

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

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

Lic. No./Appl. No.: BLA-0000006179
Name of Applicant: Wolf and Mermaid Enterprises, LLC
Doing Business As: Wolf and Mermaid Enchanted Cafe
Proposed Location: 239 Johnson Street, Santa Fe, NM 87501

THIS MATTER came before the Liquor License Hearing Officer for public hearing on **August 21, 2025** at 4:00 PM by video hearing, on the application of **Wolf and Mermaid Enterprises, LLC**,

(Applicant) for:

1. Request from Wolf and Mermaid Enterprises, LLC , 239 Johnson Street, Santa Fe, NM 87501 for a Restaurant A (Beer and Wine) Liquor License with on-premise consumption only, to be located at Wolf and Mermaid Enchanted Café, 239 Johnson Street. This location is not within 300 feet of a church or school.

The Hearing Officer recommends that the Governing Body adopt the following findings of fact and conclusions of law.

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. August 18, 2025 letter from Xavier Martinez, Constituent Services Manager.
 - b. July 3, 2025 letter from New Mexico Regulation and Licensing Department, Alcohol and Gaming Division (NMRLD/AGD) Hearing Officer Charmaine Martinez to the City of Santa Fe granting preliminary approval and forwarding the application to the City for local option district approval or disapproval
 - c. (NMRLD/AGD) Intake Application
 - d. February 27, 2025 letter from Stephanie Perea, Land Use Planner, City of Santa Fe, to Applicant stating the property is zoned BCD Business-Capitol District and is within the McKenzie Street Sub District and lies within the Downtown and Eastside Historic Overlay District.
 - e. Premises map.

- f. Notices of Public Hearing (*Santa Fe New Mexican*, City of Santa Fe website)
 - g. Applicant Supplemental Information
 - h. August 15, 2025 letter from Jason D. Sena, Enforcement Division Manager, stating it is not anticipated that there will be a substantial change in litter and noise because of this request.
 - i. Location photograph.
 - j. Santa Fe Land Development Code Table of Permitted Uses and zoning district map
2. City Clerk staff member GERALYN F. CARDENAS presented the application.
 3. Applicant was represented by Scott Baird.
 4. No members of the public appeared to testify.
 5. Notice of the Application, including the date, time and place of the hearing, the name and address of the licensee, the action proposed to be taken by the department, the location of the licensee's premises and such other information as may be required by the department was published in the *Santa Fe New Mexican*, which is a newspaper of general circulation within the territorial limits of the governing body, on July 22 and July 29, 2025 and on the City's website.
 6. The Application is for a Restaurant A (Beer and Wine) Liquor License with on-premise consumption only, to be located at Wolf and Mermaid Enchanted Café, 239 Johnson Street. This location is not within 300 feet of a church or school.
 7. There is no record of violations.
 8. The business is expected to be open every day 7:00am to 8:00pm.
 9. The business is expecting the peak hours to be Thursday – Sunday 7:00am to 2:00pm.
 10. Traffic is not expected to significantly increase, and the Public Works Director has found that it does not appear that approval will create unacceptable traffic impacts.
 11. The proposed location is not expected to cause a substantial change in litter or noise.
 12. The proposed location is not within an area where sale of alcoholic beverages is prohibited by the laws of New Mexico.
 13. The applicant is in compliance with all Land Use Codes, and issuance or transfer will not be in violation of a zoning or other ordinance of the governing body, once applicant complies with conditions of approval.
 14. Issuance or transfer will not be detrimental to the public health, safety or morals of the residents of the local option district.
 15. 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 by publication, mail and posting on the website pursuant to Section 60-6B-4(D).
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 s 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).

CONDITIONS OF APPROVAL

1. Applicant is required to comply with all City of Santa Fe ordinances.

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

/s/ Renee Barela-Gutierrez
Renee Barela-Gutierrez

Date: 08/22/2025