

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

---

**OFFICE OF CANNABIS MANAGEMENT,**

Petitioner.

-against-

**EAST RIVER EXOTIC SHOP CORP.,  
a/k/a SOGIE MART**

Respondent.

---

**DECISION**

**Complaint No. 110 2023 0621 0029**

The above noted matter was held as a Webex hearing before the undersigned, Thomas Kidera, on August 11, 2023.

The Respondent failed to appear.

The Office of Cannabis Management (hereinafter “OCM”) was represented by Deputy General Counsel Jasmine Norman.

Investigative Specialist Raissa Lomba-Ajoku testified on behalf of OCM.

Regulations at 9 NYCRR 133.15(a) (3) provide that “If a party fails to appear at the hearing and no adjournment has been requested and granted for cause, the administrative law judge shall recommend a default order.” As such, a default judgment in this case is hereby entered. As the Petitioner is seeking penalties in this matter, a default hearing was held in this matter.

**ISSUE**

The allegations set forth in the Notice of Violation and Order to Cease Unlicensed Activity (hereinafter “NOV”) indicate that the Respondent was offering cannabis products, as defined by Cannabis Law § 3, for sale without an appropriate registration, license, or permit. This allegation was based upon observations made during a regulatory inspection, which was conducted at 24 Avenue A, New York, NY on June 21, 2023 (Exhibit1).

## **FINDINGS OF FACT**

1. The NOV was personally served on the Respondent at the time of the regulatory inspection. The NOV indicated that a hearing was scheduled for July 10, 2023 at 10:00 a.m. but was subsequently rescheduled for August 11, 2023 at 2:00 p.m. An email address for the OCM's Office of Administrative Hearings was also provided to the Respondent at that time. The Respondent did not appear on either date, nor did the Respondent or anyone on behalf of the Respondent contact the Office of Administrative Hearings. (Exhibit 1).

3. On June 21, 2023, Investigative Specialist Lomba-Ajoku, in addition to members of the Enforcement Division from the New York State Department of Taxation and Finance, conducted a regulatory inspection at 24 Avenue A, New York, NY, based upon complaints alleging that the business was selling illicit cannabis. The Respondent has not been issued a license by OCM to sell cannabis or any products containing cannabis. (Exhibit 2).

4. Investigative Specialist Lomba-Ajoku credibly testified that at the time of the regulatory inspection, she observed numerous types of cannabis products including cannabis concentrates, cannabis edibles (including gummies and cannabis infused chocolate bars), Delta 8 products, and cannabis flower. (Exhibits 1, 3, 10-13). Investigative Specialist Lomba-Ajoku testified that she observed the detailed documentation of the cannabis inventory recorded and seized by the representatives of Taxation and Finance, which consists of four pages listing the products seized from the site. (Exhibit 3).

5. Investigative Specialist Lomba-Ajoku testified that at the conclusion of the regulatory inspection, she affixed a copy of the NOV to the glass door and similarly affixed a Warning Notice (hereinafter "WS") to the left of the door on the glass storefront of 24 Avenue A, New York, NY. (Exhibits 14-16).

## **CONCLUSIONS OF LAW**

Cannabis Law Article 6 § 125(1) provides that: "No person shall cultivate, process, distribute for sale or sell at wholesale or retail or deliver to consumers any cannabis, cannabis product, medical cannabis or cannabinoid hemp or hemp extract product within the state without obtaining the appropriate registration, license, or permit therefor required by this chapter unless otherwise authorized by law."

Cannabis Law Article 6 § 132(1) (a) provides that any person who sells cannabis, cannabis products, or any product marketed or labeled as such, without having an appropriate registration, license or permit therefor, may be subject to a civil penalty of not more than ten thousand dollars for each day during which such violation continues.

**DECISION**

The Respondent engaged in the sale of illicit cannabis and cannabis products without a license, registration, or permit to do so, at the location of 24 Avenue A, New York, NY. In so doing, Respondent violated Cannabis Law Article 6 § 125(1) and §132(1)(a). The Order to Cease Unlicensed Activity is hereby affirmed.

**WHEREFORE, THE RESPONDENT IS HEREBY ORDERED:**

To pay a **\$10,000** fine for the sale of illicit cannabis and cannabis products without a license on June 21, 2023.

Dated: August 17, 2023

*Thomas Kidera*

\_\_\_\_\_  
Administrative Law Judge

This decision was sent via email on August 17, 2023 to the following:

Nickolas Perry  
Shiela Wagner  
Jasmine Norman, Esq.

This decision was sent via regular first-class mail on August 17, 2023 to the following:

EAST RIVER EXOTIC SHOP CORP  
AKA SOGIE MART  
24 Avenue A  
New York, NY 10009