

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

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**OFFICE OF CANNABIS MANAGEMENT,**

Petitioner,

-against-

**DECISION**

**Complaint No. 101 2023 0615 0023**

**OLD G CONVENIENCE CORP**

Respondent.

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The above noted matter was held as a Webex hearing before the undersigned, Karen Lavery, on July 5, 2023.

The Respondent failed to appear.

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

Investigative Specialist Alex Tuminello 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 and Notice of Hearing (hereinafter “NOV”) indicate that the Respondent was offering cannabis, cannabinoid hemp, Delta, and hemp 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 18 W 14<sup>th</sup> Street, New York, NY, on June 15, 2023 (State’s Exhibit 1).

## **FINDINGS OF FACT**

1. The NOV was personally served on the Respondent at the time of the regulatory inspection. That NOV indicated that a hearing was scheduled for July 5<sup>th</sup>, 2023 at 10:00 a.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 at the hearing, nor did the Respondent or anyone on behalf of the Respondent contact the Office of Administrative Hearings (State's Exhibit 1).

2. The Respondent has a Certificate of Authority issued by the New York State Department of Taxation and Finance, validated April 19, 2021, Identification Number 86-2825779, for a business designated as OLD G CONVENIENCE CORP located at 18 W 14<sup>th</sup> St., New York, NY 10011-7501 (State's Exhibit 10).

3. On June 15, 2023, Investigative Specialist Tuminello, in addition to members of the Enforcement Division from the New York State Department of Taxation and Finance, conducted a regulatory inspection at 18 W 14<sup>th</sup> St., New York, NY 10011-7501, based upon a complaint alleging that the business was selling illicit cannabis. Respondent was not in possession of a license issued by OCM to engage in the sale offering cannabis, cannabinoid hemp, Delta, and hemp products (State's Exhibit 2).

4. Investigative Specialist Tuminello credibly testified that at the time of the regulatory inspection, he observed numerous types of products, all of which were labeled as containing cannabis and some of which identified the amount of THC contained in each product. Investigative Specialist Tuminello testified that he observed cannabis containing vape cartridges, cannabis pre-rolls, cannabis edibles, as well as cannabinoid hemp, Delta, and hemp products (State's Exhibits 5-9) all of which he documented on a voucher (State's Exhibit 3), as well as an open cash register containing money, located among the illicit products (State's Exhibit 8).

5. Investigative Specialist Tuminello testified that at the conclusion of the regulatory inspection, he placed a copy of the NOV and a Warning Notice (hereinafter "WN") on the main public door of 18 W 14<sup>th</sup> St., New York, (State's Exhibits 11 and 12). Investigative Specialist Tuminello also testified that he also served a copy of the NOV on the person who was working behind the cash register who identified himself as Farhaan J. Syed (State's Exhibit 1).

## **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 cannabinoid hemp, hemp products, cannabis, or 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 cannabis, cannabinoid hemp, Delta, and hemp products without a license, registration, or permit to do so, at the location of 18 W 14<sup>th</sup> St., 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, RESPONDENT IS HEREBY ORDERED:**

To pay a **\$10,000** fine for the sale of cannabis, cannabinoid hemp, Delta, and hemp products without a license on June 15, 2023.

*Karen Lavery*  
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Administrative Law Judge

DATED: July 14, 2023

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

Nickolas Perry  
Sheila Wagner  
Jasmine Norman, Esq.

This decision was sent via regular first-class mail on July 18, 2023 to the following:

OLD G CONVENIENCE CORP  
18 W 14<sup>th</sup> St.  
New York, NY 10011-7501