NEW MEXICO REGULATION AND LICENSING DEPARTMENT

ALCOHOLIC BEVERAGE CONTROL DIVISION

RULEMAKING HEARING

MONDAY, JULY 26, 2021, 1:05 P.M.

(VIA CISCO WEBEX)

APPEARANCES

MAX SHEPARD, Hearing Officer

ANDREW VALLEJOS, Director, Alcohol Beverage Control Division

PHILLIP SANCHEZ, Division Counsel

DESIRAE GRIEGO, Administrative Law Judge

REPORTED BY:  KIM KAY SHOLLENBARGER, RPR
PAUL BACA PROFESSIONAL COURT REPORTING
500 4th Street, Northwest, Suite 105
Albuquerque, New Mexico 87102
HEARING OFFICER SHEPARD: This meeting will please come to order at this time. My name is Max Shepard, I will be acting as the Presiding Officer for this Rule Hearing. The purpose of this hearing is for the Alcohol Beverage Control Division to receive public comments on proposed rules regarding the Liquor Control Act. The Division, as Mr. Sanchez has just indicated, welcomes everyone present at this hearing.

The hearing is being conducted pursuant to and in accordance with the provisions of the New Mexico Liquor Control Act, which is NMSA 1978 Section 60-3A-1 through 60-8A-19 and the Open Meetings Act, Sections 10-15-1 through 4. The New Mexico Lobbyist Regulation Act regulates activities in rulemaking proceedings. You can contact the Secretary of State's Office for information and registration.

Public notice of this hearing was advertised in the New Mexico Register and the Albuquerque Journal. Copies of the proposed rules have been available from the Division office since the notices were published and are available to the public attending this meeting. Copies of the proposed rules were also posted on the Division's Internet website, which is www.rld.state.nm.us/abc, as well as www.rld.nm.gov/alcohol-beverage-control, and were available by request to anyone who did request them.

Let the record show that the Alcohol Beverage
Control Division Director, Andrew Vallejos, is present. Also for the Division is Phillip Sanchez, Division Counsel, and Desirae Griego.

For the record, would the members of the audience, I know there are a few of you out there, would the members of the audience, either those who are logged in online or who have participated through telephone, introduce yourself and state your affiliation. Someone simply has to start this process and then wait for that person to complete their introduction, and then the next person picks it up.

(Court Reporter – Webex inaudible)

MR. KEEGAN: This is Colin Keegan, I'm calling from Santa Fe Spirits. We're an 11 year old company that has been distilling and manufacturing spirits in New Mexico for 11 years. I am a Member of the New Mexico Distillers Guild.

MS. GRIEGO: This is Desirae with the Alcohol Beverage Control Division. I'm going to step in and I'm going to announce your name and if you could please state and introduce yourself for the record.

We're going to start off with Al Lucero.

MR. LUCERO: Al Lucero with Southern Glazer Wine and Spirits, a local distributor.

MS. GRIEGO: Thank you, Mr. Lucero. Allison Smith, you will be next.

MS. SMITH: Thank you very much. I'm Allison Smith,
I am the registered lobbyist for the New Mexico Restaurant Association.

MS. GRIEGO: Thank you, Ms. Smith. Amanda Davis, you will be next. You will need to unmute yourself as well. Okay, we'll skip Amanda for right now, we'll come back to her. We're going to call A. McDevitt, you will be next.

HEARING OFFICER SHEPARD: A. McDevitt, you will need to unmute your microphone.

(Webex - feedback)

MS. GRIEGO: A. McDevitt, we will come back to you as well. Next we have Bernice. Bernice, you will need to unmute yourself as well. Billy, are you there? Billy, if you can hear me, please state your name for the record.

Caitlin, can you hear me? Caitlin.

MS. RICHARDS: Hi. Caitlin Richards, and I'm with Santa Fe Spirits with Colin Keegan.

MS. GRIEGO: Thank you. Next we have Carol.

MS. WHITE: Hi. Carol White with the New Mexico Restaurant Association.

MS. GRIEGO: Thank you, Carol. Next we have Kempski.

MR. KEMPSKI: Good afternoon, Chris Kempski, Southern Glazer Wine and Spirits of New Mexico.

MS. GRIEGO: Thank you. Next we have Cynthia.

MS. SANCHEZ: I am Cynthia Sanchez from GCT
Corporation and we're a liquor license holder.

MS. GRIEGO: Thank you. Next we have Darren Bond.

MR. BOND: I'm Darren Bond, Republic National Distributing Company of New Mexico.

MS. GRIEGO: Thank you. Next we have David Kittleson.

MR. KITTLESON: Hello, my name is Dave Kittleson, I'm with Southern Glazer Wine and Spirits of New Mexico.

MS. GRIEGO: Thank you. Next we have Gary Archuleta.

MR. ARCHULETA: Hi, I'm Gary Archuleta, Republic National Distributing Company of New Mexico.

MS. GRIEGO: Next we have John Thompson.

MR. THOMPSON: Good afternoon, John Thompson here on behalf of New Mexico Alcohol Beverage Wholesalers Association. Thank you.

MS. GRIEGO: Thank you. Next we have Josh Rosen.

Josh Rosen.

MR. ROSEN: Josh Rosen from Strategies 360, registered lobbyist for Sazerac.

MS. GRIEGO: Thank you. Next we have Kevin McDonald. Kevin, you will need to unmute yourself and introduce yourself. Next we have Linda Aikin.

MS. AIKIN: This is Linda Aikin, I'm a liquor lawyer.
MS. GRIEGO: Thank you. Next we have Marian Ortega.

MS. ORTEGA: Hi, everybody. My name is Marian Ortega and I work with the Health Equity Council in Bernalillo County and I'm also here representing the Albuquerque Bernalillo County Prevent Community Coalition.

MS. GRIEGO: Thank you. Next we have Skye Morries-Devore.

MS. MORRIES-DAVORE: My name is Skye Morries-Devore, I'm the co-owner of Tractor Brewing Company.

MS. GRIEGO: Thank you. Next we have T.J. Trujillo.

MR. TRUJILLO: Hi, T.J. Trujillo, registered lobbyist.

MS. GRIEGO: Thank you. Next we have Tara M.

MS. HEDRICK: Tara Hedrick, registered lobbyist.

MS. GRIEGO: Thank you. Next we have the participant identified as user.

MR. SHOOK: I think that might be me. This is Tom Shook, I'm the Director of Education for the New Mexico Restaurant Association.

MS. GRIEGO: Thank you. Next we have Wally.

(Court Reporter - Zoom inaudible)

MS. GRIEGO: Wally, would you mind introducing yourself again for the record.

(Court Reporter - Zoom inaudible)

(Audience - Zoom inaudible)
MR. SANCHEZ: Wally, can you please in the chat section type out what it is that you were saying and we can have Desirae read it into the record.

(pause in proceedings)

(Webex inaudible)

MS. GRIEGO: Wally Minoli, owner of Gecko's Bar and Tapas in Albuquerque. And I believe that's all of them for right now, Phillip.

MR. SANCHEZ: Did we get the call ins?

UNIDENTIFIER SPEAKER: No, you did not.

MS. GRIEGO: We have call in number user 3, if you could state your name and your affiliation.

MR. KEEGAN: Hi, this is Colin Keegan, Santa Fe Spirits.

MS. GRIEGO: Call in user 5, if you can, please, call in user 5, state your name.

MR. RHODES: I'm not sure what user number I am, but my name is Mark Rhodes, I'm a liquor lawyer and registered lobbyist for the New Mexico Package Liquor Association.

MS. GRIEGO: Thank you, Mr. Rhodes. Call in number 7, please state your name.

UNIDENTIFIED SPEAKER: Is that John Nye?

MS. GRIEGO: Yes.

MR. NYE: John Nye, owner, Management Resources, LLC.
MS. GRIEGO: Thank you.

HEARING OFFICER SHEPARD: Thank you, Desirae. Let's go ahead.

(Webex feedback)

UNIDENTIFIED SPEAKER: Mute everybody, then whoever is speaking unmute yourself, or else we're going to get this feedback for the whole meeting.

(Court Reporter - confirming feedback)

SPEAKER: We can't hear anything.

HEARING OFFICER SHEPARD: Now can you hear me?

MR. SANCHEZ: Yes, sir.

HEARING OFFICER SHEPARD: The court reporter will be recording the proceedings. The transcript prepared by the court reporter will be part of the Rule Hearing record. Therefore, when someone is recognized to address the Division, that person is again asked to identify themselves each time you address the Division and speak loudly and clearly so the court reporter can pick up your comments.

If you are not speaking as Desirae has already indicated and the court reporter has indicated, please mute the microphone so we don't have a great deal of feedback.

The proceeding will be conducted in the following manner: Mr. Sanchez, attorney for the Division, will present exhibits to the Division. I, as the presiding officer, will rule on the admissibility of the exhibits offered by
Mr. Sanchez after allowing questions from members of the Division. Exhibits admitted into evidence are available for review by members of the public; however, exhibits may not be removed from this room.

After Mr. Sanchez offers exhibits and their admission has been ruled upon I will open the hearing for comments from the audience. We will proceed in numerical sequence through each proposed rule. I do not feel it's necessary to read each rule in their entirety before they are commented on, since copies of the rules have been made available to all participates at this point.

We will address only one rule at a time going sequentially; however, you may refer to other rules that reasonably relate to the rule being discussed or which relate to your comments.

The Alcohol Beverage Control Division does not follow the Rules of Evidence, but shall in the interests of efficiency reserve the right to limit all testimony deemed irrelevant, redundant or unduly repetitious. The decision as to whether or not such testimony is irrelevant, redundant or unduly repetitious shall be made by me as the presiding officer.

If possible, I would like to get some idea of, and this will be kind of difficult, how many people plan to present testimony or comment on a proposed rule? Is there a
way that we can do this reasonably...

MR. SANCHEZ: Mr. Hearing Officer, if I may.

Phillip Sanchez. There is a reaction icon at the bottom of
the screen for people who logged in using Webex. One of
those reactions is to raise hand. Everyone can raise their
hand using that icon, and then we can determine who will
participate that way.

HEARING OFFICER SHEPARD: That icon is a smiley face
at the bottom of your Webex screen with a little X up in the
right-hand corner of that face. If you anticipate presenting
testimony, evidence, please indicate by selecting the raised
hand and the reaction icon. And you can do that at this
moment, if you would.

(gesturing)

HEARING OFFICER SHEPARD: At the conclusion of the
Rule Hearing the Division will take the following action on
the rules such as amending, adopting or tabling them after
taking into consideration the comments and testimony
presented here today. This public hearing is now open.

Mr. Sanchez, at this time do you have any exhibits
to introduce into evidence?

MR. SANCHEZ: Mr. Hearing Officer, I have the
following exhibits to enter into evidence. Additionally,
those exhibits are available to be viewed online at the ABC
website, www.rld.nm.gov/alcohol-beverage-control. It is the
same location where the Notice of Proposed Rulemaking was, as
well as a copy of the proposed rules.

Those exhibits are as follows: Exhibit 1, the legal
notice published in the New Mexico Register.

Exhibit 2, the legal notice published in the
Albuquerque Journal.

Exhibit 3, an Affidavit of Notice.

Exhibit 4, the proposed rule amendments for Part 2
of 15.10 NMAC entitled Definitions.

Exhibit 5, the proposed rule amendments for Part 31
of 15.10 NMAC entitled Premises, General Requirements.

Exhibit 6, the proposed rule amendments for Part 32,
15.10 NMAC entitled Location and Description of Licensed
Premises.

Exhibit 7, the proposed rule amendments for Part 33
of 15.10 NMAC entitled Minors on Licensed Premises.

Exhibit 8, the proposed rule amendments for Part 51
of 15.10 NMAC entitled Sales, Restrictions on Sales.

Exhibit 9, the proposed rule amendment for Part 52
of 15.10 NMAC entitled Segregated Alcohol Sales.

Exhibit 10, the proposed rule amendments for Part 53
of 15.10 NMAC entitled Sales, Wholesalers.

Exhibit 11, the proposed rule amendments for Part 54
of 15.10 NMAC entitled Sales, Clubs.

Exhibit 12, the proposed rule amendment for Part 55
of 15.10 NMAC entitled Internet Sales.

Exhibit 13, the proposed rule amendments for Part 61 of 15.10 NMAC entitled Citations, Fines and Penalties.

Exhibit 14, the proposed rule amendments for Part 70 of 15.10 NMAC entitled Operation and Profiting by Authorized Persons and Alternating Proprietorships.

Exhibit 15, the proposed rule amendments for Part 2 of 15.10 NMAC entitled Operation and Profiting by Authorized Persons and Alternating Proprietorships.

Exhibit 16, the proposed new rule, Part 20 of 15.11 NMAC entitled Licenses and Permits, Alcoholic Beverage Delivery.

Exhibit 17, the proposed rule amendment for Part 21 of 15.11 NMAC entitled Licenses and Permit, Applications.

Exhibit 18, the proposed rule amendments for Part 22 of 15.11 NMAC entitled Licenses and Permits, Renewal and Suspension.

Exhibit 19, the proposed rule amendment for Part 23 of 15.11 NMAC entitled Licenses and Permits, Change in Licensee.

Exhibit 20, the proposed rule amendments for Part 24 of 15.11 NMAC entitled Licenses and Permits, Restaurant License.

Exhibit 21, the proposed rule amendments for Part 25 of 15.11 NMAC entitled Licenses and Permits, Special
Dispenser and Public Celebration Permits.

Exhibit 22, the proposed rule amendments for Part 26 of 15.11 NMAC entitled Licenses and Permits, Fees.

Exhibit 23, the proposed rule amendments for Part 27 of 15.11 NMAC entitled Licenses and Permits, Inter-Local Option District Transfers.

Exhibit 24, the proposed rule amendments for Part 28 of 15.11 NMAC entitled Licenses and Permits, Bed and Breakfast License.

Exhibit 25, the proposed rule amendments for Part 29 of 15.11 NMAC entitled Licenses and Permits, Tasting Permits.

Exhibit 26, the proposed rule amendments for Part 30 of 15.11 NMAC entitled Purchasing Cooperatives.

And Exhibit 27, the proposed rule amendment for Part 31 of 15.11 NMAC entitled Alcohol Server Training Certification.

HEARING OFFICER SHEPARD: Are there any questions from the Division as to these tendered exhibits? Exhibits 1 through 27 are hereby admitted into the record.

Mr. Sanchez, are there any other exhibits to enter into the record at this time?

MR. SANCHEZ: Mr. Hearing Officer, there are not at this time.

HEARING OFFICER SHEPARD: Any person wishing to testify and to submit evidence with their comments shall do
so when they are recognized by me to testify. Each document shall be introduced as an exhibit into the record. The Division will be permitted to ask questions before I rule on the admissibility of any tendered evidence. Upon the admissibility each exhibit will be marked and numbered and entered into the record.

At this time each proposed rule will be introduced in turn in the record, I will open the floor to members of the audience for testimony and comments on each rule. Members of the Division or the audience may question each witness upon being recognized by me to speak.

Would anyone wish to comment on Rule 15.10, Part 2, Definitions. First we will take comments from those attending online, and then from those attending via telephone. Is there anyone who wishes to comment on 15.10, Definitions, if so, please identify yourself for the record.

MR. SANCHEZ: Mr. Hearing Officer, for those attending online, if they want to raise their hand using the icon, then we can go through those, unmute them, then go to the callers using the telephone, that may help facilitate so that we don't have people talking over each other.

HEARING OFFICER SHEPARD: Right. Anyone who wants to comment on this rule, go to the reaction button at the bottom of your Webex page, that will allow you to raise your hand. We can see the raised hand, then we will call on you
for identification, then get your comments and any evidence, if any. On my screen, which may not have everyone present -- okay, yes, Linda Aikin. Identify yourself.

MS. AIKIN: This is Linda Aikin. I just want to reiterate what I saw in one of the comments and that is that the definition of cider needs to be changed to be consistent with the new definition in the change, the recent amendments to the Liquor Control Act. It says, "apples and pears," and it has the different percentage value in the new law. That's it.

HEARING OFFICER SHEPARD: Thank you. Any questions of this witness from the Division?

MR. SANCHEZ: None at this time.

HEARING OFFICER SHEPARD: Would anyone in the audience wish to question Ms. Aikin on her comments? If so, raise your hand using the reaction button and you will be called on. I don't see any raised hands.

We will move on to the next proposed rule change, Mr. Sanchez.

MR. SANCHEZ: Mr. Hearing Officer, we do need to check with the individuals calling in via the telephone as well. They can't raise their hand using the button.

HEARING OFFICER SHEPARD: Sorry. Any of the participants who are participating in this hearing via telephonically, do any of you have any comments on the
proposed rule changes in 15.10, Part 2, Definitions, or any questions for Ms. Aikin? I don't see any indication that there are any questions.

We will move on to the next rule. Would anyone wish to comment on 15.10, Part 31, Premises, General Requirements. First we will take comments from those attending online, then those attending by telephone. Again, if you have a comment you would like to make, please use the reaction button to raise your hand and we will call on you. Again, I don't see any indication that anyone participating online has a comment. Anyone who is participating telephonically, do you have a comment that you would like to make on 15.10.31, Premises, General Requirements?

Would anyone wish to comment on Rule 15.10, Part 32, Premises, Location and Description of Licensed Premises? Again, same procedure, reaction button and we will call on you. Anyone who is participating telephonically, do you have any comment or evidence that you would like to tender in relation to 15.10, Part 32?

Would anyone wish to comment on 15.10, Part 33, Premises, Minors on License Premises? Same procedure, first those online participating, then those participating telephonically, anyone participating online who would like to tender comment or evidence, please use the reaction button to get our attention by raising your hand. Anyone participating
telephonically who has --
MS. SMITH: Mr. Hearing Officer.
HEARING OFFICER SHEPARD: Yes, go ahead.
MS. SMITH: My name is Allison Smith. I'm the registered lobbyist for the New Mexico Restaurant Association. Thank you for the opportunity to comment. I have a comment on the employment of minors. The new statute does change that age from 19 to 18 years old, and I believe the rule should state 18 instead of 19. That's all I have.
HEARING OFFICER SHEPARD: Any questions of this witness from the Division?
MR. SANCHEZ: No, Mr. Hearing Officer.
HEARING OFFICER SHEPARD: Anyone in the audience wish to question this witness? Anyone telephonically participating have a question for this witness? Thank you, Ms. Smith, for those comments.
Would anyone like to comment on 15.10, Part 51, Sales, Restrictions on Sales? Again, the same procedure, anyone telephonically who would like to comment on 15.10, Part 51, Sales, Restrictions on Sales? Seeing no comment, we will move on.
Would anyone like to comment on Rule 15.10, Part 52, Segregated Alcohol Sales? I'm not seeing a hand raised. Anyone telephonically who would like to comment on 15.10, Part 52, Segregated Alcohol Sales? There are no comments,
then we will move on.

Would anyone wish to comment on 15.10, Part 53, Sales, Wholesalers? Again, I am not seeing hands raised. Have I missed one? Anyone participating telephonically wish to comment on 15.10, Part 53, Sales, Wholesales? There being no comment, we will move on.

Would anyone wish to comment on Rule 15.10, Part 54, Sales, Clubs? Anyone telephonically participating who would like to comment on 15.10, Part 54, Sales, Clubs? No comments, we will move on.

Would anyone wish to comment on Rule 15.10, Part 55, Internet Sales? Again, the same process, use the reaction button, raise your hand to be called on. Anyone participating telephonically who would like to comment on 15.10, Part 55, Internet Sales? No comments.

Would anyone like to comment on Rule 15.10, Part 61, Citations, Fines and Penalties? Again the same process, reaction button to be called on. Anyone participating telephonically who would like to comment on 15.10, Part 61, Citations, Fines and Penalties? No comments.

We will move on. Would anyone wish to comment on Rule 15.10, Part 70, Operation and Profiting by Authorized Persons and Alternating Proprietorships? Again, participation through the reaction button. I am not seeing any hands raised. Anyone participating telephonically wish
to comment on 15.10, Part 70? There being no comments, we will move on.

Would anyone wish to comment on Rule 15.11, Part 2, Required Documents on Licensed Premises? Again, those participating online, raise your hand. Yes, Carol. Unmute and share your comments.

MS. WHITE: Thank you. Carol White with the New Mexico Restaurant Association. My only comment is that we have removed the posters warning of the dangers of penalties for drunk driving or driving while intoxicated and I am just wondering -- I think that was in statute. Does anybody know the purpose of that?

HEARING OFFICER SHEPARD: This is not quite a comment, but is there a question from the Division? Mr. Sanchez.

MR. SANCHEZ: There is not, Mr. Hearing Officer.

HEARING OFFICER SHEPARD: I'm sorry, we don't have an immediate answer for that question.

MS. WHITE: No problem.

HEARING OFFICER SHEPARD: Does anyone in the audience wish to address this witness or that question?

Thank you for your comment.

Would anyone wish to comment on Rule 15.11, Part 20, Licenses and -- I'm sorry.

MS. SMITH: Mr. Hearing Officer, Allison Smith. I
want to comment on 15.11, Part 2, on the documents required for delivery of alcoholic beverages. Paragraph D is requiring documentation to be saved for a period of six months, and that is listed under what the delivery person must carry on their person. So my question, or my comment would be, perhaps that should be separated out of what should be carried on their person, but records that should be retained by the licensee, but not necessarily on the deliverer person.

HEARING OFFICER SHEPARD: Any questions of this witness from the Division?

MR. SANCHEZ: No, Mr. Hearing Officer.

HEARING OFFICER SHEPARD: Would anyone in the audience wish to question this witness? Thank you, Ms. Smith, for that comment. Are there any other comments on 15.11, Part 2, Required Documents on Licensed Premises? I'm sorry I missed your hand, Ms. Smith, it's up in the corner of my screen and I didn't see it.

MS. SMITH: I understand, sir.

HEARING OFFICER SHEPARD: We will move on. Any comments on Rule 15.11, Part 20, Licenses and Permits, Alcoholic Beverage Delivery? I don't see any hands. Is there anyone participating telephonically who wants to comment on Rule 15.11, Part 20, Licenses and Permits, Alcoholic Beverage Delivery?
MR. SANCHEZ: We do have a hand from Marian Ortega and it looks like a reaction from Carol as well.

HEARING OFFICER SHEPARD: Yes, I see Carol's. Go ahead, start with Carol.

MS. WHITE: Carol White with New Mexico Restaurant Association. In 15.11.20.11, under D it says, "a third party alcohol delivery licensee shall not," and number 1 is, share in the profits of the sale of alcoholic beverages with a license. So that's not really how third party delivery works. Usually a restaurant will take a third party delivery because they pay 30 percent to that third party group and they will increase their prices, and the third party group does take 30 percent. So I don't know if that's considered sharing in profits or not, but that does need to be addressed in this, because that's not how third party delivery services work.

HEARING OFFICER SHEPARD: Any questions of this witness from the Division?

MR. SANCHEZ: No, Mr. Hearing Officer.

HEARING OFFICER SHEPARD: I know we have someone else who wants to comment. Would anyone in the audience wish to question this witness? We had another participant who had a comment.

MS. ORTEGA: My name is Marian Ortega. As I mentioned before, I represent the ABC Prevent Community
Coalition here in Bernalillo County. On behalf of the Coalition we just want to express our concern for potential increase in access to alcohol through home delivery as it provides more community access to alcohol. Data shows that alcohol home delivery increases the risk for commercial availability of alcohol to underage youth and so that leads to question/comments. When you're in line with a friend to buy alcohol at the store they're supposed to card both patrons, how will it work when there's a group of people at a party at the home delivery site? And also referring back to responsible training service, will there be additional training of delivery drivers beyond mandated RVS training?

The next question is, what happens if the person buying is intoxicated upon delivery and who will be monitoring enforcing?

HEARING OFFICER SHEPARD: Thank you for that. Are there any questions of this witness from the Division?

MR. SANCHEZ: No, Mr. Hearing Officer.

HEARING OFFICER SHEPARD: Would anyone in the audience wish to question this witness? Ms. Ortega, thank you for your comments and they will be part of the record and will be considered in making the final division on these rules.

Would anyone wish to comment on Rule 15.11.21, Licenses and Permits, Applications? I don't see any hands
raised. Anyone participating telephonically wish to comment on Rule 15.11.21, Licenses and Permits, Applications? No comments.

Would anyone wish to comment on Rule 15.11.22, Licenses and Permits, Renewal and Suspension? Anyone participating telephonically wish to comment on Rule 15.11, Part 22? No comments, we will move.

Would anyone wish to comment on Rule 15.11, Part 23, Licenses and Permits, Change in Licensee? I see no hands raised. Anyone participating telephonically wish to comment on Rule 15.11, Part 23? There being no comments, we will move on.

Would anyone wish to comment on Rule 15.11, Part 24, Licenses and Permits, Restaurant License? I see no hands raised. Anyone participating telephonically wish to comment on Rule 15.11, Part 24? There being no comments, we will move on.

Would anyone wish to comment on Rule 15.11, Part 25, Licenses and Permits, Special Dispenser and Public Celebration Permits? I see no hands raised. Anyone participating telephonically wish to comment on Rule 15.11, Part 25? I see no comments, we will move on.

Would anyone wish to comment on Rule 15.11, Part 26, Licenses and Permits, Fees? Again, I see no hands raised. Does anyone participating telephonically wish to comment on
Rule 15.11, Part 26? There being no comments, we will move on.

Would anyone wish to comment on Rule 15.11, Part 27, Licenses and Permits, Inter-Local Option District Transfers? I see no hands raised. Anyone participating telephonically wish to comment on Rule 15.11, Part 27?

Would anyone like to comment on Rule 15.11, Part 28, Licenses and Permits, Bed and Breakfast License? I see no hands raised. Does anyone participating telephonically wish to comment on Rule 15.11, Part 28? There being no comment, we will move on.

Would anyone like to comment on Rule 15.11, Part 29, Licenses and Permits, Tasting Permits? I see no hands raised. Does anyone participating telephonically wish to comment on Rule 15.11, Part 29? With no comment, I will move on.

Would anyone like to comment on Rule 15.11, Part 30, Purchasing Cooperatives? I see no hands raised. Would anyone participating telephonically wish to comment on Rule 15.11, Part 30? There being no comments.

Would anyone like to comment on Rule 15.11, Part 20, Alcohol Server Training certification?

MR. SANCHEZ: Mr. Hearing Officer, I apologize, that appears to be a typo. It is 15.11, Part 31, Alcohol Server Training Certification.
HEARING OFFICER SHEPARD: Thank you for that correction. With that correction, would anyone wish to comment on Rule 15.11, Part 31, Alcohol Server Training Certification? Yes, Ms. Smith.

MS. SMITH: Mr. Hearing Officer, my name is Allison Smith, registered lobbyist, New Mexico Restaurant Association. I have a similar comment in this section as I did to the employment of minors, and that would be 15.11.31.8, paragraph G talks about 19 and 20 year olds. Since the statute now allows 18 year olds to serve alcohol, they need to be included in here as well.

HEARING OFFICER SHEPARD: Thank you for that comment. Any questions of this witness from the Division?

MR. SANCHEZ: No, Mr. Hearing Officer.

HEARING OFFICER SHEPARD: Anyone in the audience either participating online or telephonically wish to ask a question of this witness? If there are no other further questions, then we will close this hearing.

MR. SANCHEZ: Mr. Hearing Officer.

HEARING OFFICER SHEPARD: Yes.

MR. SANCHEZ: I apologize, Phillip Sanchez from ABC. At this time I would actually move to admit one more exhibit, in addition to today's comments that we received through the hearing. I would like to admit the comments the Division has received in writing between the Notice of Publication and
what is right now 2:04 p.m. on July 26, 2021, as Exhibit 28. Those comments can be located on the ABC website that you mentioned earlier.

HEARING OFFICER SHEPARD: Are there any questions from the Division as to the admissibility of Exhibit 28? If there are no comments, no objections, then Exhibit 28 will be admitted and will be a part of this record.

The comments that have been submitted, the discussion during the Rule Hearing will be considered by the Division. Any rules adopted by the Division will be filed at the State Records and Archives in accordance with the State Rules Act and New Mexico Registration publication deadlines. The adopted rules become effective 30 days after they are filed at the Records and Archives, unless otherwise noted at the end of a section.

I would like to thank all of the Division and everyone present for their participation and attendance in this today and working with me on the virtual hearing. I appreciate your participation and your cooperation. Let the record show that this hearing was adjourned at 2:05 p.m. on the 26th of July. Thank you all very much.

(Meeting adjourned at 2:05 p.m.)
REPORTER'S CERTIFICATE

I, Kim Kay Shollenbarger, Registered Professional Reporter, do hereby certify that I reported the foregoing proceedings in stenographic shorthand via Webex and that the foregoing pages are a transcript of those proceedings taken to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties in this case and that I have no interest in the final disposition of this case.

____________________________
Kim Kay Shollenbarger, RPR