

Opinion No. 14-1214

May 1, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. H. B. Jamison, Albuquerque, New Mexico.

LICENSE.

Retail liquor licenses cannot be transferred from one person to another.

OPINION

{*75} I am informed that you telephoned this morning to this office asking whether a retail liquor license could be transferred from one precinct to another, for the information of the county commissioners who are to meet tomorrow. I do not see how the county commissioners can have anything to do with such a question, as Sec. 4125 of the Compiled Laws, which did give the county commissioners some authority over the issuance of liquor licenses, is practically substituted by Sec. 6 of Chap. 108 of the Laws of 1901, which appears at pages 205 and 206 of the laws of that year.

Said Sec. 6 amends Sec. 4156 of the Compiled Laws so as to set out in detail the process of making application and the issuance of the license, and the license must set forth the place where the business is to be carried on. There is no provision of law for transferring the license to any other place of business. Sec. 4127 of the Compiled Laws provides that the license shall not authorize a person receiving the same to sell liquors in more than one place in a precinct, village, town or city, and Sec. 4135 provides that any person having a license can dispose of same to any other person to be used only in the same precinct, town, village or city for which it was issued, and at the same place of business. Taking these statutes together I am unable to see how a license could be lawfully transferred from one precinct to another, or from one place of business to another within the same precinct. I recall the fact that while I was District Attorney the brewery people desired to move one of their places of business for which they had a license to another place not more than a block away, and I advised them, or the sheriff, that it would not be lawful to do so, and as I remember it was not done and no contest was made over it.