

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

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**OFFICE OF CANNABIS MANAGEMENT,**

Petitioner,

-against-

**Hush Rush 3880, Inc.**

Respondents.

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**DECISION**

**Complaint No. 102202406110006**

The above matter was held as a Webex hearing before the undersigned, Carl Stoll, on July 16, 2024.

The Respondent failed to appear.

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

Investigative Specialist Bladimir Nunez was present and prepared to testify on behalf of OCM.

Regulations at 9 NYCRR 133.16 (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 was entered. Petitioner is now seeking civil penalties 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 Respondents were 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 Hush Rush 3880 located at 3880 Broadway, New York, NY 10032, on June 11, 2024.

## **FINDINGS OF FACT**

1. The NOV was personally served on the Respondents' employee Liz Leger who was working in the establishment as an employee at the time of the regulatory inspection. An email address for OCM's Office of Administrative Hearings was provided to the Respondents at the time of their request for a hearing. The hearing was scheduled for and held on July 16, 2024. The Respondents did not appear at the hearing.

2. According to the exhibits, on June 11, 2024, Investigative Specialist Nunez, conducted a regulatory inspection at 3880 Broadway, New York, NY 10032, based upon complaints alleging that the business was selling illicit cannabis. Investigative Specialist Nunez was prepared to testify that he confirmed through a search of the OCM database and records, that Respondent was not in possession of a license issued by OCM to sell cannabis or any products containing cannabis containing over 3% THC.

3. Investigative Nunez was prepared to testify at the hearing that at the time of the regulatory inspection, there was signage outside the business with a price list advertising the sale of illicit cannabis products. According to the NOV Investigative Nunez observed numerous types of cannabis products, all of which were labeled as containing THC greater than 3%.

4. Investigative Specialist Nunez was prepared to testify that at the conclusion of the regulatory inspection, he placed a copy of the NOV and a Warning Sticker (hereinafter "WS") on the store front of 3880 Broadway, New York, NY 10032.

## **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, 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 Respondents engaged in the sale of illicit cannabis and cannabis products without a license, registration, or permit to do so, at the location of 3880 Broadway, New York, NY 10032. In so doing, the Respondents violated Cannabis Law Articles 6 § 125(1) and §132(1)(a). The Order to Cease Unlicensed Activity was affirmed against Hush Hush 3880, Incorporated on July 24, 2024

**WHEREFORE, RESONDENT IS HEREBY ORDERED:**

**TO PAY A \$10,000 FINE UNDER CANNABIS LAW ARTICLE 6 §132 FOR VIOLATIONS UNDER §125, AND AS A PROPORTIONATE PENALTY FOR MY DECISION OF JULY 24, 2024, FOR THE UNLICENSED SALE OF ILLICIT CANNABIS ON JUNE 11, 2024.**

*Carl B. Stoll*  
Administrative Law Judge

DATED: January 7, 2025

This decision was sent via email on January 7, 2025, to the following:

Nickolas Perry  
Sheila Wagner  
Paul Tsui, Esq.  
Celena Ditchev, Esq.

This decision was sent via regular first-class mail on January 7, 2025, to the following:

Hush Rush 3880, Inc.  
3880 Broadway  
New York, NY 10032