Agenda Item Number: 3-7-13.8

SANDOVAL COUNTY
BOARD OF COUNTY COMMISSIONERS

Date of Commission Meeting:	March 7, 2013
Division / Elected Office:	Planning & Zoning
Staff Contact:	Michael Springfield, Director
Title of Item:	Liquor License Application
Action Requested:	Request for a Motion to Approve Transfer of Ownership and Location of Liquor License, License/Application No. 730/837709, Applicant Name: William E. Baldwin, Doing Business As: Rio Grande Liquor Stand, Proposed Location: Lot 7, Centro de Algodones Subdivision, Algodones
Summary:	On February 7th, the Commission approved the continuance of this application until March 7th so staff could obtain information on the applicant pertaining to any cited violations, if any. NM Regulations and Licensing Department, in accordance with Section 60-6B-4 NMSA of the Liquor Control Act, requires the governing body of Sandoval County to hold a public hearing in regards to the above-referenced liquor license application to determine whether the Department should approve the proposed issuance or transfer. Subject site under consideration for license is zoned Rural Commercial (RC) zone district. Planning and Zoning Division has reviewed this application and finds no violation of license request with RC zone district provisions or any other provision of the Sandoval County Comprehensive Zoning Ordinance.
Attachments:	• NMRLD Letter & Liquor License Application No. 730/837709 • NMRLD Facility Citations

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FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY

County Manager: N/A

Initiating Elected Official / Division Director: Reviewed and approved. MS 2/28/13

Legal: The governing body may disapprove the issuance or transfer of the license only if:

(1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico;

(2) the issuance or transfer would be in violation of a zoning or other ordinance of the governing body; or

(3) the issuance or transfer would be detrimental to the public health, safety or morals of the residents of the local option district. 60-6B-4(F).

PFT 2/27/2013

Finance: N/A

New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Mary Kay Root
ACTNG DIRECTOR

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

December 12, 2012

Certified Mail No: 7009 2820 0003 9518 4477

Sandoval County
Sally G. Padilla, Clerk
PO Box 40
Bernalillo, NM 87004

Re: Lic.,/App. No. 730/837709
Applicant Name: William E. Baldwin
Doing Business As: Rio Grande Liquor Stand
Proposed Location: Lot 7, Centro de Algodones Subdivision, Algodones, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. *(Please review the revised instructions for approval or disapproval below.)

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice of preliminary approval from the Alcohol and Gaming Division, the governing body shall hold a public hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the public hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the applicant of the date, time and place of the public hearing. The governing body may designate a hearing officer to conduct the hearing. A record shall be made of the hearing.

The applicant is requesting a Transfer of Ownership & Location of a Liquor License:

The governing body may disapprove the issuance or transfer of the license if:

The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this

location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.)

The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

The issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

*Within thirty (30) days after the public hearing, the governing body shall notify the Alcohol and Gaming Division *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license *and* by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s).* If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

Sincerely,

Annette Brumley

Annette R. Brumley
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises
Copy of SID Posting Certificate

AMB 11/9/12

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

Rev. 05/10

RECEIVED NOV 13 2012 ALCOHOL & GAMING DIVISION

PAID 300.00 R# 1423395

LIQUOR LICENSE APPLICATION

Application fee - **$200.00** Fees are non-refundable.

State Liquor License # 0730
Application Number 837709
Local option (AGD use) _____

Record Owner of Existing License RICHARD A. SALAZAR
Current D/B/A Name PONDEROSA BAR
Current Premises Address 4438-A Hwy #290, PONDEROSA NM 87044

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location X Transfer Location _____ Other _____

Issue New License _____ Type of License being applied for DISPENSER

Applicant is: Individual X Corporation _____ Partnership (General or Limited) _____ Limited Liability Company _____

NAME OF APPLICANT (company or individual)	ADDRESS (including city, state, zip)	TELEPHONE NUMBER
WILLIAM E. BALDWIN	8201 SAN PEDRO NE	505-401-4432
	Albuquerque, N.M. 87113	505-401-4432

D/B/A name to be used: RIO GRANDE ~~LAST STAND~~ Liquor Stand. Phone number for licensed premises: 505-401-4432

Physical location where license is to be used: LOT 7, CENTRO de ALGODONES SUBDIVISION, ALGODONES, N.M. 87001
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 8201 SAN PEDRO NE, Albuquerque NM 87113.

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No X If yes, give license number and type N/A

I, (print name) WILLIAM E. BALDWIN, as (title) OWNER being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Appplicant William E. Baldwin Date November 1, 2012

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 1st. day of November, 2012 by William E. Baldwin

Notary Public [signature] My Commission Expires 9/19/2014

Local Governing Body of: SANDOVAL COUNTY (City or County). Hearing held on _____ 2013

Check one: Approved _____ Disapproved _____ City/County Official _____ Commission Chair (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

COPY

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant X Leased by Applicant (attach copy of deed or lease) _____ Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) MAINTENANCE 7, LLC

B. Date and term of lease MARCH 30, 2012 (20 YEARS)

3. Premises location is zoned (example C-1) RURAL COMMERCIAL

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet 1 mile Name of church SAN JOSE MISSION Address/location of church P.O. Box 607, Algodones, NM

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 1 1/2 miles Name of school Algodones Elementary Address/location of school 1399 N.M #313, Algodones, NM

6. Distance from military installation *(Property line of military installation to licensed premises-shortest distance.)

Miles 30 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 ½ x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge X Restaurant X Package Grocery X Racetrack _____ Hotel _____ Other (specify) _____

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.

ALCOHOL & GAMING DIVISION
2550 CERRILLOS RD.
TONEY ANAYA BLDG.
P.O. BOX 25101
SANTA FE, NEW MEXICO 87504-5101

COPY

POSTING CERTIFICATE

XX DISPENSER (FULL SERVICE)
__ RESTAURANT (BEER/WINE ONLY)
___ CANOPY (DISPENSER-C)
__ OTHER

___ RETAILER (PACKAGE ONLY)
___ DISPENSER (ON PREMISE ONLY)
_ INTER-LOCAL DISPENSER
___ LOTTERY

APPLICATION FILED FOR LICENSE/APPLICATION NUMBER: 730

XX TRANSFER OF OWNERSHIP & LOCATION
_ TRANSFER OF OWNERSHIP
___ CHANGE OF STOCKHOLDERS/PARTNERSHIP INTEREST
___ TRANSFER OF LOCATION
___ NEW LICENSE

TRANSFERRED FROM:

OWNER: RICHARD A. SALAZAR

TRANSFERRED TO:

OWNER: WILLIAM E. BALDWIN

CURRENT LOCATIO 4438-A HWY. #290, PONDEROSA, NM PROPOSED LOCATION: LOT 7, CENTRO DE ALGODONES SUBDIVISION, ALGODONES, NM

CURRENT BUSINESS NAME: PONDEROSA BAR PROPOSED NAME: RIO GRANDE LAST STAND

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: _____
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: Sandoval County
3. DISTANCE FROM NEAREST CHURCH IS: .9 MILES
   NAME OF CHURCH IS: San José Mission
4. DISTANCE FROM NEAREST SCHOOL IS: .9 MILES
   NAME OF SCHOOL IS: Algodones Elementary
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 24.4 miles
   NAME OF INSTALLATION IS: Kirtland Air Force Base
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
   BY PASSABLE ROAD: 6 MILES BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
   __ BUILDING X BILLBOARD __ BUILDING UNDER CONSTRUCTION
   __ BUILDING BEING REMODELED __ NO BUILDING

DATE POSTED: 11/21/2012 EXPIRATION DATE: 12-10-12

APPLICANT'S SIGNATURE S.I.D. SPECIAL AGENT

Facility Citations

Liquor License Display							
License No:	1308	**License Type: CANOPY**				Profession ID: 31	
DBA Address:	STONE FACE TAVERN				**DBA Phone:**	5058228855	
	8201 SAN PEDRO NE				**Municiplaity:**	ALBUQUERQUE	
	ALBUQUERQUE, NM 87113						
Owner:	MCCCVIII, LLC						
	8201 SAN PEDRO NE						
	ALBUQUERQUE, NM 87113				**Owner Phone:**	5058228855	
Lessee:	WMEB INVESTMENTS, LLC				**Lessee Date:**	10/22/2013	
					Issue Date:	5/17/1996	
Suspension Begin:			**Suspension End:**		**Expiration Date:**	6/30/2013	
Resident Agent:	WILLIAM E. BALDWIN				**Last Renewal Date:**	4/18/2012	

Citation History

Citation	Received	Issue Date	Status	Status Date	Code	Violation	Investigat
20085	6/18/2012		Resolved /Paid Fines/ Suspension Served	8/7/2012	105	Sale to a Minor	
05449	8/1/2002	6/9/1985	Resolved /Paid Fines/ Suspension Served			Operating hours	
06451	8/1/2002	10/24/1985	Resolved /Paid Fines/ Suspension Served				
12793	1/10/2008	12/29/2007	Resolved /Paid Fines/ Suspension Served	6/20/2008	90	Sale to an Intoxicated Person	

Facility Citations

Liquor License Display							
License No:	2698	**License Type: INTER-LOCAL DISPENSER**				Profession ID: 31	
DBA Address:	HORSE AND ANGEL TAVERN				**DBA Phone:**	5052990225	
	5809 JUAN TABO NE SUITE J, K & L				**Municiplaity:**	ALBUQUERQUE	
	ALBUQUERQUE, NM 87112						
Owner:	MMDCXCVIII, LLC						
	5809 JUAN TABO NE						
	ALBUQUERQUE, NM 87112				**Owner Phone:**	5052990225	
Lessee:	ROAD DOG, INC.				**Lessee Date:**	6/17/2013	
					Issue Date:	5/17/1996	
Suspension Begin:			**Suspension End:**		**Expiration Date:**	6/30/2013	
Resident Agent:	WILLIAM E. BALDWIN				**Last Renewal Date:**	4/19/2012	

Citation History

Citation	Received	Issue Date	Status	Status Date	Code	Violation	Investigat
4272	8/1/2002	3/23/1996	Resolved /Paid Fines/ Suspension Served				
8618	8/1/2002	3/9/2002	Warning				
8619	8/1/2002	3/9/2002	Warning				
10078	5/2/2003	4/22/2003	Resolved /Paid Fines/ Suspension Served	6/26/2007	105	Sale to a Minor	
13315	3/27/2006	3/21/2006	Resolved w/settlement	6/19/2007	90	Sale to an Intoxicated Person	
10895	8/23/2006	8/11/2006	Resolved w/settlement	6/19/2007	90	Sale to an Intoxicated Person	

Facility Citations

Liquor License Display							
License No:	1371	**License Type: CANOPY**				Profession ID: 31	
DBA Address:	BILLY'S LONG BAR				**DBA Phone:**	5058819353	
	4800-C SAN MATEO NE				**Municiplaity:**	ALBUQUERQUE	
	ALBUQUERQUE, NM 87109						
Owner:	MCCCLXXI, LLC						
	4800-C SAN MATEO NE						
	ALBUQUERQUE, NM 87109				**Owner Phone:**	5058819353	
Lessee:	CRAIGEIVAR, INC.				**Lessee Date:**	12/12/2013	
					Issue Date:	7/23/1993	
Suspension Begin:			**Suspension End:**		**Expiration Date:**	6/30/2013	
Resident Agent:	WILLIAM E. BALDWIN				**Last Renewal Date:**	4/18/2012	

Citation History

Citation	Received	Issue Date	Status	Status Date	Code	Violation	Investigat
05204	8/1/2002	1/13/1984	Closed				
3585	8/1/2002	10/21/1993	Resolved /Paid Fines/ Suspension Served				
3586	8/1/2002	10/21/1993	Warning				
6251	8/1/2002	10/22/1999	Warning				
2116	4/25/2002	4/4/2002	Closed /Dismissed	12/5/2002	87	Dispenser, Drink or Price Violation	
2117	8/1/2002	4/4/2002	Warning				
9401	3/6/2003	2/15/2003	Disposed /Deferred	11/24/2003	105	Sale to a Minor	
9402	3/6/2003	2/15/2003	Closed /Dismissed	4/29/2003	314	Required documents on licensed premise	
9404	3/6/2003	2/15/2003	Closed /Dismissed	4/29/2003	27	Purchase from other than a wholesaler	
9613	1/23/2004	12/30/2003	Closed /Dismissed	6/26/2007	105	Sale to a Minor	
20419	4/3/2008	3/23/2008	Resolved w/settlement	1/5/2011	90	Sale to an Intoxicated Person	
13477	4/9/2008	3/23/2008	Resolved w/settlement	1/5/2011	90	Sale to an Intoxicated Person	
13353	6/9/2008	5/30/2008	Resolved /Paid Fines/ Suspension	1/5/2011	105	Sale to a Minor	

			Served				