

Opinion No. 37-1594

April 12, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. Don G. McCormick Assistant District Attorney Hobbs, New Mexico

{*72} Your letter of April 10th calls for an interpretation of that portion of {*73} Section 1102 of the new liquor law which reads as follows:

"Provided that only one class of license covering the sale of all alcoholic liquors shall be issued."

Under the old law it was permissible, particularly for boards of county commissioners, to issue licenses to dispensers for the sale of beer and wine **only**. This, as you can readily see, laid down the bars and opened the doors for bootlegging of whiskey. Many people would simply buy a license to sell beer and wine only, and then in connection with such business persist in the selling of bootleg whiskey.

It was to take care of situations of this kind that this proviso was inserted in Section 1102, and it simply means that a dispenser or a retailer is required to purchase a license which covers the sale of **all** intoxicating liquors.

It does not mean that the same person, firm or corporation cannot purchase a retailer's license and a dispenser's license. He may purchase both.