



NMRLD

NEW MEXICO  
REGULATION &  
LICENSING DEPARTMENT

STATE OF NEW MEXICO  
MICHELLE LUJAN GRISHAM, GOVERNOR  
Linda M. Trujillo, Superintendent  
Andrew Vallejos, Director

March 9, 2023

By USPS Certified Mail No.: 7022 0410 0000 8283 1398

7022 0410 0000 8283 1398

City of Gallup  
Attn: Alfred Abeita, Clerk  
PO Box 1270  
Gallup, NM 87305



Lic. No. /Appl. No.: Wholesaler Application  
Name of Applicant: Premier Distributing Company, LLC  
Doing Business As: Premier Distributing Company, LLC  
Proposed Location: 3534 Sanostee Dr., Gallup, NM 87301

The Director of the Alcoholic Beverage Control Division (ABC) 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.

**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;
- (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.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, 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.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and



regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;

ABC has no preference in the option you choose.

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 WHOLESALER LIQUOR LICENSE.**

**Within thirty (30) days** after the Public Hearing, the governing body shall notify ABC 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 ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,

*Tammy M. Sandoval*

**Tammy M. Sandoval**

Admin Law Judge | Hearing Officer

NM Regulation & Licensing Department

Alcoholic Beverage Control Division

Phone: (505) 476-4548 | Fax: (505) 476-4595

Email: [Tammy.Sandoval@rld.nm.gov](mailto:Tammy.Sandoval@rld.nm.gov)

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 the Zoning Statement





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STATE OF NEW MEXICO  
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Andrew Vallejos, Director

**Wholesaler Liquor Location Application | \$200.00** Application Fee, non-refundable

ABC USE ONLY: Application Fee \$ 300 Received on: 1-20-23 Receipt No. \_\_\_\_\_  
License Fee \$ \_\_\_\_\_ Received on: \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Application Number: \_\_\_\_\_ Local Option District: \_\_\_\_\_

Check appropriate boxes:

**TYPE OF WHOLESALER:** [Licensing Fee due at Final]  Beer [\$1,000]  Wine [\$750]  Beer & Wine [\$1,500]  
 Spirits [\$1,500]  Spirits & Wine [\$1,750]  Spirits & Beer & Wine [\$2,500]  
 Limited Beer\* Based on Production, Master License No. \_\_\_\_\_ and \_\_\_\_\_  
 Limited Wine\*\* Based on Production, Master License No. \_\_\_\_\_ and \_\_\_\_\_  
 \$66-6A-29 Wine\*\* Based on Production, Master Winegrower License No. \_\_\_\_\_

To Qualify for Limited Wholesaler, Applicant must hold a\*Small Brewer / \*\*Winegrower and a Restaurant or Dispenser type License

Applicant is  Individual  Limited Liability Company  Corporation  Partnership (General/Limited)

NAME OF APPLICANT: PREMIER DISTRIBUTING COMPANY, LLC

D/B/A Name to be used: PREMIER DISTRIBUTING COMPANY, LLC Business Phone No: 602-264-1635

Mailing Address: 4201 N. 45TH AVENUE, PHOENIX, AZ 85031

Email (required) THOLTRUP@HENSLEY.COM SANDSTEE DR.

Physical location where license is to be used: 3534 SONASTEE DR., GALLUP NM 87301

County: MCKINLEY (Include street number / highway number / state road, city, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location  Yes  No If Yes, License # / Type: \_\_\_\_\_

Contact Person: THOMAS HOLTRUP Phone #: 623-245-8026 Email: THOLTRUP@HENSLEY.COM

I, (print name) THOMAS HOLTRUP, as (title) VICE PRESIDENT- SECRETARY/TREASURER 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 before a Notary Public.

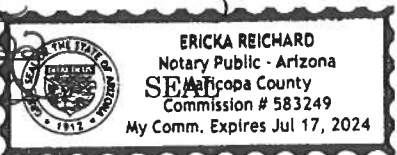
Signature of Applicant: [Signature] Date: 12/22/22

Notary Public Use Only: (State of Arizona, County of Maricopa)

SUBSCRIBED AND SWORN TO before me this 22 day of December, 2022

By: Thomas Holtrup Notary Public: Erica Reichard

Date my Commission Expires: July 17, 2024



Local Option District Use Only: Local Governing Body of \_\_\_\_\_ City, County, Village

Public Hearing held on \_\_\_\_\_ 20\_\_\_\_ Please check one:  Approved  Disapproved

Signature of City/County Official: \_\_\_\_\_ Title: \_\_\_\_\_

Alcoholic Beverage Control Division Use Only:  Approved  Disapproved, \_\_\_\_\_

Signed by Director: \_\_\_\_\_ Date: \_\_\_\_\_



COPY

Premises Location, Ownership, and Description | NMSA §60-6B-10 | Page 2

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

Owned by Applicant, copy of deed/document attached

Leased by Applicant, copy of lease/document attached

Other (provide details): \_\_\_\_\_

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

A. Owner(s): \_\_\_\_\_

B. Date and Term of Lease: \_\_\_\_\_

3. Premises location is Zoned (example C-1, see Zoning Statement): I - INDUSTRIAL ZONING DISTRICT

Zoning Statement attached,  Yes  No Must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: TWIN BUTTES CHURCH OF THE NAZARENE Miles/feet: 3,128 FT

Address/location of Church: 50A U.S RT 66, GALLUP, NM 87301

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

Name of School: TOBE TURPEN ELEMENTARY Miles/feet: 1,936 FT

Address/location of School: 3310 MANUELITA DR, GALLUP NM 87301

6. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

7. Type of Operation:  Hotel  Lounge  Package Grocery  Racetrack  
 Restaurant  Craft Distiller  Small Brewer  Winery  Wholesaler  
 Other (specify): \_\_\_\_\_

\*NOTE: If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.



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**RE: [EXTERNAL] Request for Waiver/Extension - Wholesaler Application for Premier Distributing, Gallup**

1 message

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**Lopez, Debra, RLD** <Debra.Lopez@rld.nm.gov>

Thu, Mar 30, 2023 at 12:51 PM

To: "Sandoval, Tammy, RLD" &lt;Tammy.Sandoval@rld.nm.gov&gt;, "Abeita, Alfred" &lt;aabeita@gallupnm.gov&gt;

Good afternoon,

An extension of time to conduct the public hearing at the May 9, 2023 council meeting is hereby granted. Thank you for all that you do.

**Debra Lopez | Deputy Director**

New Mexico Regulation and Licensing Department

2550 Cerrillos Road | Santa Fe, NM 87505

PO Box 25101, Santa Fe, NM 87504-5101

[Debra.lopez@rld.nm.gov](mailto:Debra.lopez@rld.nm.gov) | [www.rld.state.nm.us/abc](http://www.rld.state.nm.us/abc)

(505) 476-4551

SERVICE | DEDICATION | INTEGRITY

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**From:** Sandoval, Tammy, RLD <Tammy.Sandoval@rld.nm.gov>**Sent:** Thursday, March 30, 2023 11:37 AM**To:** Lopez, Debra, RLD <Debra.Lopez@rld.nm.gov>**Subject:** FW: [EXTERNAL] Request for Waiver/Extension - Wholesaler Application for Premier Distributing, Gallup

Please see Request for an Extension below for your review and consideration.

Thank you

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**From:** Alfred Abeita <aabeita@gallupnm.gov>**Sent:** Thursday, March 30, 2023 11:18 AM**To:** Sandoval, Tammy, RLD <Tammy.Sandoval@rld.nm.gov>**Subject:** [EXTERNAL] Request for Waiver/Extension - Wholesaler Application for Premier Distributing, Gallup

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Re: Wholesaler Application

Premier Distributing Company, LLC

3534 Sanostee Dr., Gallup, NM 87301

Ms. Sandoval,

On March 23, 2023, we received the above-referenced application from your office. Due to the meeting schedule of the Gallup City Council, we are experiencing difficulty in complying with the 30-day notice and the 45-day hearing requirements. Therefore, we are asking for a waiver or an extension of the requirements by either option, as specified below:

1.) Waiver of the 30-day notice requirement so we may hold the local hearing on April 25, 2023 when the Gallup City Council is scheduled to meet. This will allow us to meet the 45-day hearing requirement. I am confident we will be able to publish notice of the hearing for at least 20 or more days. Furthermore, I believe the subject application will be non-contentious since this operation has been in existence at the same location for a long period of time.

Or:

2.) Waiver of the 45-day hearing requirement by granting an extension to hold the local hearing on May 9, 2023 when the Gallup City Council is scheduled to meet. This will allow us to meet the 30-day publication requirement.

Your consideration of either request is greatly appreciated.

AI

**Alfred Abeita II, MMC**

City Clerk

110 West Aztec Avenue

Gallup, New Mexico 87301

T. (505) 863-1254 F. (505) 722-5132

Website: [www.GallupNM.gov](http://www.GallupNM.gov)

