Conditional Adult-Use Retail Dispensary (CAURD)

Frequently Asked Questions

Completing Your Application

Application

1. Where can I apply for a CAURD license?

When it is live, the online application will be located within New York Business Express (NYBE). Any business—regardless of its organizational structure—can apply for a license. For purposes of this FAQ and your application, this business—which will operate your dispensary if you are selected for licensure—is the “applicant.”

If you already have a NYBE Business Profile linked to the applicant, then you will need to apply using the NY.GOV login that is linked to the existing NYBE profile.

If you do not have a NYBE Business Profile linked to the applicant, then you will need to create a NYBE Business Profile using a NY.GOV login to start your application.

2. Who should submit the CAURD application?

The online application must be submitted by you, the applicant, (if an individual); by a managing member (if a limited liability company); by an officer (if a corporation, including a nonprofit); or by all partners (if a partnership).

You will also be asked to designate an individual as the primary contact for your application as part of the application form. The primary contact will serve as the recipient of official communications from the Office related to your application. Your applicant’s primary contact is not required to be the individual who fills out the application.

3. I’m creating a NYBE Business Profile for the CAURD applicant, and I’m being asked to provide an address for the applicant. I don’t have an address for the applicant at this point in time because I anticipate the applicant’s address will be the location provided by the New York Social Equity Cannabis Investment Fund if my application is successful. What address do I enter in NYBE at this point in time?

As stated in NYBE, if you do not have a permanent place of business, you must enter the home address of the owner or one of the partners, members, or officers...
of the business. Please note, the Office will not send official communications related to your application to this address. All official communications from the Office related to your application will be sent to the individual listed as the primary contact for the application. You will identify your application's primary contact when completing your application, not in your NYBE Business Profile.

4. Will I need to pay a lawyer or other professional to help me complete the CAURD application?

You are not required to work with anyone who is not an owner or true party of interest to the applicant to complete your application. The Office intends for the application to be completable without outside assistance. However, there is nothing prohibiting you from getting help from any source in completing your application. If you obtain help in completing your application, please note that this may require additional reporting on your application if the individual providing assistance becomes a true party of interest to the applicant as a result of providing assistance.

5. Can I save my partially completed CAURD application to continue later?

Yes, applications can be completed over multiple sessions. Be sure to save your progress as you go along and pay close attention to submission deadlines outlined by the Office.

6. If I need help completing the CAURD application, who can I contact?

Questions related to how to complete the application may be sent to licensing@ocm.ny.gov. Please continue to monitor the Office’s website for additional information related to the application.

7. What documents will I need to apply for a CAURD license?

The application will ask for information about the applicant and all "true parties of interest" in the applicant.

True parties of interest include persons:

- that are sole proprietors, partners, LLC members, LLC managers, shareholders, and their spouses;
- with control over a licensee;
- holding an actual or future right to ownership, investment or compensation, including by stock, convertible bond, note, warrant, option, SAFE, equity swap agreements over a licensee;
• serving in a leadership, senior, or control position, such as a member, manager, president, vice president, secretary, treasurer, officer, board member, trustee, director, or a person with equivalent title or position in a licensee, and their spouses;

• holding a revenue sharing agreement or a right to gross profit or net profit;

• that guarantee the debts of the licensee; or

• making up the ownership structure of each level of ownership of a licensee that has a multilevel ownership structure, and their spouses.

Unless you are eligible under the qualifying nonprofit criteria, you will also be asked for information about the justice involved individual who is the sole control owner of the applicant and their qualifying business experience. You’ll be required to submit documents to prove your eligibility.

Examples of documents you may need include:

• tax documents showing the qualifying business’ profit;

• a record of the marihuana-related conviction of the justice involved individual or their family member;

• documents proving where the justice involved individual, or their convicted family member, lived at the time of their conviction;

• and proof of the applicant’s New York State presence or other satisfaction of the definition of applicant in the Cannabis Law.

If you are eligible under the qualifying nonprofit criteria, you will be asked about the qualifying nonprofit’s social enterprise, as well as about the qualifying nonprofit organization itself. For more information on qualifying nonprofit eligibility please review the Qualifying Nonprofit FAQs here.

8. What documentation can I provide to prove someone's conviction of a marihuana-related offense?

Documentation can be obtained from many sources.

A Certificate of Disposition can be requested by the convicted individual from the court that sentenced them. Some courts may charge a small fee to obtain a Certificate of Disposition.

• A Certificate of Disposition;

• A record of judgment and conviction;
A record of plea, verdict and sentence;
A docket entry from court records that indicates the existence of a conviction;
Minutes of a court proceeding or a transcript of a hearing that indicates the existence of a conviction;
An abstract of a record of conviction prepared by the court in which the conviction was entered, or by a state official associated with the state's repository of criminal justice records, that indicates the following: The charge or section of law violated, the disposition of the case, the existence and date of conviction, and the sentence;
Any document or record prepared by, or under the direction of, the court in which the conviction was entered that indicates the existence of a conviction;
An arrest record that indicates the existence of a conviction;
A police file that indicates the existence of a conviction;
Health Records that indicate the existence of a conviction;
Notarized attorneys letters that indicate the existence of a conviction;
Acknowledgement of Application to Destroy Expunged Marihuana Conviction Record (DCJS);
Submitted Application to Destroy Expunged Marihuana Conviction Record;
A post-conviction CPL-440 Motion to vacate a criminal conviction or to re-open a criminal case;
A Governor's Commutation letter;
Responsive records that may be maintained by local or state correctional facilities (e.g., DOCCS inmate or parolee files);
Results from a criminal history background check; or
Any other information verifying a marihuana-related offense as approved by the Office.

Any justice involved individual, or their convicted family member, can have multiple convictions, but at least one (1) conviction must be a marihuana-related offense.

If you have questions about a specific document that is not on the above list, please contact the Office of Cannabis Management at licensing@ocm.ny.gov
9. What documents can I provide to prove a justice involved individual’s relationship to their convicted family member?

Acceptable documentation will depend on the nature of the relationship you are trying to prove. The justice involved individual’s name and their convicted family member’s name must be on the document you provide.

If the individual’s parent or child was the convicted family member, a birth certificate is the most common document the Office will accept.

If the individual’s spouse was the convicted family member, a marriage certificate is the most common document the Office will accept.

If the individual’s spouse was the convicted family member, but they were in a domestic partnership at the time of their arrest or conviction and the person is now the individual’s spouse because Marriage Equality made the marriage legal, the Office will require proof of the marriage. A marriage certificate is the most common document the Office will accept.

If the individual’s legal guardian was the convicted family member, the Office will accept documentation evidencing the guardianship, such as an authorization letter or court records.

If the individual’s dependent was the convicted family member, or if the individual was the dependent of the convicted family member, the Office will accept tax returns evidencing the dependent relationship or other financial paperwork evidencing the dependent relationship.

10. What documents can I provide to prove someone’s residence when they were convicted of a marihuana-related offense?

The document you provide must have been issued before the date of the arrest or conviction and include the individual’s name and residential address. If you provide documentation that was issued more than 180 days before the date of the arrest or conviction, the Office may request additional information.

- Driver License, Non-Driver ID Card, Government-issued ID Card or Learner Permit;
- State or federal tax filing, return, or refund check, with proof of filing, including e-filing acknowledgements;
- Utility bill (gas, electric, cable, fuel, water, telephone);
- Bank or credit card statement;
- Letter from a public housing authority addressed to the individual;
Letter addressed to the individual from a homeless shelter indicating the individual resided at the homeless shelter;

Lease agreement, mortgage payment, or property tax statement;

Letter addressed to the individual from a non-profit organization or religious institution that provides services to homeless individuals;

Pay stub;

Employment offer or notice of pay that shows an employer provided housing, including seasonal housing;

Statement, bill, or record from a health institution or insurance company;

Jury summons, court order, or other document from a court;

Letter from a domestic violence residential care program or organization that serves domestic violence survivors;

Letter from a charitable organization registered with a state or federal government agency that provided services to the individual in the ordinary course attesting to the individual residence;

Document addressed to the individual by a local, state, or federal government; or

Any other proof of residence as determined by the Office

If you have questions about a document that is not on the above list, please contact the Office of Cannabis Management at licensing@ocm.ny.gov

11. I have appropriate documentation, but an individual's name has changed since the documentation was issued. Do I need to provide evidence of the name change?

If the change in name is not evidenced in your application, the Office may request additional information to substantiate the name change, such as a marriage certificate, divorce documents, or other appropriate documentation.

12. What documents can I provide to prove a qualifying business (or social enterprise) was profitable?

You will be asked to submit tax documents which show that the qualifying business (or social enterprise) was profitable for two (2) years. The Office will also accept audited financial documents or business bank account statements. Non-tax documents evidencing the profitability of a business may be subject to additional
review by the Office and you may be asked to provide additional information. Documentation that cannot be verified may be rejected.

13. **What documents can I provide to prove a significant New York State presence?**

Applicants are required to have a significant New York State presence or to otherwise satisfy the definition of applicant in the Cannabis Law and may be asked to submit documentation to prove such.

If you are asked to submit documentation, acceptable documentation includes:

- Proof of the individual with sole control’s residency in New York State (any residency document listed in Question 10);
- Checking, savings, retirement, or brokerage statements showing assets in New York State;
- Tax filings showing assets, accounts, or property in New York State;
- Deeds, titles, mortgage documents, or homeowner warranties showing property ownership in New York State; or
- Any other proof of New York State presence as determined by the Office.

If requested of a qualifying nonprofit, acceptable documentation includes:

- a Certificate of Incorporation or other documentation that the entity has been incorporated in New York State;
- a New York State address of the entity’s principal location; or
- documentation that the majority of the entity’s members, in terms of proportions of shares held, was in New York State no less than 180 days during the current year or 540 days over the course of three years.

14. **The regulations state I will need to provide fingerprints for the CAURD applicant’s owners and all true parties of interest. How do I provide that on the application?**

You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.

15. **The regulations state I will need to provide a business continuity plan. How do I provide that on the CAURD application?**
You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.

16. The regulations state I will need to provide audited or certified financial statements for the CAURD applicant. How do I provide that on the application?
You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.

17. The regulations state I will need to provide documentation that the CAURD applicant will be able to obtain sufficient indemnification insurance. How do I provide that on the application?
You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.

18. After I submit my CAURD application, is there any additional documentation that I will need to submit or fill out?
Yes. If you are to move forward in the selection process for a license, you will be required to fill out a part two (2) of the application for final licensure. This part two (2) of the application focuses solely on compliance related materials required under the Cannabis Law. The Office will have more information available on the final application over the summer.

19. How do I know if my CAURD application is incomplete or missing something?
Any missing or incomplete paperwork will change your “Application Status” in New York Business Express to “ADDITIONAL INFORMATION REQUIRED,” and you will receive an email from the Office specifying what information is needed. You will have thirty (30) days to submit the necessary additional information so your application can be completed.

20. Cannabis Law states I am required to notify a municipality of my intent before filing an application to open a dispensary in that municipality. How do I do that?
If you are to move forward in the selection process for a license, you will be required to fill out a part two (2) of the application for final licensure. More
information about notification to municipalities will be available for selected applicants in part two (2) of the application. Applicants should not notify any municipality of their intention to open an adult-use retail dispensary until assigned an approved CAURD license location. The Office will have available resources to help applicants make such notification before final licensing takes place.

21. I applied for a CAURD license but wasn’t selected – what can I do to review this decision?
There will be an administrative process for applicants that were denied or not selected for licensure to review the reason(s) why they were denied or not selected.

22. I have a question about completing my application that is not answered here. Who can I contact?
If your question is not answered here, view the CAURD FAQ or—if your question is not answered there—contact the Office at licensing@ocm.ny.gov or call 1-888-OCM-5151 (1-888-626-5151).