

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

OFFICE OF CANNABIS MANAGEMENT,

Petitioner,

-against-

DECISION
Inspection No. 135202603310019

Singh's Smokers Corner

Respondent.

Respondent requested an emergency hearing on March 31, 2026, which was made within seven (7) calendar days of the date of the inspection which occurred on March 31, 2026.

The emergency hearing was conducted on April 3, 2026, which is within three (3) business days of the Respondent's request.

The Respondent-Owner Gurpreet Singh, represented and testified on behalf of the Respondent, Singh's Smoker's Corner.

Abir Ahmed, Esq. represented the Petitioner, the Office of Cannabis Management (hereinafter "OCM").

Investigative Specialist 1 Tanisha Harris testified on behalf of OCM.

I. PROCEDURAL BACKGROUND

The allegations set forth in the Notice of Violation indicate that the Respondent was offering cannabis products, as defined by Cannabis Law Article 3, for sale without an appropriate registration, license, or permit. This allegation was based upon observations made during a regulatory inspection which was conducted at 700 W End Avenue, #30 Carthage, NY 13619.

The scope of the emergency hearing was limited solely to the issue as to whether or not the padlocking provisions of Cannabis Law Article 6 § 138-b have been met by a preponderance of the evidence.

II. APPLICABLE LAW

Cannabis Law Article 6 § 125(1): Prohibits the sale, cultivation, or distribution of cannabis or cannabis products without the appropriate license or registration.

The law states that “[n]o person shall cultivate, process, distribute for sale or sell at wholesale or retail or deliver to consumers any cannabis, cannabis product, medical cannabis or cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, within the state without obtaining the appropriate registration, license, or permit therefor required....”

Cannabis Law Article 1 §3(27) provides that hemp is defined as: the plant *Cannabis sativa* L. and any part of the plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than three-tenths of a percent on a dry weight basis. It shall not include “medical cannabis” as defined in this section.

Cannabis Law Article 6 § 138-b(1) provides that orders to seal: In addition to any other authority conferred in this chapter, pursuant to the provisions of this section, the board or the office shall have the authority to issue an order to seal the building or premises of any business engaged in unlicensed activity, when such activity is conducted, maintained, or permitted in such building or premises, occupied as a place of business as described in subdivision eight of section ten of this chapter, in violation of subdivision one or one-a of section one hundred twenty-five or subdivision one or eight or section one hundred thirty-two of this article.

Cannabis Law Article 6 §138-b(6) provides that an order to seal may be issued by the office or the board pursuant to subdivision three of this section only if:

- (a) no part of the premises to be sealed is used in part as a residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence; and
- (b) the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to this subdivision, the office shall issue a notice of violation and order to cease the unlicensed conduct, which shall constitute notice that such activity must cease immediately. (See Regulations at 9 NYCRR 133.25 (f)(2-3)).

Cannabis Law Article 6 §138-b(7) provides that in assessing whether unlicensed activity within a building is more than de minimis, the office or board, as relevant, shall consider factors such as any one or more of the following:

- (a) the presence of signs or symbols, indoors or out, advertising the sale of cannabis or otherwise indicating that cannabis is sold on the premises;

- (b) information shared in any advertisements or other marketing content in connection with the unlicensed business activity and any direct or indirect sales of cannabis or other conduct in violation of this chapter;
- (c) the volume of illicit cannabis products on site; and
- (d) the variety of illicit cannabis products on site. (See Regulations at 9 NYCRR 133.25(f)(3)(i-iv)).

Cannabis Law Article 6 §138-b(3) provides that the office may issue an order to seal with an immediate effective date if such order is based upon a finding by the office of an imminent threat to the public health, safety and welfare. (See Regulations at 9 NYCRR 133.25(f)(1)).

Cannabis Law Article 6 §138-b(4) sets forth the factors that determine an imminent threat to public health, safety, and welfare shall be limited to:

- (a) documented sales to minors;
- (b) unlicensed processing of cannabis products at the building or premises;
- (c) orders issued following an inspection wherein the person engaged in the unlicensed activity engaged in violent, tumultuous, or other behaviors indicating expressed intent to not comply with the office's order to cease the unlicensed activity;
- (d) documented presence of unlawful firearms at the building or premises;
- (e) proximity of the building or premises to schools, houses of worship, or public youth facilities;
- (f) presence of products deemed unsafe based on reports of illness or hospitalization; or
- (g) sales of, or offers to sell, cannabis products not tested or labeled lawfully in accordance with this chapter. (See Regulations at 9 NYCRR 133.25(f)(1)(i-vii).

III. FINDINGS OF FACT

1. Investigator Harris testified that she is an Investigative Specialist I with OCM, in the Albany office. She explained that her duties were to conduct regulatory inspections of smoke shops. Her training included on the job and office training on product identification, filling out vouchers, and shadowing other investigators for regulatory inspections. She stated that when identifying cannabis products she looks for things such as whether the product is labeled as cannabis and if it has California warning labels.

2. Respondent did not have a license to sell adult use cannabis in New York. Investigator Harris testified that to her knowledge, the store did not have a New York State license to sell adult use cannabis, nor did it have a license to process or distribute cannabis. The Respondent did have a hemp license. He stated that he received it in approximately February or March of 2024.
3. Investigator Harris testified to the details of her regulatory inspection of the premises. On the shelves behind the store's counter were large quantities of cannabis products, which were marketed and labeled as cannabis. The shelves featured what appeared to be sticky notes, taped below products, labeled with the name, price, and often weight of particular cannabis products. (Exhibit D).
4. Photographs of the POS system were entered into evidence, depicting shortcut buttons for charging certain cannabis products such as: flower, edibles, Dab cartridges, Dab disposables, Nic vapes... (Exhibit C6).
5. The amount of product seized from the shelves is exemplified by the number of blank shelves featured in Exhibit I.
6. Many of the backrooms of the business were represented in photographs featured in Exhibit B. They primarily contained large numbers of empty, open, or partially filled cardboard boxes, scattered haphazardly.
7. Though there was a shower and bed at the premises, Investigator Harris testified that she asked staff if it was a residence, and they confirmed it was not. The staff member or owner, stated to her that several break-ins occurred in the past and so during that time they stayed at the premises, but that at the time of the inspection no one was residing at the store.
8. Investigator Harris testified to the vouchers depicting the total quantity of cannabis products seized during the inspection. Investigator Harris was not present when the products were weighted but did check the label weights for the products and confirmed that they were indeed accurate. As such, in evaluating the product weights, I primarily considered the label weights featured on the vouchers.
9. The Respondent testified during the proceeding. He stated that he was served with the "NOV and everything" including the vouchers, which were readdressed, when he showed up. His defense was primarily that he ordered hemp derived products from a licensed distributor. He did not verify the validity of the distributor's license.

IV. ANALYSIS AND OPINION

I find that cannabis products were being offered for sale at Singh's Smokers Corner on March 31, 2026. Investigator Harris testified credibly regarding the vast amounts of cannabis openly for marketed for sale at the store. She explained that she had training and experience in identifying cannabis. The vouchers in Exhibit H depict the large quantity of cannabis recovered

from the premises, namely based on advertised package weight: 2.06 lbs. cannabis flower pre-rolls, .31 lbs. cannabis concentrate, 1.298 lbs. cannabis flower., 1.66 lbs. cannabis concentrate (vapes). After the cannabis products were removed from the shelves located behind the cashier's counter, approximately 28 shelves worth of product were left empty. (Exhibit I). The Respondent not only displayed the products openly behind the counter, he also added multicolored sticky notes to each shelf with corresponding product names and prices, as well as descriptions of any bundles or deals. Respondent does not deny that the products were on the shelves. He testified that they were receiving products from distributors and "had them all on shelves without fear, because we had our license and we were doing the right thing and put them all right on the shelves, nothing to hide." Respondent stated that they relied on the fact that they purchased them from hemp distributors who had a copy of Respondent's hemp license. He relied on these distributors. He claimed that he did his own research on what makes a product a hemp product, with regard to THC percentage and THC A, and it spurred him obtain a hemp license. He also added that he researched what he needed to carry a hemp product and what he needed to carry a cannabis product. He based his understanding of the distinction between a cannabis product and hemp product upon a Google search and concluded that hemp derived products are hemp products. He did not read the cannabis law. He did not consult with any professionals such as cannabis attorneys or experts in cannabis, nor did he possess or apply for an adult use cannabis license. He stated that he read the hemp regulations, and what he possessed in the store reflects his understanding of the restrictions on products as described by those regulations. He testified that it never crossed his mind to check if the distributor he was using was a licensed and legal distributor. Ignorance of the law is not a defense. In Respondent's case, that ignorance was at best, extreme naivete combined with poor research skills. Whether or not Respondent believed the products he sold were hemp products, the ones confiscated by OCM were not. Hemp is defined by the Cannabis Law, Article 1 Sec. 3(27). The products contained in Exhibit F1-61 are labeled as cannabis containing products or as containing greater than .3% total THC. Investigator Harris testified to pulling up the certificates of analysis for certain products to confirm that they were indeed cannabis products. Those products are listed with their corresponding certificates of analysis in Exhibit G. Given the foregoing, I find that Respondent was selling cannabis products without a license on March 31, 2026.

OCM has also proven that the premises in this case were not being used as a residence. Investigator Harris testified that she asked if the premises was being used as a residence given the presence of a bed and shower. She was told that it was not being used as a residence. During the hearing, the Respondent did not assert that the business was being used as a residence.

The unlicensed activity which warranted an Order to Seal constituted more than a "de minimis" part the business activity. The Cannabis Law Article 6 §138-b(7) and OCM Regulations part 133.25(f)(3) enumerate the factors to consider when determining if unlicensed activity occurring within a business is more than de minimis. One of the factors in analyzing if the unlicensed business activity was more than de minimis, includes determining whether a large volume or variety of illicit cannabis products was found on the premises during the inspection. Investigator Harris observed a large volume and variety on site. The total quantity of recovered products, numbering approximately 794, are featured in the vouchers in Exhibit H and photographs in Exhibits E, F, and G. There was a wide variety of product as measured by product form, brand, and strain/flavor at the premises.

Respondent offered the following brands and varieties for sale:

- A. DeVour Sour Cannabis Infused Sour Belts in Strawberry, Watermelon, Pink Lemonade, Rainbow, and Green Apple. (Exhibit F1-9).
- B. Luigi cannabis vape and pre-roll in Ash Root Ritual, Voltage loom, Halo Mocha, Crazy Carousel Drip, Toxic Dream Fizz, and Neon Plasma Pop. (Exhibit F10-18).
- C. Miscellaneous vape brand with similar branding in Nerds Gummy Clusters, Randoms, GummiBursts Liquid Filled Gummies-Flavor Duos, Jelly Tots, and Baribo Fizzy Cola. (Exhibit F19-24).
- D. PartyBoyz PackMan in Bubblegum Diesel, Sherbert Gelato, Mochi Runtz, OG Urkle, Blue Zoap, Lemon Cherry Berry, and Mystery Sugar. (Exhibit F25-28).
- E. Baby Jeter rosin enhanced diamonds pre-roll in Lychee, and Prickly Pear. (Exhibit F40-45).
- F. Stiiizy 40's Blunt Multipack in Purple Punch and Orange Sunset, and Stiiizy Preroll Multipack in Watermelon Z and Pineapple Express. (Exhibit F46-59).
- G. West Coast Cure Joints 3 joints pack- London Pound Cake, Foreign Glue, and Medellin. (Exhibit F60-61).
- H. Gee's Paq cannabis flower in Pave Runtz, Amarena Raspberry, and Pink Rosay. (Exhibit F62-66).
- I. Torch THC-A Pre-rolls Lil Flames VVS iamonds Rolled in Kief and Hash, in Indica Berry Blue, Hybrid GMO Cookies, Sativa Fruit Punch, and Hybrid Blockberry. (Exhibit G1-13).
- J. Muha Meds THC-A vape in Indica Watermelon Gelato, Indica Strawberry Shortcake, Sativa Purple Punch. (Exhibit G9-14).

I find the unlicensed activity occurring at Singh's Smokers Corner constituted an imminent threat to public health, safety, and welfare in that: there were sales of, or offers to sell, cannabis products that were not tested or labeled lawfully in accordance with Cannabis Law Article 6. Many of the products contained California cannabis warning labels, or no warning labels, which is in opposition to New York Cannabis Law and regulations. Products containing California warning labels or symbols can be seen in Exhibits: Exhibit F1-3, 6-7, 10-12, 20, 22, 24, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 50, 54, 57, and 60. Exhibit F63 contained a false NY cannabis warning label. Other products contained no warning label, or an ambiguous or non-specific cannabis warning label, such as: Exhibit G1, 3, 5, and 7.

V. DECISION

WHEREFORE, PURSUANT TO CANNABIS LAW ARTICLE 6 §138-b (9), THE ORDER TO SEAL, ISSUED ON MARCH 31, 2026, IS HEREBY EXTENDED FOR ONE YEAR FROM THE DATE OF THIS DECISION.

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

Dated: April 9, 2026

Laurie J. Cartwright
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 NYCRR §§ 133.23(g)(5) and 133.25(k).

This decision was sent via email on April 9, 2026, to the following:
Nickolas Perry
Sheila Wagner
Abir Ahmed, Esq.