



Office of Cannabis Management

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Acting Executive Director

No. 2024-118
November 12, 2024

RESOLUTION TO RENDER A DECISION IN THE MATTER OF SHOPSMART CONVENIENCE dba THE GARDEN v. OCM, INSPECTION NO. 207202407170025, ADMINISTRATIVE APPEAL

WHEREAS, Appellant Roll Up Nation was subject to a regulatory inspection and a resulting Order to Seal, pursuant to Article 6 Sections 138-a and 138-b of the New York State Cannabis Law (“Cannabis Law”) and Title 9 of the New York Codes, Rules and Regulations (9 NYCRR) Section 133.25.

WHEREAS, Appellant requested a hearing that was held before an Administrative Law (“ALJ”) with the Office of Administrative Hearings (“OAH”), pursuant to Title 9 NYCRR Sections 133.16 and 133.25(k).

WHEREAS, following the hearing, the presiding ALJ issued a decision, pursuant to 9 NYCRR Section 133.21, extending the Order to Seal against Appellant’s business for the sale of illicit cannabis and cannabis products a license, registration, or permit to do so pursuant to Cannabis Law Sections 138-a and 138-b.

WHEREAS, Appellant took exception to the ALJ’s decision and submitted an administrative appeal to the Board within thirty (30) calendar days of the determination pursuant to Cannabis Law Section 17(8) and 9 NYCRR Section 133.25(k).

WHEREAS, the members of the Board have reviewed the record on appeal, including the memorandum filed by the parties, the hearing transcript, and the ALJ’s decision.

WHEREAS, the members of the Board have made a preliminary determination to affirm the ALJ’s decision and deny the Appellant’s requested relief.

RESOLVED, that the members of the Board affirm the Administrative Law Judge’s decision. The Board’s determination shall constitute the final administrative decision.

[See Attachment A – Decision on Appeal]