

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

OFFICE OF CANNABIS MANAGEMENT,

Petitioner,

-against-

**DECISION: RESPONDENT’S
MOTION TO DISSOLVE THE
RECALL ORDER AND
MOTIONS TO INTERVENE**
Inspection No. TPB-25-00012

Omnium Health, Inc.

Respondent.

Respondent requested the dissolution of the Recall Order, or in the alternative an expedited hearing on the validity of the Recall Order. The Recall Order was issued October 20, 2025.

Additionally on October 28, 2025, and October 31, 2025, respectively, Grön NY LLC and Liberty Leaf NY LLC (hereinafter “Grön and Liberty Leaf”, collectively “Petitioners for Intervention”) requested to intervene pursuant to 9 NYCRR 133.18(C). Omnium Health LLC (hereinafter “Omnium”) joins in their application.

A conference was held with the parties and Petitioners for Intervention on November 7, 2025.

The Petitioner moved to dismiss Respondent’s request as well as the requests to intervene, asserting that:

- 1) Respondent’s request for a hearing on the Recall Order has no basis in the Cannabis Law, expedited or otherwise.
- 2) Licensees cannot request hearings on sanctions, only on charges
- 3) Grön and Liberty Leaf should be denied intervention as they have not shown good cause to intervene and they each have substantial out of state business activity, which they are free to conduct.

The Respondent is represented by Jay Smith-Hill, Esq., Compliance Counsel and Matt Parker, Esq. Outside Counsel.

Grön is represented by David Feuerstein, Esq., Matthew Schweber, Esq, and Justin B. Singer, Esq of Feuerstein Kulick LLP.

Liberty Leaf is represented by Christopher M. Slowik, Esq. and Carly P. Galluzzo, Esq. of Falcon, Rappaport, and Berkman LLP.

The Office of Cannabis Management (hereinafter “OCM”) is represented by Kevin Brown, Esq., Abir Ahmed, Esq.

Laurie J. Cartwright, Esq. Administrative Law Judge (the Presiding Judge).

I. ISSUE

The issues raised in the papers submitted by the Parties and Petitioners for Intervention and at the conference held on November 7, 2025, are: whether Petitioners for Intervention have shown good cause to intervene as required by 9 NYCRR 133.18(C), and if Respondent is entitled to dismissal of the Recall Order issued against it, or in the alternative, a hearing or expedited hearing to challenge the Recall Order.

II. APPLICABLE LAW

9 NYCRR § 133.10 (a) Any party may request a hearing pursuant to this Part to the Office of Administrative Hearings with copy to the other party.

9 NYCRR § 133.4(c) In response to a violation of any provision of the Cannabis Law and other related regulations, the office is authorized to take enforcement action or impose sanctions upon a licensee, registrant or permittee. Sanctions may include, but are not limited to, maintaining a record of any and all violations, civil penalties, fees, fines, suspension, cancellation, or revocation of a license, debarment, non-renewal, a stop order to cease any and all licensed activity and any or all cannabis-related or cannabinoid hemp-related activities outside the scope of their license, seizure or quarantine of product, and referral to state or local law civil or criminal investigative or enforcement entities, or any combination thereof. The office may in its discretion, use licensee’s past record when determining an appropriate penalty.

9 NYCRR § 133.4(g) If the office determines that a licensee does not comply with the Cannabis Law and related regulations, the licensee may be issued a stop work order and be required to cease any or all licensed, registered, or permitted activity, as well as any or all cannabis-related or cannabinoid hemp-related activities outside the scope of their license. The stop work order, may be issued simultaneously with or include, but is not limited to, an order of quarantine or recall of cannabis or cannabinoid hemp products, an order of disposal or destruction of cannabis or cannabinoid hemp products, or an order of cessation of sales, processing, or cultivation of cannabis products, or any cannabis-related or cannabinoid hemp-related activities, after a date specified by the office.

9 NYCRR § 133.5(a) Any violations or instances of noncompliance by a licensee identified whether by a compliance site visit, compliance inspection, compliance investigation or other compliance related action, shall be documented in a statement of findings by the office. This section does not apply to any site visits, inspections, or investigations conducted by the enforcement division or any other unit.

(b) A licensee shall respond to a statement of findings by submitting a written corrective action plan in a format acceptable to the office within 15 calendar days of the date of the statement of findings. A Corrective Action Plan shall address all violations and areas of noncompliance cited in the statement of findings and shall contain:

(1) an assessment and analysis of the violation and circumstances relating to the noncompliance including, but not limited to:

(i) restating facts and circumstances surrounding the events in the statement of findings as the licensee understands them;

(ii) an analysis of any remedies that were immediately put into place to address the situation;

(iii) an attestation that there was no intention to violate any laws or purposefully non-comply; and

(iv) any other information the licensee would like to share regarding the violation and circumstances relating to the noncompliance.

(2) a procedure addressing how the licensee shall correct each area of non-compliance;

(3) an explanation of how proposed corrective actions will be implemented and maintained to ensure noncompliance does not recur;

(4) the proposed date by which each area of non-compliance shall be corrected; and

(5) any other information as determined by the office.

(c) Notwithstanding the foregoing, any finding which the office determines jeopardizes the immediate health, safety, or well-being of the public as referenced in section 133.4 of this Part, Categories 1-3 shall require immediate corrective action. The licensee shall submit a Corrective Action Plan to the office within twenty-four (24) hours of notification by the office of such deficiency and violation.

(d) Upon written approval of the office, the licensee shall immediately implement each

section of the Corrective Action Plan as approved by the office. If the office determines that the Corrective Action Plan needs modification, the licensee shall modify the plan until it is approved by the office.

(e) Nothing in this section shall limit the office from determining at any time that there is no appropriate cure or corrective action that can be taken for the licensee's violation(s), and that such violations shall be grounds for suspension, cancellation, revocation, or debarment of a license, registration, or permit, and denial of renewal, change, or amendment of licenses, registrations, or permits.

(f) Failure by the licensee to complete a Corrective Action Plan for each separate violation that fully resolves that violation in the time frame prescribed by the office in the statement of findings, responses to Corrective Action Plans, or other correspondence from the office; failure by the licensee to fully implement each Corrective Action Plan immediately upon approval by the office, and in accordance with that approval and time frame prescribed by the office; and failure to comply with any these requirements in this section, will be deemed separate violations of this section and may result in suspension, cancellation, revocation, a civil penalty, a stop work order, permanent debarment from vending, contracting or engaging in a business transaction with any person licensed under the Cannabis Law, or any penalty permitted under the Cannabis Law.

(g) Nothing in this Part shall limit the application of any other remedies, enforcement actions or sanctions applicable pursuant to the Cannabis Law or any other laws, rules or regulations.

9 NYCRR § 133.18 (c) (1) At any time after the institution of a proceeding, the administrative law judge may, upon a verified petition and for good cause shown, and upon notice to the parties, permit a person to intervene as a party.

(2) The petition of any person desiring to intervene as a party shall state with precision and particularity:

- (i) the petitioner's interest in the matter at issue;
- (ii) the nature of the evidence petitioner intends to present and the names of witnesses, if any;
- (iii) the nature of the argument petitioner intends to make; and
- (iv) any other reason that petitioner should be allowed to intervene.

9 NYCRR § 133.17 (d) The administrative law judge shall have the power to:

- (3) set the time and place of the hearing;
- (11) take all measures necessary, but not otherwise prohibited by this Part, for the

maintenance of order and the efficient conduct of the hearing and conduct the hearing in accordance with the requirements of due process.

III. FINDINGS OF FACT

The following facts form part of the record.

1. Omnium holds an OCM Adult- Use Processor Type 1-Extracting license (June 17, 2024- June 17, 2026) and an OCM Adult-Use Distributor license (July 17, 2024- July 17, 2026). Petitioners for Intervention each hold Adult-Use Processor-Type 3 licenses. Grön’s license is valid from April 11, 2025, through April 11, 2027. Liberty Leaf’s license is valid from October 18, 2024, through October 18, 2026.
2. On April 23, 2025, Petitioner issued a Statement of Findings and Quarantine Order related to some of Respondent’s products. Two preliminary conferences were held, and a Corrective Action Plan was formed, but not fully approved by Petitioner. Petitioner asserted that Respondent was not entitled to a hearing on a Quarantine Order, and that Respondent’s only avenue for relief was through filing an Article 78 proceeding.
3. This tribunal found that Quarantine Orders were not merely investigatory tools, but sanctions which entitled Respondent to a hearing. Emphasizing, “an indefinite quarantine of perishable product is essentially a destruction order, as the product depreciates in quality and value until it is valueless.” *OCM v. Omnium Health, Inc.* Ins. No. 20250423-ALB FABR (2025).
4. This tribunal thus issued a decision on July 31, 2025, granting Respondent’s right to a hearing. Between August 11, 2025, and August 13, 2025, Petitioner stated that they were considering exercising their right to file an exception to the tribunal’s ruling before August 29, 2025.
5. On August 25, 2025, Petitioner informed the tribunal that they did not intend to file an exception, and a conference was held on August 28, 2025, to schedule hearing dates. During that conference the parties agreed that communication regarding the Corrective Action Plan had broken down, and Petitioner asserted with Respondent’s assent that it would be, “prudent to schedule the hearing.” The Parties discussed many items vital to scheduling a hearing, the number of potential witnesses, and agreements regarding disclosure.
6. A hearing was set for October 20, 21, and 22, 2025.
7. On September 15, 2025, Respondent sent a letter requesting clarification on the paragraphs from the Statement of Findings to be decided and stating that Findings 1 through 4 imposed a quarantine based on, “Category 3 violations—indicating that they ‘create a potential threat to public health, safety, or welfare.’ 9 N.Y.C.R.R. § 133.4(a)(3).”
8. A conference was scheduled for September 19, 2025, adjourned at the request of Petitioner to September 23, 2025. At that conference Petitioner asserted that Respondent should

have the burden of proof and be the Petitioner for purposes of that proceeding per 9 N.Y.C.R.R. § 133.18(d)(6).

9. On October 6, 2025, this tribunal issued an order clarifying the burden of proof for the Quarantine Order hearing, and stating OCM would be the Respondent and Omnium the Petitioner with the initial burden of proof.

10. On October 14, 2025, Respondent requested an adjournment and reconsideration of the October 6th order, Petitioner did not object.

11. On October 16th, this tribunal denied Respondent's request for reconsideration and granted its adjournment request.

12. On October 20, 2025, OCM issued a Recall Order and Notice of Pleadings (hereinafter "NOP") under case number TPB-25-00012 to Omnium related to both of its license numbers. The Recall Order directed Omnium to among other things initiate recall protocols, quarantine and segregate product, issue refunds for recalled products, and stated that the quarantine, "will remain in effect until the Office provides additional written instructions and approval of Corrective Action Plan and product return procedure." The Recall Order directly named Grön and Liberty Leaf and stated that there was evidence that Omnium "hypothecated its license to Grön and Liberty Leaf....[and] aided and abetted the unlicensed processing of cannabis products by... Grön and Liberty Leaf." Finally, the Recall Order laid out directions for the submission and implementation, upon OCM approval, of a Corrective Action Plan.

13. The Recall Order did not lay out findings or evidence to support the order, nor did it specify with any detail violations or instances of noncompliance leading to the Recall Order.

14. The NOP, issued on the same day as the Recall Order lists the alleged violations and instances of noncompliance with specificity, including the provisions of the Cannabis Law and regulations that OCM asserts Omnium has violated.

15. The NOP delineates the process by which Omnium can request a hearing and enter a plea. It also lists potential penalties and a proposed penalty, should Respondent enter a no contest plea; both the category of potential and proposed penalty, contains the penalty of recall and destruction.

16. On October 28, 2025, Grön filed a verified petition seeking to intervene in the proceeding. Grön requested that it be able to participate in the proceeding to advocate for: the rejection of pleadings which relate to Grön, a removal of Grön products from the Recall Order, as well an award of costs and attorney's fees.

17. On October 31, 2025, Liberty Leaf filed a verified petition seeking to intervene in the proceeding.

18. On November 7, 2025, a conference was held between the Parties and Petitioners for Intervention. The Parties were directed to submit papers regarding Omnium's right to a hearing

as to the Recall Order as well as the motion to intervene. OCM's motion was submitted, timely on November 12, 2025. Omnium's motion was submitted timely on November 14, 2025. Petitioners for Intervention were directed to submit motions in support of a right to a hearing by November 14, 2025, which were to be considered only if they were determined to be eligible to intervene. Their motions were also received in a timely manner.

IV. ANALYSIS AND CONCLUSIONS OF LAW

INTERVENTION

9 NYCRR § 133.18 (c) (1) outlines the grounds for intervention by a person as a party to an action. It requires that a verified petition, pleading the requirements listed with precision and particularity, be submitted and good cause shown. Grön and Liberty Leaf have submitted verified petitions that comport with the requirements listed in 9 NYCRR § 133.18 (c) (2). Petitioner asserts that they have not shown good cause to intervene. They state the request for intervention is based on a "speculative belief that their business will be significantly harmed due to a specified inventory of their products that were processed through Omnium's facilities being recalled, and due to the reputational harm suffered by the public notice of the Recall Order imposed on Omnium." Petitioner claims this "potential" harm is mitigated because both Petitioners for Intervention can continue to operate in NY State under their Type 3 branding license, and Grön has "substantial out of state business activity." These assertions are conclusory. They disregard and minimize facts cited by Petitioners for Intervention in their petitions and at the pre-hearing conference. They also seem to suggest that a business entity's presence and financial success in other jurisdictions makes it eligible for adverse and differential treatment of its New York State business interests.

Unlike Petitioner, Grön and Liberty Leaf each cite: their specific interests which are affected by the Recall Order and NOP, the arguments they intend to make at a hearing, and plead with particularity their good cause for intervention. Grön and Liberty Leaf's arguments fall into three types of impact: financial, general reputational harm, and potential for future regulatory liability. The harms they allege are not hypothetical, but present and if proven will result in injury. In their petition, Grön references the allegations from the NOP in which it is named, and describes that Petitioner is accusing it of illegal conduct without pursuing charges against it. Grön cites its proprietary interest in its products and asserts that due process requires that it have an opportunity to be heard with respect to actions of this scale that affect those products. Petitioners for Intervention's point to the current harm, alleging that branded products have been removed from sale and immobilized statewide. Inventory is time-limited; each day under recall degrades value and market viability. Grön references the reputational exposure and harm that has already occurred from being named in the NOP, citing the *New York Times*¹ article in which it is accused of illegal action. Grön further alleges that retail and distribution relationships have been disrupted; shelf space is lost; reorders are frozen and OCM has publicly linked their brands to "unlicensed processing" and "reverse licensure," creating reputational stigma that directly affects license value and future business. If Omnium is found guilty of the specifications in which Grön

¹ Ashley Southall, *Officials Move to Ban Cannabis Producer That Allowed Brands to Skirt Law*, New York Times (Oct. 20, 2025), <https://www.nytimes.com/2025/10/20/nyregion/cannabis-omnium.html>.

is listed, Grön will, in the eye of the public, be found guilty as an accessory to Omnium’s illicit conduct.

Liberty Leaf names similar grounds in support of its right to intervene. It argues that a loss by Omnium will expose them to, “ruinous losses” through a quarantine of its inventory, and reputational harm from “a guilty-by-association campaign.” It also quotes the specific passages in the NOP in which it is named. Liberty Leaf cites the same *New York Times* article and states that if allowed to participate in the hearing it will present testimony from its Managing Member as to the harm it allegedly will, and already has, suffered. Liberty Leaf also estimates the monetary value of its product, which is subject to the recall, to be in the hundreds of thousands of dollars. The numerous ways in which both Grön and Liberty Leaf could be impacted by an adverse finding against Omnium have not been addressed with any specificity by Petitioner. Both Petitioners for Intervention have interests that are outside of Omnium’s interests that cannot be protected properly without their intervention.

Finally, contrary to OCM’s argument in its petition, basic notions of due process and fairness dictate that Grön does not have a weaker interest in its New York state business simply because it has business elsewhere. To the extent that OCM approved the statement quoted by Crain City Brand’s reporter John Schroyer, they have anticipated and invited the participation of the Petitioners for Intervention (hereinafter “Intervenors”).² Therefore, I find that on their face, the petitions by the Intervenors clearly show good cause for them to intervene.

RECALL ORDER AND NOP

The Recall Order and NOP are inextricably linked. They contain the same case number, were issued to the same party on the same date, and Petitioner has explicitly stated in their motion that the NOP contains the investigative findings underpinning the recall order. The two sentences listed under “Reasons for the Recall” line up directly with paragraph 2 and paragraph 6 of the NOP. The NOP is a charging document, which contains the results of the investigation that led to Petitioner’s recall. To interpret these documents as separate, would result in a situation whereby a finding made on the NOP would not change the status of the Recall Order. This would be illogical and render a hearing on the NOP meaningless and futile. Thus, a hearing request on one document is a hearing request on both.

Respondent and the Intervenors argue that Petitioner has exceeded the recall authority given to it by the Cannabis Law. Respondent asserts that recall is a sanction that can only be enacted after a hearing, and that Cannabis Law § 17(3) allows for an expedited hearing where public health and safety is at risk. The Intervenors further argue that Cannabis Law § 82 and 9 NYCRR § 125 authorize recalls only where product safety or quality is at issue, not for licensing or structural concerns alone, and that OCM has repeatedly disclaimed any product safety issue in

² See the Linked in post attached to Grön’s November 14, 2025 motion stating, “Omnium Health and related parties have until November 3 to formally respond to the charges and provide the required documentation under the state’s regulatory process...”

this matter³. These go to the merits of whether the recall exceeded OCM’s substantive authority. For these reasons, they ask that I enjoin Petitioner from enacting the recall, currently. However, these issues are best resolved after a full evidentiary hearing. Therefore, at this time, it is sufficient to conclude that these contentions are not frivolous and reinforce the need for administrative adjudication of the recall rather than treating it as unreviewable.

Grön asserts that this tribunal has the ability to enjoin Petitioner from enforcing the Recall Order through their power to stay adjudicatory proceedings (9 NYCRR § 133.17(d)(2)). Administrative tribunals have no equitable power unless granted by statute. (See *Delgado v. State*, 39 N.Y.3d 242 (2022). Administrative bodies are confined to powers conferred by statute.) Further, SAPA § 301–303, gives ALJs the power to control hearings, but not to suspend agency enforcement measures. Cannabis Law §§ 125, 126, and 133 allow disciplinary actions but grant no authority for pre-hearing suspension of agency determinations. Neither the Cannabis Law, nor 9 NYCRR § § 125 or 133 give ALJs the injunctive relief power provided in Supreme Court. ALJs can, however, exercise their adjudicatory power to determine whether a sanction imposed by OCM: was under OCM’s statutory and regulatory authority, supported by the requisite evidence, falls within OCM’s procedural protections, and is consistent with due process and §133. That kind of adjudication is precisely what §133, SAPA, and Cannabis Law §16-a assigns to OAH, and which is exercised through a party’s right to a hearing. Therefore, it is reiterated that the recall orders remain in effect unless OCM withdraws the orders or this tribunal, after a full hearing, determines otherwise

DUE PROCESS

Under settled New York law, agency actions affecting protected property interests require notice and an opportunity to be heard. See *Hecht v. Monaghan*, 307 N.Y. 461, 470–73 (1954); *Murray v. Murphy*, 24 N.Y.2d 150 (1969); *Block v. Ambach*, 73 N.Y.2d 323 (1989). The Recall Order, by immobilizing inventory, disrupting contracts, and stigmatizing brands, affects property and liberty interests of Respondent and the affected licensee-brands. It is therefore subject to procedural due process and to SAPA’s adjudicatory framework. See SAPA §§ 102(3), 301(2). Procedural due process, “in the context of an agency determination requires that the agency provide an opportunity to be heard in a meaningful manner at a meaningful time’ prior to the deprivation of a protected interest” (*Portofino Realty Corp. v. New York State Div. of Hous. & Cmty. Renewal*, 193 A.D.3d 773, 147 N.Y.S.3d 69 (2021) citing *Matter of Kaur v. New York State Urban Dev. Corp.*, 15 N.Y.3d 235, 260, 907 N.Y.S.2d 122, 933 N.E.2d 721; see *Mathews v. Eldridge*, 424 U.S. 319, 334, 96 S.Ct. 893, 47 L.Ed.2d 18).

A hearing was initially scheduled between Petitioner and Respondent for October 20, 21 and 22, 2025. On October 20th, Petitioner, released one of the quarantine orders it had issued against Respondent without disposing of the corresponding Statement of Findings against Respondent. The same day Petitioner issued the instant Recall Order, which also subjects Respondent to quarantine and segregation of product.

³ OCM also chose to issue a quarantine and not recall on products based on a Category 3 violation that, “create[s] a potential threat to public health, safety, or welfare.” 9 NYCRR §133.4(a)(3)., Letter: *In re. Office of Cannabis Management v. Omnim Health, Inc.*, September 15, 2025,

A formal Notice of Hearing was not sent to the parties. However, all parties were apprised of the fact that a hearing would be taking place for the full day during the scheduled hearing dates. The initial regulatory action against Respondent began April 20, 2025, and despite the releasing of one Quarantine Order, instituting of a new Recall Order containing a directive to quarantine product, and an issuance of a NOP, a hearing has not taken place to resolve the many allegations of violations and illegal conduct made by Petitioner against Respondent. Judicial economy, the public's interest in a final resolution of the accusations of health and safety risks and regulatory violations, are best served by consolidation. Consolidation in this case would also assist both parties in avoiding unnecessary delay and cost. It would also reduce the burden on Petitioner's and Respondent's witnesses, in preventing them from having to testify multiple times. Therefore, I am consolidating these matters pursuant to 9 N.Y.C.R.R. §133.18(b)(1).⁴

Respondent has requested the hearing in this matter be expedited. OCM argues that only certain actions—orders to seal, full stop-work orders, summary suspensions—qualify for expedited hearings under the Cannabis Law and §133.6, and that recall challenges therefore cannot be heard on an expedited basis. 9 N.Y.C.R.R. §133.17(d)(3) Gives ALJs the power to “set the time and place of the hearing.” 9 N.Y.C.R.R. §133.17(d)(11) states that ALJs are to “take all measures necessary, but not otherwise prohibited by this Part, for the maintenance of order and the efficient conduct of the hearing in accordance with the requirements of due process.” Nothing in §133 strips the ALJ of scheduling discretion for other sanctions. 9 N.Y.C.R.R. §133.6 and Cannabis Law §138-b set minimum expedited protections in specified contexts; they do not limit the ALJ's ability to reasonably prioritize other matters where ongoing deprivations are occurring.

In a typical case under §133 a party would request a hearing, a preliminary conference would be set within a reasonable time, and the matter would be set down for a hearing; at which point a Notice of Hearing would be sent to the parties at least 45 calendar days prior to the date of the hearing. In this case, due to the volume of motion practice, and assertion by Petitioner on at least two occasions that Respondent was not entitled to a hearing, the anticipated process has not occurred. The purpose of the service requirements contained throughout 9 N.Y.C.R.R. §133, is the same; to apprise the parties of the proceeding so that they may have an opportunity to be heard. There is no prejudice to the parties in scheduling a hearing within less than 45 days. All parties, including the Intervenors have had ample time knowledge that a hearing would likely be occurring and of the subject matter of that hearing. Indeed, Petitioner initiated the actions which have led to this hearing.

The Recall Order, by immobilizing inventory, holding up commercial relationships, degrading time-sensitive product, and causing reputational harm, operates much like an indefinite quarantine or constructive seizure. This tribunal has already recognized that indefinite quarantines constitute sanctions requiring prompt adjudication. A recall of this scope is at least as intrusive. Given the ongoing, non- speculative harm credibly alleged by Respondent and both Intervenors, it is appropriate that the ALJ schedule the recall component of the case on an accelerated track, even if not under the precise expedited procedures of 9 N.Y.C.R.R. §133.6(b). Due process requires that parties be heard in a meaningful time and in a meaningful manner.

⁴ The Courts have also recognized the power of ALJs to consolidate matters before them. *Bayron v. New York State Dep't of Motor Vehicles*, 28 A.D.2d 993, at 993 (1967)

Much of Respondent's property, has at various times, been mired in quarantines and recalls. This property is perishable. It would not be meaningful for a hearing to occur after it has been constructively destroyed.

V. DECISION


This tribunal, upon full consideration of the facts, arguments, and applicable law, determines and orders as follows:

- 1) Grön's application to intervene per 9 NYCRR § 133.18 (c) (1) **is granted** as to the paragraphs in which it is named in the NOP and Recall Order and issues that arise from the NOP and Recall Order, which directly impact its business interests.
- 2) Liberty Leaf's application to intervene per 9 NYCRR § 133.18 (c) (1) **is granted** as to the paragraphs in which it is named in the NOP and Recall Order and issues that arise from the NOP and Recall Order, which directly impact its business interests.
- 3) Respondent is entitled to a full hearing per 9 NYCRR § 133.10 (a) regarding the charges listed in the NOP, sanctions levied in the form of a Recall Order, and penalties and sanctions requested by Petitioner.
- 4) Quarantine order Incident No. 20250522-ALB-FABR is consolidated with Inspection No. TPB-25-00012 and is to be advanced from January 9, 2025, to be joined in this proceeding at the next conference date.
- 5) A hearing date is scheduled for December 9, 2025, at 11am, with December 10 and 11, 2025 reserved as scheduled dates for a continued hearing. The hearing will take place virtually unless otherwise requested by the Parties and Intervenors.

WHEREFORE, THE RESPONDENT'S AND INTERVENORS' REQUEST FOR A HEARING ON THE RECALL ORDER AND ASSOCIATED NOP IS GRANTED.

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

Dated: November 20, 2025


Laurie J. Cartwright
Administrative Law Judge

PLEASE BE ADVISED: Either party may appeal this decision within 30 calendar days of receipt, according to the specific manner described in Regulations at 9 §§ 133.23(g)(5) and 133.25(k).

This decision was sent via email on November 20, 2025 to the following:

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