

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 11 ALCOHOLIC BEVERAGES LICENSING
PART 27 LICENSES AND PERMITS - INTER-LOCAL OPTION DISTRICT TRANSFERS

15.11.27.1 ISSUING AGENCY: The New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division.
[15.11.27.1 NMAC - Rp, 15 NMAC 11.2.7.1, 4/25/2017; A, 9/28/2021]

15.11.27.2 SCOPE: These rules apply to all licensees and applicants for inter-local option district transfers under the act.
[15.11.27.2 NMAC - Rp, 15 NMAC 11.2.7.2, 4/25/2017]

15.11.27.3 STATUTORY AUTHORITY: Section 60-3A-10 NMSA 1978 of the act authorizes the director to make and adopt such rules as necessary to carry out the duties of the division.
[15.11.27.3 NMAC - Rp, 15 NMAC 11.2.7.3, 4/25/2017]

15.11.27.4 DURATION: Permanent.
[15.11.27.4 NMAC - Rp, 15 NMAC 11.2.7.4, 4/25/2017]

15.11.27.5 EFFECTIVE DATE: April 25, 2017, unless a later date is cited at the end of a section.
[15.11.27.5 NMAC - Rp, 15 NMAC 11.2.7.5, 4/25/2017]

15.11.27.6 OBJECTIVE: These rules are intended to establish procedures for filing and processing applications for inter-local option district transfers, applicable to dispenser, and retailer licenses.
[15.11.27.6 NMAC - Rp, 15 NMAC 11.2.7.6, 4/25/2017]

15.11.27.7 DEFINITIONS: Unless otherwise defined in 15.10.2 NMAC, terms used in this rule have the same meanings as set forth in the act.
[15.11.27.7 NMAC - Rp, 15 NMAC 11.2.7.7, 4/25/2017]

15.11.27.8 GENERAL APPLICATION REQUIREMENTS: An application for an inter-local option district transfer shall satisfy the general requirements for applications set forth at 15.11.21 NMAC, as applicable, in addition to the requirements set forth in this part.
[15.11.27.8 NMAC - N, 4/25/2017]

15.11.27.9 FILING PERIOD:

A. The filing period for determining priority of inter-local option district transfers is beginning at 8:00 a.m. on October 1, and ending at 12:00 p.m. on December 31, or upon receipt by the division of the 10th priority application, whichever is later.

B. In the event that the division receives more than ten applications within a single calendar year for a single inter-local option district, such transfers will be accepted by the division only during the filing period each year for the next calendar year's transfers.

C. Any application received before 8:00 a.m. on October 1 will be returned with a letter requesting that the applicant resubmit the application during the appropriate filing period.

D. Any application received after the end of the filing period will be considered untimely and will be returned to the applicant.

[15.11.27.9 NMAC - Rp, 15 NMAC 11.2.7.8, 4/25/2017]

15.11.27.10 PRIORITY:

A. All substantially complete applications submitted on October 1 after 8:00 a.m. and before 5:00 p.m., regardless of the time submitted, will be considered to have been received at the same time on that date. If more than 10 applications are received on that date, priority applications will be determined by random selection by the director without reference to the contents of the application.

B. Remaining applications submitted on October 1, if more than one, will be selected for processing by random selection if one or more of the priority applications selected is withdrawn or disapproved.

[15.11.27.10 NMAC - Rp, 15 NMAC 11.2.7.9, 4/25/2017]

15.11.27.11 APPLICATION PROCESSING:

A. All substantially complete applications received shall be date and time stamped by the division. Applications that are not substantially complete will not be processed and returned to the applicant with a notice of all deficiencies.

B. When the division receives more than ten applications within a single local option district, only priority applications will be processed for transfer during any calendar year.

C. Other substantially complete applications received beyond the priority applications will be date and time stamped and a record kept of their receipt. To avoid having to deposit the filing fees, the division will photocopy the applications and return them to the applicants with letters advising how many applications are being processed before theirs and that they will be notified if and when their applications will be considered. Those applications will be given first consideration if any of the priority applications are withdrawn or disapproved. Applications not considered or approved for one calendar year's transfers may not be resubmitted until the filing period for the next calendar year.

[15.11.27.11 NMAC - Rp, 15 NMAC 11.2.7.10, 4/25/2017]

15.11.27.12 AMENDMENTS: All applications will be processed based on the information originally submitted. If an application is substantially changed at the request of the applicant, the application may be considered by the division to have been withdrawn. Any application considered by the division to be withdrawn must be resubmitted as required by this rule and will lose any priority for processing it may have received when first filed. If there is a substantial change made to an application after it has been approved or disapproved by the local option district at hearing, including but not limited to a change in transferee, a change of ten percent or more in stock ownership, a change in the named transferee, a change in an officer or director, any change in location, a substantial change to the floor plan or any other terms and conditions deemed substantial by the director, the director may require the amended application be resubmitted to the local option district for approval.

[15.11.27.12 NMAC - Rp, 15 NMAC 11.2.7.11, 4/25/2017]

15.11.27.13 PROHIBITED TRANSFERS:

A. This rule does not authorize the transfer of any stock or other ownership interest of any licensee whose license is not otherwise transferable under the provisions of the act.

B. The director, upon notification of any change in ownership or structure, may require any entity or person who has obtained an interest in any license, or other entity, to complete an application and provide all documents and information the director deems necessary to ensure full disclosure and qualification of all persons and entities.

C. No license will be issued when the applicant is delinquent in the payment of any taxes, fees, fines, costs or penalties collected by the state of New Mexico, the liability for which arises out of the exercise of the privilege of a liquor license; or if citations for violations of the act are unresolved at the time of filing the application, unless the licensee and the division are involved in a formal administrative or judicial resolution process.

[15.11.27.13 NMAC - N, 4/25/2017]

HISTORY OF 15.11.27 NMAC: [RESERVED]