

## **It's back and forth with Athens LLC**

Written by By Cody Begaye Sun Correspondent  
Friday, 24 May 2019 05:31

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### **City votes to join appeal of District Court decision on liquor license transfer**

The Gallup City Council discussed whether to join the New Mexico Alcohol and Gaming Division in the appeal of a decision by the New Mexico District Court during their recent regular meeting.

Back in February 2017, the Gallup City Council voted unanimously to deny the transfer of a liquor license belonging to Athens LLC to a location at the corner of Ninth and Maloney.

According to information attached to the agenda, many persons attended the public hearing to speak out against the transfer, citing problems with alcohol in Gallup.

Dist. 1 Councilor Linda Garcia said May 14 that the neighborhood meetings she hosts at the senior center indicate many residents in District 1 are against the transfer of the liquor license, citing many alcohol-related problems in the area, such as violence and physical danger.

“We are with the mayor on filing this appeal,” she said.

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In January 2018, the Alcohol and Gaming Division director upheld the city's decision and disapproved the transfer.

At the time, the City Council also said the transfer would be detrimental to the public health, safety, and morals of northside residents.

But in February 2018, Athens LLC appealed the decision by Alcohol and Gaming to the District Court.

The District Court judge then reversed the decision of Alcohol and Gaming last April.

The City of Gallup in turn has 30 days to appeal the decision made by the district court to the New Mexico Court of Appeals. Counsel for the Alcohol and Gaming Division indicated they plan to appeal the District Court's decision, which led to the potential action of joining the appeal being added to the May 14 meeting agenda.

Mayor Jackie McKinney said during the regular meeting that the board is in favor of joining the Alcohol and Gaming Division appeal, and that the District Court should listen to the opinions on the council's original denial of the transfer.

"[Alcohol and Gaming Division] is willing to pursue an appeal, it's proper we support them," he said.

Dist. 2 Councilor Allan Landavazo asked how long it would take the Court of Appeals to make a decision. City Attorney Curtis Hayes said there could be back-and-forth filings on the case for up to six months, and then the court will have another six months to make a decision.

"It could be a year or more before we'd have any decision," Hayes said.

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The item was approved with a 5-0-0 vote.

### ***Other items discussed at the regular meeting:***

The city approved the Business Improvement District to hire two seasonal part-time park laborer positions for a 12-week period during the upcoming tourist season with a 5-0-0 vote. Positions will be advertised immediately, with hiring beginning once BID approves the funding.

State grants for lighting of Indian Hills Park (\$100,000), Playground of Dreams picnic shelter (\$75,000), and police vehicle procurement (\$455,000), were all approved with a 5-0-0 vote.

The new lease agreement for Southwest Indian Foundation and the Cultural Center was approved with a 5-0-0 vote. Several new provisions allow the city to terminate the lease with 24 months notice; requiring SWIF to keep the center open to the public a minimum of 50 hours a week; and remove the east parking lot from the lease area.

By Cody Begaye  
Sun Correspondent