granting of the application is not necessary for the accommodation of the public.

5. The Hearing Board finds that Applicants had alcohol related violations which they did not initially disclose to the Board.

6. The Hearing Board finds that the Applicants have five alcohol related violations to include a violation that occurred on January 6, 2022.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Tamara DuGue and Jose DuGue (the "Applicants") on behalf of Gisele's Creole Cuisine, Inc. t/a Gisele's Caribeyond Restaurant ("Gisele's") have applied for a New Class B, Beer, Wine and Liquor, 7-day on-sale license for a 2115 sq. ft. restaurant located at 6490 Dobbin Road, Suite C, Columbia, MD 21044.

2. The Hearing Board concludes that the Applicants are not fit and proper persons to hold an alcoholic beverage license.

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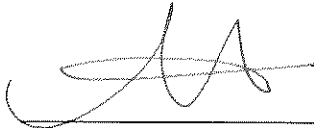
violations to include a violation that occurred on January 6, 2022.

ORDER

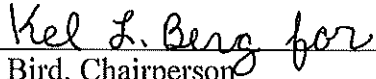
For the foregoing reasons, it is this 29 day of March, 2022, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Tamara DuGue and Jose DuGue (the "Applicants") on behalf of Gisele's Creole Cuisine, Inc. t/a Gisele's Caribeyond Restaurant ("Gisele's") for a New Class B, Beer, Wine and Liquor, 7-day on-sale license for a 2115 sq. ft. restaurant located at 6490 Dobbin Road, Suite C, Columbia, MD 21044., be and the same is hereby **DENIED**.

ATTEST:

**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



Ashley Aguilar
Board Administrator

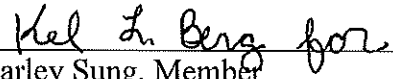


Mary Bird, Chairperson




Harry Evans, Vice-Chairperson

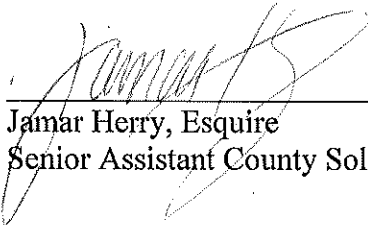
**REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR**



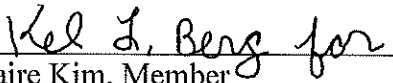
Charley Sung, Member



Steven Chen, Member



Jamar Herry, Esquire
Senior Assistant County Solicitor



Claire Kim, 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**