



**Susana Martinez**  
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**David Jablonski**  
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Chief General Counsel

**Mary Kay Root**  
Director

**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 ▪ [rld.state.nm.us/alcoholandgaming](http://rld.state.nm.us/alcoholandgaming)

July 12, 2016

Certified Mail No.: 9171 9690 0935 0079 1754 77

**Colfax County**

Clerk: Rebecca Hoy  
P.O. Box 159  
Raton, NM 87740

**Re: Lic. No. /Appl. No.: License No. 5517 / Application No. 1002687**

Name of Applicant: Colfax Tavern & Diner, LLC

Doing Business As: Colfax Tavern & Diner

Proposed Location: 32230 Hwy 64 Cimarron, NM 87714

**Greetings:**

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice 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", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

**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 **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur 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 & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

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 SEEKING A TRANSFER OF OWNERSHIP FOR RURAL DISPENSER LICENSE NO. 5517, WITH ON PREMISES CONSUMPTION AND PACKAGE SALES FOR OFF PREMISES CONSUMPTION.**

**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

**Within thirty (30) days** after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **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 issue 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, noting disapproval*).

Respectfully,



Beverly Kennedy, Hearing Officer  
NM Regulation & Licensing Dept. | Alcohol & Gaming Division  
Phone: (505) 476-4548 Fax: (505) 476-4595  
Email: [beverly.kennedy@state.nm.us](mailto:beverly.kennedy@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement

xc by email: Applicant



Buery  
5/10/16

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
2550 Cerrillos Road • Santa Fe, New Mexico 87505 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

## LIQUOR LICENSE APPLICATION

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

State Liquor License # 5517

Application Number 1662067

Local option (AGD use) Colfax County

Record Owner of Existing License Roger A. and Sharon S. Smith  
Current D/B/A Name The Colfax Tavern  
Current Premises Address 32230 Highway 64, Cimarron, NM 87714

Application is for: Change of Stock ☐ Change of Officers/Directors ☐ Transfer Ownership of Existing License ☒ Transfer Ownership and Location ☐ Transfer Location ☐

Issue New License ☐

Type of License being applied for Rural Dispenser

Applicant is: Individual ☐ Corporation ☐ Partnership (General or Limited) ☒ Limited Liability Company ☒  
NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER

Colfax Tavern & Diner, LLC 32230 Highway 64, Cimarron, NM 87714 (505)376-2229

ALSO NOTICE: Jerry Hamm, dba Liquor License Brokerage & Consulting, 3301-R Coors Road, NW, #127, Albuquerque, NM 87120

D/B/A name to be used Colfax Tavern & Diner Phone number for licensed premises: (575)376-2229

Physical location where license is to be used: 32230 Highway 64, Cimarron, Colfax County, NM 87714

(Include street number / highway number / state road, city and county, state, and zip code)

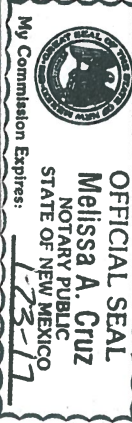
Mailing address: P. O. Box 160, Maxwell, NM 87728

Are alcoholic beverages currently being dispensed at the proposed location? Yes ☒ No ☐ If yes, give license number and type NM Rural Dispenser # 5517

I, (print name) Shelly C. Quarteri as (title) Manager 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 Applicant [Signature] Date 4-27-16



Notary Public Use Only

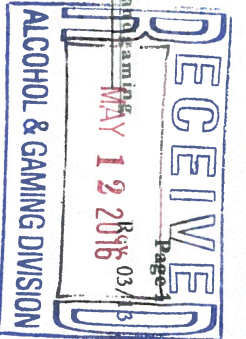
SUBSCRIBED AND SWORN TO before me this 27 day of April, 2016 by Shelly C. Quarteri  
Notary Public Melissa A. Cruz My Commission Expires January 23 2017

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_

Check one: Approved ☐ Disapproved ☐ City/County Official \_\_\_\_\_ (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved ☐ Disapproved ☐ Director Approval \_\_\_\_\_ Date \_\_\_\_\_



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## PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

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

Owned by Applicant ☒ 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) Roger A. and Sharon S. Smith

B. Date and term of lease Dated April 22, 2016. Commencing on date AGD approves Applicants Application for Lease of License 5517 and ending on  
d that AGD approves Applicants Application for Transfer of Ownership of License 5517

3. Premises location is zoned (example C-1) Local Option District of Colfax County has no zoning ordinance.

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 Approx. 1,300 ft. Name of church Cimarron Church of Christ Address/location of church 759 E. 8<sup>th</sup> Street, Cimarron, NM 87714

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

Miles/feet Approx. 3,900 ft. Name of school Cimarron Elementary & Middle School Address/location of school 132 N Collison Ave, Cimarron, NM 87714

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

Miles Approx. 200 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).

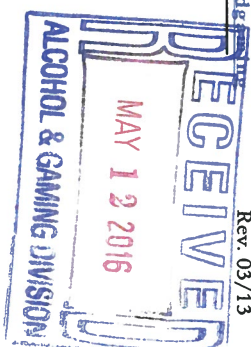
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 ½ x 11 inches, and must include the total square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

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





*Colfax County*  
**Board of Commissioners**

P.O. Box 1498 • Raton, New Mexico 87740

Phone: (575) 445-9661 • Fax: (575) 445-2902

[www.co.colfax.nm.us](http://www.co.colfax.nm.us)

**COMMISSIONERS**

**WILLIAM E. SAUBLE**

*Chairman*

1261 Circle Dot Ranch Road  
Maxwell, NM 87728  
(575) 375-2686

**JAMES L. NEWTON**

*Vice-Chairman*

P.O. Box 156  
Springer, NM 87747  
(505) 228-2485

**ROY P. FERNANDEZ**

*Member*

455 A NM SR 72  
Raton, NM 87740  
(575) 445-2846

**MARY LOU KERN**

*Colfax County Manager*  
(575) 445-9661

**REBECCA D. HOY**

*County Clerk*  
(575) 445-5551

**Jerry Hamm**  
1332 Camino Ecuestre  
Albuquerque, N.M. 87107

**RE: 32230 Highway 64**

**Dear Mr. Hamm,**

Colfax County does not have any zoning ordinance that effects 32230 Highway 64, the Colfax Tavern.

Should you need further assistance, please do not hesitate to contact me.

Respectfully,

**Mary Lou Kern**

County Manager  
Colfax County  
PO Box 1498  
Raton, NM 87740  
[www.co.colfax.nm.us](http://www.co.colfax.nm.us)  
575-445-9661  
575-445-2902 fax#



*received  
- w/in last 45 days*

