



**Office of Cannabis
Management**

Kathy Hochul
Governor
Jessica Garcia
Cannabis Control Board Chair
Felicia A.B. Reid
Acting Executive Director

BOARD MEMBERS
Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

No. 2025-62
September 9, 2025

RESOLUTION TO APPROVE AND ADOPT CERTAIN RECOMMENDED ADMINISTRATIVE APPEAL DECISIONS DISMISSING THE APPEALS AS MOOT

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”), Appellant Office of Cannabis Management (“OCM”) conducted a regulatory inspection of each of the Appellees’ business premises as identified in Attachment A and issued immediate Orders to Seal pursuant to Cannabis Law Section 138-b.

WHEREAS, Appellees requested a hearing conducted by an Administrative Law Judge (“ALJ”) with the Office of Administrative Hearings (“OAH”), pursuant to Cannabis Law Section 138-b(2) and Sections 133.16 and 133.25(h)(1) of Title 9 NYCRR.

WHEREAS, following the hearing, the presiding ALJs issued decisions vacating the sealing orders issued against the Appellees’ businesses based upon a finding that Appellant OCM did not establish by a preponderance of the evidence that the unlicensed activity was more than a de minimis part of the business activity pursuant to Cannabis Law Sections 138-b(6)(b) and (7) and Section 133.25(f)(4) Title 9 NYCRR

WHEREAS, Appellant submitted the instant administrative appeal, and the exceptions noted therein to the Board for review and for a final determination, pursuant to Section 133.25(k) Title 9 NYCRR.

WHEREAS, the recommendation before the Board is to adopt the recommended decisions, identified in Attachment B, dismissing Appellant OCM’s appeals as moot due to the passage of time and the lack of authority to reinstate the Order to Seals. Pursuant to Cannabis Law Section 138-b(9) and Section 133.25(g)(5) Title 9 NYCRR, any order to seal issued by the office or the board issued pursuant to this section shall be effective for one year from the later of the posting of the order or the date of the date of the judgment.

WHEREAS, pursuant to Section 133.25(k) Title 9 NYCRR, the Board has reviewed the record on appeal and the recommended decisions in Attachment B and have made a preliminary decision to approve the recommended decision; now therefore be it



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RESOLVED, that the Board, by vote and through this resolution, approves and adopt the recommended decisions identified in Attachment B dismissing the appeals as moot. The decision of the Board shall constitute the final determination on each matter in accordance with Cannabis Law Section 10(18).

BE IT FURTHER RESOLVED that the Board directs the issuance of the decisions identified in Attachment B to the parties.



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Attachment A

Appellee Business Entity	Inspection Number	Date of the Administrative Decision & Order
Stonedhenge Smoke-N-Grow Inc.	104 2024 0613 0017	June 25, 2024
Brewster Convenience Inc.	211 2024 0820 0039	August 28, 2024
H & A Grocery and Deli Inc.	204 2024 0822 0007	September 6, 2024