

**CITY OF SANTA FE  
LIQUOR LICENSE HEARING OFFICER**

**Recommended  
Findings of Fact and Conclusions of Law**

**Application No.:** Special Dispenser Permit for Liquor License #476  
**Name of Applicant:** National Dance Institute of New Mexico (NDI) (Sponsor)/ Star Investment LLC (License Holder)  
**Doing Business As:** Kelly/Liquor Barn  
**Proposed Location:** NDI Dance Barns 1140 Alto Street Santa Fe, NM 87501

THIS MATTER came before the Liquor License Hearing Officer for public hearing on April 22, 2025 at 4:00 PM by video hearing, on the request from National Dance Institute of New Mexico (NDI) for a waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of alcoholic beverages at the NDI Dance Barns, 1140 Alto Street, which is within 300 feet of Aspen Community Magnet School, 450 La Madera Street and La Comunidad de los Ninos Head Start, 1121 Alto Street. The request is for NDI New Mexico's 2025 Annual Gala to be held on Saturday, May 3, 2025, with alcohol service from 4:00 p.m. to 11:00 p.m.

After reviewing the record, conducting a public hearing and having provided an opportunity to be heard from city staff, the Applicant and any interested persons, the Hearing Officer hereby proposes that the Governing Body find as follows:

FINDINGS OF FACT

1. Staff submitted a packet containing the following, which was reviewed by the Hearing Officer and relied on in making these findings:
  - a. April 17, 2025 memo from Xavier Vigil, Assistant City Clerk, City Clerk's Office
  - b. Special Dispenser Permit Application from Kelly/ Liquor Barn
  - c. March 14, 2025 letter from Aspen Community School with no opposition to the application.
  - d. March 24, 2025 letter from the Santa Fe Public Schools with no opposition to the application.
  - e. April 17, 2025 letter from NDI New Mexico authorizing alcohol service
  - f. Site Plan
  - g. Server list
2. City Clerk staff member Julie Rasmussen presented the application.
3. No members of the public appeared to testify.
4. Notice of the Application, including the date, time and place of the hearing, the name and address of the licensee, the approval requested, the location of the premises was

provided to the Aspen Community Magnet School and Las Comunidad de los Ninos Head Start.

5. Issuance or transfer will not be detrimental to the public health, safety or morals of the residents of the local option district
6. The hearing was recorded and a copy of the recording is made a part of the record.

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Hearing Officer CONCLUDES:

1. Notice of the Application was properly given.
2. The governing body may disapprove a transfer or issuance only if individuals opposing the transfer or issuance provide positive evidence showing that the transfer or issuance would be detrimental to the health, safety or morals of the community. This evidence must be based on authentic, relevant facts related to a specific prospective licensee and specific location. *The Southland Corporation v. Manzagol*, 1994-NMSC-099, 118 N.M. 423
3. The Applicant does not have the burden to prove that the transfer would not be detrimental to the health, safety or morals of the residents of the local option district. *Dick v. City of Portales*, 1994-NMSC-092, 118 N.M. 541.
4. The Application meets the requirements of §60-6B-4(F)(2).

WHEREFORE, the Liquor License Hearing Officer recommends to the Governing Body that the Application be **APPROVED**.

/s/ Renee Barela-Gutierrez  
Renee Barela-Gutierrez

Date: 04/22/2025