



Office of Cannabis Management

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Acting Executive Director

No. 2024-124

December 10, 2024

RESOLUTION TO RENDER A DECISION FOR ADMINISTRATIVE APPEAL 360 GARDEN DELIGHT INC. v. OCM, INSPECTION NO. 115202405230003

WHEREAS, pursuant to Article 2 of the New York State Cannabis Law (“Cannabis Law”) Sections 10 and 17, the Cannabis Control Board (“Board”) is charged with the responsibility of issuing a final determination when an administrative decision following a hearing is appealed.

WHEREAS, Appellant 360 Garden Delight Inc. (“Appellant”), was subject to a regulatory inspection and a resulting Order to Seal, pursuant to Article 6 Sections 138-a and 138-b of the Cannabis Law and Section 133.25 of Title 9 of the New York Codes, Rules, and Regulations (“NYCRR”).

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

WHEREAS, following the hearing, the presiding ALJ issued a decision, pursuant to Title 9 NYCRR Section 133.21, extending the Order to Seal against Appellant’s business, pursuant to Cannabis Law Sections 138-a and 138-b, for offering cannabis and products marketed and labeled as cannabis without a license, registration, or permit to do so in violation of Sections 125 and 132of the Cannabis Law and Section 120(i) of Title 9 NYCRR.

WHEREAS, Appellant submitted an administrative appeal to the Board, pursuant to Section 133.25(k) of Title 9 NYCRR.

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 ALJ’s decision. The Board’s determination shall constitute the final administrative decision.

[See Attachment A – Decision on Appeal]