



Office of Cannabis Management

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FELICIA A.B. REID

Acting Executive Director

No. 2025-13
February 14, 2025

RESOLUTION TO RENDER A DECISION FOR ADMINISTRATIVE APPEAL THE JERK SHACK LLC v. OCM, INSPECTION NO. 115202406260020

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, 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”), Appellee Office of Cannabis Management (“OCM”) conducted a regulatory inspection of Appellant The Jerk Shack LLC’s (“Appellant”) business and issued an immediate Order to Seal for the premises.

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, and the exceptions noted therein to the Board for review and a final determination, 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, and have made a preliminary determination not to confirm the hearing decision and to issue a superseding decision pursuant to Section 133.25(k) of Title 9 NYCRR, granting Appellant’s appeal and the relief requested.

RESOLVED, that the members of the Board issue a superseding decision granting Appellant’s appeal. The Board’s decision shall constitute the final determination on the matter.

[See Attachment A – Decision on Appeal]