

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

OFFICE OF CANNABIS MANAGEMENT,

Petitioner,

-against-

DECISION
Inspection No. 133202603310021

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 Gurjit Singh, represented and testified on behalf of the Respondent, Smokers Corner.

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

Investigative Specialist 1 Eric Silvanic testified on behalf of OCM.

I. PROCEDURAL BACKGROUND

The allegations set forth in the Notice of Violation indicate that the Respondent was offering for sale, without the requisite license, cannabis, cannabis products, cannabinoid hemp products in violation of Cannabis Law section 125. This allegation was based upon observations made during a regulatory inspection which was conducted at 7565 S. State Street, Lowville, NY 1336[7] Following the inspection, OCM issued an immediate sealing order, pursuant to Cannabis Law section 138-b, after determining the unlicensed activity was an imminent threat to public health, safety, and welfare.

The purpose of the proceeding is to determine whether Respondent was engaged in unlicensed activity in violation of the Cannabis Law, whether the OTS was issued in accordance with Cannabis Law 138-b, and what penalties, if any, should be assessed.

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)).

Cannabis Law Article 6 § 138-A: provides that “The board or the Office of Cannabis Management shall, in accordance with the authority otherwise conferred in this chapter, have the authority to: 1. order any person who is unlawfully cultivating, processing, distributing or selling cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such in this state without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale to cease such prohibited conduct. 2. seize any cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in subdivision one of this section.”

Cannabis Law Article 6 § 138-A(2): Authorizes the OCM to order any person engaged in unlicensed activity to cease such conduct and permits the seizure of unlawful cannabis products.

The law states that “The board or the Office of Cannabis Management shall, in accordance with the authority otherwise conferred in this chapter, have the authority to: 1. order any person who is unlawfully cultivating, processing, distributing or selling cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such in this state without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale to cease such prohibited conduct. 2. seize any cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in subdivision one of this section.”

Cannabis Law § 132(1)(a): Permits the imposition of a civil penalty up to \$10,000 per day for unlawful sales.

The law provides that any person who sells cannabis, or cannabis products, or any product marketed or labeled as such, without having an appropriate registration, license, or permit therefor, may be subject to a civil penalty of not more than ten thousand dollars for each day during which such violation continues.

Cannabis Law § 132(1)(c): Requires penalties to be proportionate to the nature of the violation.

The law requires that any civil penalties assessed “shall take into consideration the nature of such violation and shall assess a penalty that is proportionate to the violation...”

III. FINDINGS OF FACT

1. Investigator Silvanic testified that he is an Investigative Specialist I with OCM. He explained that his duties were to conduct regulatory inspections of smoke shops. His training included in office and field training in product identification, labeling of adult use cannabis, cannabis brands. When conducting an investigation, he looks for signs and symbols of adult use cannabis, as well as anything that may be on display in the retail space.

2. Respondent did not have an adult use cannabis or hemp license in New York.

3. Investigator Silvanic testified that the owner-Respondent Gurjit Singh was present at the inspection, and his name appears on the certificate of authority as the owner. Investigator Silvanic served the Respondent with the NOV and OTS, and Respondent’s name and purported signatures appears on the NOV and OTS.

4. Investigator Silvanic testified that OCM identified the location for inspection due to a report from a school security officer at Lowville Academy Central School stating that the Respondent was selling THC to underage students, and that students have been observed smoking flavored

nicotine/THC vapes on school premises. OCM did not present testimony regarding the age of the students or source of the reporter's knowledge. It was not clear if the reporter observed students smoking himself or conducted an investigation where he interviewed the students in question. As such, I admitted this testimony solely to explain the steps OCM took as a result of receiving the complaint. (Exhibit G- revised).

5. Investigator Silvanic testified to his inspection of the store on March 31, 2026, while the store was operating and the openly displayed cannabis products at the location. A layout of the store can be seen in Exhibit B.

6. He testified to some of the specific cannabis products visible on the shelves of the store during his inspection. Many of the products in Exhibit C had corresponding sticky notes attached to the shelves in their proximity containing THC percentages and price.

7. Investigator Silvanic also testified to the THC content on the certificate of analysis for various cannabis products recovered at the location.

8. Investigator Silvanic testified that he asked Respondent if anyone, including himself was residing in the location, and he confirmed they were not.

9. Investigator Silvanic testified to the vouchers depicting the total quantity of cannabis products seized during the inspection. Investigator Silvanic testified that the evidence tech at OCM weighs the product along with the packaging. Due to the lack of direct testimony on how the scales are calibrated, as well as the lack of information regarding net product weights, I primarily considered the item quantity featured on the vouchers.

IV. ANALYSIS AND OPINION

I find that cannabis products were being offered for sale at Smokers Corner on March 31, 2026. Investigator Silvanic testified credibly regarding the vast amounts of cannabis openly for marketed for sale at the store. He explained that he had training and experience in identifying cannabis. The vouchers in Exhibit F7-11 depict the large quantity of cannabis recovered from the premises, namely approximately: 139 cannabis vapes, 38 cannabis concentrates, 190 cannabis pre-rolls, 68-3.5g packages of cannabis flower, 12-3g packages of cannabis flower, 110-2g packages of cannabis flower, 35-7g packages of cannabis flower, and 33-1g packages of cannabis flower. Additionally Exhibit D and E show that many of the products observed at the location exceeded .3% total THC. As such they are considered cannabis products. The products at the location were displayed openly with associated prices, there was a point of sale system, and Respondent did not deny that he offered the products displayed at the store for sale to the public. As such, I find by a preponderance of the evidence that the Respondent was offering cannabis for sale at the location.

Respondent's defense, that he ordered the products from a licensed distributor and he believed the products to be hemp derived and not cannabis, is unpersuasive. Given that Respondent

does not have a hemp license, nor does it seem he believed he had one, Respondent's rationale lacks reason. Cannabis Law § 125(1) expressly prohibits the cultivating, processing, distributing for sale, offers for sale or the delivery to consumers any cannabis, cannabis product, cannabinoid hemp, hemp extract product, or any product marketed or labeled as such, within the state without obtaining the appropriate registration, license, or permit from OCM. Exhibit F1-6 describes the quantity of hemp products Respondent offered for sale at the location, namely: 166 hemp vapes, 4 hemp concentrates, 4 hemp packages of hemp flower, 142 hemp edibles, and 5 hemp drinks. Therefore, I find that Respondent was selling hemp products without a license.

Petitioner has also proven that the premises in this case were not being used as a residence. Investigator Silvanic testified that there were no beds or clothing at the location and that the Respondent himself denied that anyone was living at the location.

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 Silvanic observed a large volume and variety on site. The total quantity of recovered products, numbering approximately 625, are featured in the vouchers in Exhibit F and photographs in Exhibits C, D, and E There was a wide variety of product as measured by product form, brand, and strain/flower at the premises.

Respondent offered the following brands and varieties for sale:

- A. Boutiq Snack Pack Live Diamonds x Indoor Flower THCA Infused Minis in Sativa Passion Fruit Infused w/ Grapefruit Haze, Sativa Cactus Jack Infused w/ Gelonade. (Exhibit D1-2).
- B. Mates Kief Infused Joints in Thin Mints OG Indica and Purple Punch Sativa.(Exhibit D3-11).
- C. Gee's Paq Cannabis Flower in Pave Runtz. (Exhibit D12-15).
- D. Torch Hashhole THC-A Pre-Roll Rolled in Kief and Hash in Sativa Berry Pie and Honeydew Haze.(Exhibit D16-21).
- E. Diamond Lit! THC Flower in Strawberry Cough and another varietal. (Exhibit D22-23).
- F. The Hemp Collect Flower in Rainbow Runtz. (Exhibit D24-25 and 27).
- G. Kream THC Diamond THC vape in Thug Rizzz-Hybrid, Pink RoZay Way- Indica and Razz Cough- Indica. (Exhibit D26, 28-32 and 50).
- H. Pixie Pod Black Diamond vape in Godfather OG- Indica. (Exhibit D32).
- I. Muha Meds THCA vape in Blue Slushie, Blueberry Muffin, Citrus Tsunami, and Watermelon Gelato. (Exhibit D34-37).
- J. Purple Blue Diamond Blue Lotus + THC-A Diamond vape in Frosted Badder. (Exhibit D37-39 and 51).
- K. Munchies Lil Ripper vape in Grape Jelly Runtz-Hybrid, Strawberry Shortcake, Blueberry Fuego, Mango Gelato, and Watermelon Slushy. (Exhibit D41).

- L. Smak'd THC Diamond Blend vape in Titan Haze-Sativa (Exhibit D42-45).
- M. Torch THC-A Cryo Cured Live Resin vape in Kali Mist, Candyland, Watermelon Mimosa, Jupiter Jack and Utopia Haze. (Exhibit D46 and E15-16).
- N. Straight Heat Whole Plant Flash Frozen Extract in Sunday Grape Indica and Garanimals Indica. (Exhibit D47-49).
- O. Torch Live Resin THC-A vape in Purple Punch Indica, Fancie Berry Hybrid, Sour Apple Diesel Sativa, and Cherry Bomb Sativa. (Exhibit D51-53 and E17-19).
- P. Cake Ten Stack Designer Cartridges Cannabis oil in Juncl Cake Indica. (Exhibit D54).
- Q. Gas Boys Solventless Hash + Kief Infused Pre-Rolls in Grape Gas and Lemon Cherry Runtz. Approximately 25% and 28% total THC, respectively. (Exhibit E1-6).
- R. Munchies Jelly Hole Pineapple Poundcake in Indica. (Exhibit E7-8).
- S. Torch THC-A Pre Rolls Lil Flames VVS Diamonds Rolled in -Kief & Hash in Hybrid Blockberry and Sativa Fruit Punch. (Exhibit E9-10 and 31-32).
- T. Spritz Half Gram Diamond Infused Pre-Rolls in Pancake Indica Dominant, and Green Apple Sativa. (Exhibit E 11-12).
- U. Meadow THC-A Hash Holes. (Exhibit E13-14).
- V. Cake THC-A Liquid Live Diamonds Disposable Vape Hybrid. (Exhibit E21-22).
- W. Half Bak'd PuriFryd Diamonds Pure THCA Concentrate in Sativa and Hybrid (Exhibit E23-26).
- X. Modern Herb Co Dispensary Grade Live Rosin THCA Uncut in Hybrid. (Exhibit E27-2).
- Y. Imperial THC-A Diamond Loaded Preroll in Cereal Milk Sativa. (Exhibit E29-30).

I find the unlicensed activity occurring at 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. Exhibit E21 contained a California warning symbol. Exhibit D13 contained a false NY cannabis warning label. Other products contained an ambiguous or non-specific cannabis warning label, such as: Exhibit D1, 8, 24, 31, 35, 37, 38, 42, 48, Exhibit E9, and 31.

Penalty

Therefore, I find by a preponderance of the evidence that Smokers Corner was offering cannabis for sale. There was a plethora of cannabis products offered for sale openly without a license. Respondent made no obvious effort to abide by the Cannabis Law, and insisted that by ordering what he considered to be hemp derived products, there was no violation of the law. Such a flagrant violation of the law by displaying and selling volumes of cannabis products requires the maximum penalty.

V. DECISION

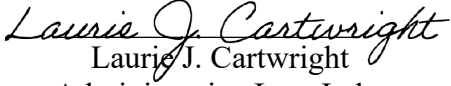
The Respondent engaged in the sale of illicit cannabis and cannabis products without a license, registration, or permit to do so, at the location, 7565 S. State Street, Lowville, NY 1336[7]. In so doing, Respondent violated Cannabis Law Article 6 and is ordered to pay a fine of \$ 10,000.

1. The Notice of Violation and Order to Cease Unlicensed Activity is hereby **AFFIRMED**.
2. Respondent is found to have violated Cannabis Law §§ 125(1), and 132(1)(a).
3. The sealing requirements of Cannabis Law §138-b have been met by a preponderance of the evidence, and the Order to Seal is hereby **AFFIRMED**.
4. A civil penalty of \$10,000 is assessed under Cannabis Law § 132(1)(c).

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, AND PURSUANT TO CANNABIS LAW ARTICLE 6 § 132(1), THE RESPONDENT IS HEREBY ORDERED TO PAY A \$10,000 FINE, AS A PROPORTIONATE PENALTY FOR THE UNLICENSED SALE OF CANNABIS AND CANNABIS MARKETED PRODUCTS ON MARCH 31, 2026.

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
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.