



Office of Cannabis Management

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Acting Executive Director

No. 2025-24

March 20, 2025

RESOLUTION TO RENDER A DECISION FOR ADMINISTRATIVE APPEAL BMillz LLC. v. OCM, COMPLAINT Nos. 117 2023 0621 0026 and 112 2023 0718 0055

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 BMillz LLC (“Appellant”) was subject to a regulatory inspection and a resulting Notice of Violation and Order to Cease Unlicensed Activity, pursuant to Article 6 of the Cannabis Law Section 138-a and Section 133.25¹ Title 9 of the New York Codes, Rules, and Regulations (NYCRR).

WHEREAS, The complaints were consolidated, and a hearing was held before an Administrative Law Judge (“ALJ”) with the Office of Administrative Hearings (“OAH”), pursuant to Sections 133.16, 133.18(b)² and 133.25 of Title 9 NYCRR.

WHEREAS, the presiding ALJ issued a decision ordering Appellant to pay a civil penalty, pursuant to Sections 125 and 132 of the Cannabis Law and Sections 116.2-116.9 of Title 9 NYCRR, for offering cannabis and products marketed and labeled as cannabis without a license, registration, or permit.

WHEREAS, Appellant took exception to the ALJ’s decision and submitted the instant administrative appeal to the Board within thirty (30) calendar days of the determination.

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 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]

¹ After the filing of Appellant’s appeal, Title 9 was amended, revised and renumbered. 9 NYCRR Section 133.25 was formerly cited at 9 NYCRR Section 133.23.

² Formerly cited at 9 NYCRR Section 133.16