

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

OMNIUM HEALTH INC.,

Petitioner,

-against-

PRE -HEARING ORDER
Inspection No. No. 20250423-ALB
FABR

OFFICE OF CANNABIS MANAGEMENT
Respondent.

During a conference on September 23, 2025, the Office of Cannabis Management (hereinafter “OCM”) and Omnum Health Inc., requested clarity with respect to the burden of proof and respective roles for the upcoming hearing. My ruling is as follows:

Based on 9 NYCRR §133.18 and SAPA § 306(1), Omnum as the party initiating the proceeding by requesting a hearing, would be considered the Petitioner in this action. However, there are actions (NOV Hearings initiated by the business entity) where OCM has taken the opposite stance. In those cases, OCM has acquiesced to the opposing party remaining the Respondent in the action, despite that party having initiated the proceeding. While approaches may vary across different contexts, the governing framework for this proceeding is set by 9 NYCRR §133.18 and SAPA §306(1). Accordingly, Omnum, having initiated this action, is properly designated as Petitioner under those provisions and bears the initial burden of proof. As such, to prevail in having the quarantine lifted, Omnum will need to show that the findings underpinning the quarantine order were not founded, or that they have successfully taken corrective actions to cure the findings. After which, OCM will need to rebut Omnum’s case, and prove that the findings were valid, or that they have not been successfully corrected, in order to prevail in sustaining the quarantine order.

IT IS HEARBY ORDERED, OMNIUM HEALTH INC. IS THE PETITIONER IN THIS MATTER AND BEARS THE INITIAL BURDEN OF PROOF IN THIS PROCEEDING.

This constitutes a final order of the Office of Administrative Hearings. A copy of this order shall be served upon the parties.

Dated: October 6, 2025

Laurie Cartwright
Laurie J. Cartwright
Administrative Law Judge

This order was sent via email on October 6, 2025, to the following:

Laura Krzemiski, Esq.

Matthew K. Parker, Esq.

Jay Smith-Hill, Esq.

Nickolas Perry

Sheila Wagner

Celena Ditchav, Esq.