

STATE OF NEW YORK
OFFICE OF CANNABIS MANAGEMENT
OFFICE OF ADMINISTRATIVE HEARINGS

OFFICE OF CANNABIS MANAGEMENT,

Petitioner,

-against-

DECISION
Inspection No. - 118202409240084

UP IN SMOKE

Respondent.

Respondent requested a hearing to vacate an order to seal without an emergency hearing on October 21, 2024. The inspection was conducted on September 24, 2024, and the order to seal was issued the same day.

The hearing was scheduled for October 31, 2024, and commenced via WebEx on that date at 10 am.

The Office of Cannabis Management (hereinafter “OCM”) was represented by Sisi Wu, Esq.

The Respondent, John Mason a/k/a John D. Mason, Jr., did not appear.

No witnesses were called.

DECISION

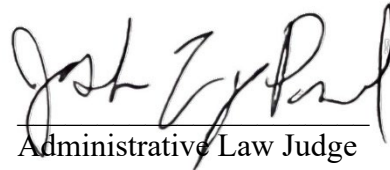
1. A default judgment was entered in this matter due to the Respondent’s failure to appear at the scheduled hearing. The Office of Administrative Hearings (hereinafter “OAH”) section of OCM received Respondent’s Administrative Hearing Request and notified him on October 21, 2024, via email at the address he provided, of the date and time of his hearing. Additional emails were sent by OCM on October 30, 2024, including one with attached exhibits. A final email was sent after the commencement of the hearing, again, to the email Respondent provided in his Administrative Hearing Request. The hearing proceeded, giving Respondent time to either

respond to one of multitude of emails or attend the hearing, but Respondent never appeared, and no communication was ever received from him. As a result of this inaction by Respondent, a default judgment was entered in this matter and the hearing was concluded.

The sole issue being determined at the hearing held on October 31, 2024, involved whether the order to seal was warranted and properly executed on the Respondent's business, Up In Smoke. The default judgment acts to confirm the order to seal, and the order will continue.

WHEREFORE, PURSUANT TO CANNABIS LAW ARTICLE 6 §138-b (9), THE ORDER TO SEAL, ISSUED ON SEPTEMBER 24, 2024, IS HEREBY EXTENDED FOR ONE YEAR FROM THE DATE OF THIS DECISION.

Dated: November 01, 2024


Administrative Law Judge

PLEASE BE ADVISED: Either party may appeal this decision within 30 calendar days of receipt, according to the specific manner described in Regulations at 9 NYCRR 133.25(k). This decision was sent via email on November 01, 2024, to the following:

Sisi Wu, Esq.

John D. Mason, Jr.

Nickolas Perry

Sheila Wagner

Celena Ditchev, Esq.