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

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IN THE MATTER OF

NEW YORK STATE OFFICE OF CANNABIS MANAGEMENT,

PETITIONER,

-against-

TATVIBES TATTOOS LLC

RESPONDENT

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DECISION AND ORDER

INSP. NO. 114 2026 0528 0046

This administrative proceeding was initiated following a regulatory inspection of Respondent TATVibe Tattoos LLC ("Respondent") business premises conducted by Petitioner New York State Office of Cannabis Management ("OCM"). Petitioner OCM issued a issued a notice of violation ("NOV") an order to cease unlicensed activity ("cease order"), and an immediate order to seal ("OTS") the Respondent's business premises pursuant to pursuant to New York State Cannabis Law ("Cannabis Law") §§ 17, 138-a, and 138-b and OCM implementing regulations, Title 9 New York Codes, Rules, and Regulations ("NYCRR") § 133.25.

Respondent requested a hearing with the Office of Administrative Hearings ("OAH") on June 12, 2026, more than seven (7) days after the regulatory inspection took place. On August 10, 2026, a virtual hearing was conducted, pursuant to Cannabis Law §§ 17 and 138-b and Title 9 NYCRR §§ 133.10 and 133.25, before the undersigned, Supervising Administrative Law Judge Celena L. Ditchev. Petitioner OCM ("Petitioner") was represented by Kevin Marek, Esq. Respondent appeared through counsel, William M. X. Wolfe, Esq. At the hearing, Petitioner relied upon testimony from OCM Investigative Specialist Eva Chumsky and documentary evidence.

HEARING ISSUE

The statement of charges contained in the NOV, cease order, and OTS assert that during a regulatory inspection of Respondent's business premises, Respondent was observed engaging in unlicensed offers to sell and unlicensed processing of cannabis, cannabis products, medical cannabis, cannabinoid hemp, cannabinoid hemp extract, and products marketed and labeled as such in violation of Cannabis Law §§ 125, 132, and 101 and regulations governing adult-use cannabis and cannabinoid hemp. Petitioner further asserts that such conduct was an imminent threat to public health, safety, and welfare, no part of the business premises was used as a residence and lawfully zoned as such, and the unlicensed activity was more than a de minimis part of the business activity authorizing the issuance of an immediate sealing order.

The purpose of the hearing is to determine whether there is a preponderance of the evidence that the sealing order for the Respondent's business was issued in accordance with Cannabis Law §

138-b (3) and whether it should be extended for one-year; and whether a penalty should be assessed for unlicensed activity pursuant to Cannabis Law § 132 and 9 NYCRR § 133.25 (i).

For the reasons set forth below, I find that the record demonstrates by a preponderance of the evidence that the Respondent was engaged in unlicensed activity in violation of the Cannabis Law and implementing regulations and order Respondent to pay a civil penalty in the amount of $10,000.

With respect to the sealing order issued by Petitioner, for the reasons set forth below, I find that the record demonstrates by a preponderance of the evidence that it was issued in accordance with Cannabis Law § 138-b (3) and 9 NYCRR § 133.25. Accordingly, the sealing order in this matter is extended for one-year from the date of this decision.

STATUTORY AND REGULATORY FRAMEWORK

In March 2021, New York enacted the Marihuana Regulation and Taxation Act ("MRTA") legalizing adult-use cannabis and implementing a regulatory framework within the State of New York. The MRTA included enactment of Chapter 7-A of the New York State Consolidated Laws, known as the Cannabis Law. *Cannabis Law § 1*.

Cannabis is defined as all parts of the plant of the genus Cannabis, whether growing or not, including its seeds, resin, and any derivative, mixture, or extract. *Cannabis Law § 3 (5)*. The cannabis plant produces hundreds of natural compounds, including the most common tetrahydrocannabinol ("THC"), the principal psychoactive compound in cannabis, and cannabidiol ("CBD"). THC is defined as meaning delta-9 THC; delta-8 THC; delta-10 THC and the optical isomer of such substances. *Cannabis Law § 3 (52)*. Cannabinoid hemp product means hemp, or any product processed or derived from hemp, that is used for human consumption provided that when such product is packaged or offered for retail sale to a consumer, it shall not have a concentration of more than three-tenths of a percent (0.3%) delta-9 THC. *Cannabis Law, § 3(3)*.

Pursuant to Cannabis Law section 125, "[n]o person[1] shall cultivate, process, distribute for sale or sell at wholesale or retail or deliver to consumers any cannabis, cannabis product[2], medical cannabis or cannabinoid hemp[3] or hemp extract product, or any product marketed or labeled as such, within the state without first obtaining the appropriate registration, license or permit" that is required under the law. Unlicensed activity is defined as "any activity, within the authority of the office or the board

[1] Under the Cannabis Law, "person" is broadly defined as "an individual, institution, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity." *(Cannabis Law § 3 [40-a])*.

[2] Cannabis products, or adult-use cannabis products, means cannabis, concentrated cannabis, and cannabis-infused products for use by a cannabis consumer. *Cannabis Law § 3 (9)*.

[3] Cannabinoid hemp products include "any hemp, or any product processed or derived from hemp, that is used for human consumption provided that when such product is packaged or offered for retail sale to a consumer, it shall not have a concentration of more than three-tenths of a percent (0.3%) delta-9 THC." *(Cannabis Law, §§ 3 [3] and 90 [2])*.

to regulate, for which a person should have obtained a license, registration, or permit issued by the office or board, but failed to do the same. *Cannabis Law § 131[3][a]; 9NYCRR § 133.1[i].*

In response to a violation, Petitioner is authorized to take enforcement action and impose sanctions, including but not limited to, issuing a NOV seeking civil penalties, seizure of product, and a cease order. *Cannabis Law §§ 132; 138-a; 9 NYCRR §§ 133.25 (b) and (d).* Petitioner is further authorized to issue an immediate OTS for the building or premises of any business engaged in unlicensed activity upon the finding of an imminent threat to public health, safety, and welfare. *Cannabis Law §§ 138-b (1) and (3); 9 NYCRR §* 133.25 (f). Cannabis Law § 138-b (4) identifies factors for consideration when determining such a threat, including but not limited to, sales of, or offers to sell, cannabis products that were not tested or labeled lawfully. *See also 9 NYCRR § 133.25(f)(1)(i)–(vii).*

Upon finding an imminent threat, an OTS may be issued only if: no part of the premises to be sealed is used in part as a residence and pursuant to local law or ordinance is zone and lawfully occupied as a residence; and the unlicensed activity is more than a de minimis part of the business activity at the premises, or building, to be sealed pursuant to the order. *Cannabis Law § 138-b (6).* In assessing whether unlicensed activity is more than a de minimis part of the business activity at the premises, OCM "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." *Cannabis Law § 138-b (7).*

After the issuance of an OTS, a copy "shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed." *Cannabis Law § 138-b (2).* An OTS must explicitly state the procedure to request a hearing within seven days. *Cannabis Law § 138-b (2); 9 NYCRR § 133.25 (g)(1).* If a respondent fails to request a hearing within seven days, then respondent waives the right to an emergency hearing pursuant to Cannabis Law § 138 (b)(3) and results in a hearing pursuant to section 133.10 of Title 9 NYCRR. *9 NYCRR §§ 133.25 (h)(1).*

FINDINGS OF FACT

Based on the credible testimony and the documentary evidence presented at the hearing, I find the following facts.

1. On May 28, 2026, OCM conducted a regulatory inspection of TATVibe Tattoos located at 209 W Water Street, Elmira, NY, 14901.

2. At the time of the inspection, the premises was leased to Respondent. Respondent was doing business as TATVibe Tattoos at the location.

3. Prior to the inspection conducted, OCM received information from the Elmira Police Department that cannabis sales were occurring at the premises.

4. Respondent has not been issued any license, permit, or registration authorizing the sale or offers to sell of adult-use recreational cannabis, cannabis products, medical cannabis, cannabinoid hemp, hemp extract, or any products marketed or labeled as such.

5. On May 26, 2026, a search warrant was issued by a magistrate of the City of Elmira Chemung County Court authorizing the Elmira Police, New York State Police, and OCM to search the premises and to seize, among other things, illegal cannabis. *Petitioner Exhibit ("Pet. Ex.") A.*

6. The Elmira Police executed the search warrant of Respondent's business premises on May 28, 2026, during business hours. Petitioner was present when the warrant was executed and conducted the subject regulatory inspection.

7. Based on observations during the inspection, Petitioner prepared and issued a NOV asserting Respondent was in violation of Cannabis Law §§ 125, 132, and 101 and regulations governing adult-use cannabis and cannabinoid hemp; an order to cease unlicensed activity pursuant to section 138-a; and an immediate OTS pursuant to section 138-b (3). [4] *Pet. Ex. B.*

8. On June 12, 2026, more than seven days after the inspection and issuance of the NOV, cease order and OTS, Respondent requested a hearing. Following several adjournments requested on consent of the parties, a hearing was held on August 10, 2026.

9. At the hearing, OCM Investigative Specialist Eva Chumsky ("Inv. Chumsky") testified that she was familiar with Respondent's business premises because of an investigation that had been conducted and because of the resulting inspection of the premises.

10. Inv. Chumsky was part of the OCM team that conducted the regulatory inspection. Following the inspection, she determined Respondent was engaged in unlicensed cannabis activity and drafted the NOV, cease order, and OTS issued to Respondent. *Pet. Ex. B.*

11. Inv. Chumsky credibly testified that at the time of the inspection, she did not indicate the business owner's name on the document issued because although she heard it during the investigation she was not sure he was the owner. She later confirmed who the registered owner was and testified to observing social media posts from the owner's personal account that were advertising unlicensed cannabis sales.

12. At the time of the inspection, the business was open and upon entering the premises, Inv. Chumsky said there were numerous customers inside the premises that asked if they could complete their purchases before the inspection was conducted and the premises sealed.

13. Petitioner's evidence also included photographs of the exterior of the business premises displaying the business name, TATVibe Tattoos, and photographs of the inside of the

[4] Petitioner's NOV, cease order, and the OTS are on a single page, 8 x14, document, that also contains a Certificate of Service and a verified statement by the OCM investigator to the truth and accuracy of the statements and observations recorded in the document. *Pet. Ex. B.*

premises. *Pet. Ex. D1-D6*. The retail space had just three counters that also served as display cases and an atm machine. *Pet. Ex. D2*. The premises appeared to be fully set up as a dispensary with cannabis and cannabis products, medical cannabis, cannabinoid hemp, cannabinoid hemp extract, and products marketed and labeled as such on display in the two display cases. There were no other products on display. *Pet. Ex. D2 – D4*.

14. The display cases observed inside the premises were stocked with a variety of cannabis, cannabis products, medical cannabis, cannabinoid hemp, cannabinoid hemp extract, and products marketed and labeled as such. The display case also had cannabis flower samples available for view in individual jars placed on top of the display case. There was additional quantities of the products displayed that were stocked on shelves under the display counter. *Pet. Ex. E1- E4*.

15. There was also a mobile cart displaying additional cannabis and cannabis products observed inside the Respondent's business premises near the display counter. A sign was observed that read "HIT OR MISS BARGAN CART" and had pricing listed for the various products, including vapes. The sign further read "Try at your own risk!" and "Possible battery malfunctions meaning some work and some don't!" *Pet. Ex. E5*.

16. In addition to the retail space, there was a back room that was also inspected. In that area of the premises, Petitioner observed a security surveillance system, clear, plastic, stackable drawers containing additional cannabis and cannabis products, clear, large zip lock bags full of what appeared to be cannabis flower, buds or clusters of green leafy plant material. *Pet. Exs. D6 – D13 and E7*.

17. A notebook was found during the inspection that appeared to be utilized for inventory purposes in the unlicensed operation occurring at Respondent's business premises. *Pet. Ex. D9 – D11*.

18. The unlicensed activity occurring inside Respondent's business premises included unlicensed sales, offers to sell, and unlicensed processing. There was a large number of individual bags of cannabis flower pre-packaged for sale. *Pet. Ex. E8*. There were scales, empty black vials that were also observed containing what was labeled as cannabis flower, and spoons with cannabis concentrate residue. *Pet. Ex. D11 – D13*.

19. In addition to cannabis flower, Petitioner observed and seized a variety of other cannabis products and products marketed and labeled as such. Inv. Chumsky identified numerous photographs, approximately 43, that depicted products that Respondent was not licensed to sell. *Pet. Exs. D and E*.[5]

20. Products observed and seized included a variety of DeVour cannabis edibles, DeVour medicated chocolates, Tap Out cannabis infused chocolate bars, various cannabis vapes, Party Boyz, Sluggers Hit, Stoned, and PACKWOODS, and a variety of pre-rolls, including STIZZY 40's

[5] Pet. Ex. D was 13 photographs entered collectively and Pet. Ex. E a total of 30 photographs.

Blunts premium indoor cannabis-infused pre-rolls and Devour premium flower pre-rolls. *Pet. Ex. E10 – E31.* and

21. Many of the products found during the search of respondent's business, included what appeared to be a warning logo from the State of California. *Pet. Exs. D and E.*

22. The products observed and seized during the inspection were not tested or labeled in accordance with the New York State Cannabis Law and implementing regulations.

23. The products seized were documented by Petitioner across 14 different evidence vouchers. *Pet. Ex. C.* The vouchers reflect a seizure of hundreds of products and a variety of the different types of products seized, hundreds of individual bags of cannabis flower in various sizes, over 600 cannabis pre-rolls of various weights and sizes, over 500 packages of cannabis edibles various sizes, and over 1,000 vape cartridges. *Id.*

24. No part of the Respondent's business premises was used or lawfully occupied as a residence. There was no kitchen, shower, or other indicia indicating it was used as a residence.

25. Following the inspection, a copy of the NOV, cease order, and OTS was personally served on the individual present during the inspection who identified themselves as an employee. The individual refused to sign the certificate of service. *Pet. Ex. B1.* Respondent's business premises was sealed and then a copy of the NOV, cease order, and OTS document was also posted at the business premises. *Pet. Ex. F.*

ANALYSIS AND CONCLUSIONS OF LAW

Petitioner bears the burden of establishing by a preponderance of the evidence that the Respondent was engaging in unlicensed activity in violation of the cannabis law, such activity was an imminent threat to public health, safety, and welfare, no part of the premises is lawfully used as a residence, and the unlicensed activity is more than a de minimis part of the business activity. *Cannabis Law §§ 17 (2); 138-b (3) – (5) and (7); 9 NYCRR §133.25 (f).* The burden of proving a fact by the preponderance of the evidence "simply requires the trier of fact to believe that the existence of a fact is more probable than its nonexistence." *Chepilko v. Henry, 722 F. Supp. 3d 329, 343 (S.D.N.Y. 2024), appeal dism. (Feb. 2025), [citations omitted].*

Authorized Regulatory Inspection

Petitioner OCM is vested with explicit functions, powers and duties pursuant to the Cannabis Law. This includes, and is not limited to, conducting regulatory inspections of any place of business… where cannabis, cannabis product, cannabinoid hemp, hemp extract products, or any products marketed or labeled as such, are cultivated, processed, manufactured, distributed, stored, or sold, irrespective of whether a registration, license, or permit has been issued. *Cannabis Law § 11 (3).* When viewed as a whole, the cannabis law and its implementing regulations, adequately define how inspections are conducted and limit the scope to what is necessary to meet the interest that legitimized

the search in the first place. *Super Smoke N Save LLC v. New York State Cannabis Control Bd., NY Slip Op 03715, No. CV-25-0165 (N.Y. App. Div. June 11, 2026).*

Here, Petitioner established that the inspection conducted was authorized under the cannabis law as administrative regulatory inspection because there was reason to believe that cannabis was being sold at the premises. Specifically, Inv. Chumsky testified credibly to receiving information from the Elmira Police department about unlicensed cannabis sales occurring at the location. The inspection occurred during business hours when the store was open to the public. Upon entering the premises, it was clear the business was not operating as a tattoo business but rather an unlicensed cannabis retail dispensary with a variety of products on display and customers actively engaged in purchasing cannabis.

Service

In an administrative proceeding the standard for service is whether the notice under all the circumstances is reasonably calculated to make the parties aware of the proceeding and afford an opportunity to be heard. *Ruffin v. Lion Corp., 15 N.Y.3d 582–83 (2010); Raschel v. Rish, 69 N.Y.2d 694, 696 (1986); Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314, (1950).* Here, the evidence is undisputed that a copy of the NOV, cease order, and OTS was personally served on the individual present at the time of the inspection who identified themselves as an employee. Although the individual did not sign the certificate of service, Inv. Chumsky documented the refusal on the form and gave the employee a copy. *Pet. Ex. B1.* Inv. Chumsky also credibly testified to having posted a copy of the document to the front of the business premises and then photographed the document on the front of the business premises along with an OCM warning notifying the public that the premises was sealed. *Pet. Ex. F.*

Unlicensed Activity and Imminent Threat to Public Health, Safety, and Welfare

Petitioner established by a preponderance of the evidence that the Respondent was engaging in unlicensed sales and offers to sell cannabis and cannabis products at the time of the inspection on May 28, 2026. Inv Chumsky credibly testified that the business was open for business at the time of the inspection and was doing business as TATVibe Tattoos LLC. When she entered the premises she observed customers inside purchasing cannabis and cannabis products that Respondent was not licensed to sell. The evidence established that the retail space of the premises had a few display or service counters that were full of cannabis and cannabis products, *Pet. Ex. D1 – D6*. The evidence further demonstrated that during the inspection Petitioner observed product availability and pricing updates posted on a piece of paper on the wall near the service counters, P*et. Ex. D3 – D4*, a notebook with inventory information in the back room, *Pet. Ex. D8 – D10*, and access to a large amount of additional cannabis and cannabis products found under the display counters in the retail space and in plastic drawers in the rear of the premises.

Although Respondent did not testify or offer any evidence, in summation counsel for Respondent claimed that the business owner "stepped back" from business operations and subleased the premises. Counsel for Respondent argues that Petitioner failed to connect the business owner to the unlicensed cannabis activity occurring at the premises. This argument is unpersuasive. The evidence in this matter includes testimony from Inv. Chumsky, elicited on cross examination, that additional investigation was conducted during which she identified the business, TATVibe Tattoos LLC, owner and reviewed his social media accounts. She described what she viewed as Respondent publicly advertising or marketing the unlicensed cannabis activity. Furthermore, Respondent's business name remained on the exterior of the business. In light of these facts, I find that Respondent controlled the premises and knowingly participated and permitted the unlicensed cannabis operation occurring.

Having established that Respondent engaged in unlicensed cannabis activity, OCM possessed statutory authority under Cannabis Law § 138-a to issue the Cease Order and seize cannabis and cannabis products identified during the inspection. The products observed and seized during the inspection were marketed and labeled as cannabis, including a variety of cannabis-infused pre-rolls. *Pet. Ex. E12 – E16*. In addition to the pre-rolls, the inspection resulted in the seizure of a large amount of cannabis flower, cannabis vape cartridges, and cannabis edibles. Thus, the evidence establishes unlicensed activity was occurring at Respondent's business premises and that Petitioner seized a voluminous amount of cannabis and cannabis products during the inspection.

In determining whether the unlicensed activity occurring at the premises was an imminent threat to the public health, safety, and welfare, it is significant to note that among the voluminous amounts of cannabis products seized during the inspection none of the products were labeled or tested in accordance with the cannabis law. In fact, many of the products had what appeared to be the state of California cannabis warning. One product, DeVour chocolates, was marketed as medicated THC edibles. The unlicensed sale of untested cannabis and cannabis products presents a danger and imminent threat to public health, safety, and welfare. *Cannabis Law §§ 125 (1-b)*; *138-b (4)(g)*. The record in this matter also establishes that at the time of the inspection, there was also evidence of unlicensed processing of cannabis products occurring at the premises. Inv. Chumsky testified to observing evidence of unlicensed processing based on the presence of scales, a rolling tray, a large amount of empty packaging, a large bag of loose cannabis flower, and spoons with cannabis concentrate residue. *Pet. Ex. D11 – D13*. Inv. Chumsky further testified to observing the same black packaging with cannabis flower inside and labeling on the outside. She also observed large jars in the display counter on the retail sales floor with the what appeared to be the same cannabis residue, or "cannabis butter," that was observed on the plastic spoons near the scales. *Pet. Exs. D11; E6*.

Therefore, based on the totality of the circumstances, I find that the unlicensed activity occurring at Respondent's business premises was an imminent threat to public health, safety, and

welfare. Accordingly, Petitioner's issuance of the OTS on May 28, 2026, was done so not only in accordance with the cannabis law and implementing regulations, but also in furtherance of the legislative intent behind the cannabis law including, among other things, seeking to regulate medical cannabis, adult-use cannabis, cannabinoid hemp and hemp extracts, reduce the illicit market and protect the public health, safety and welfare of the people of the state. *Cannabis Law § 2.*

No part of the premises is used in part as a residence and the unlicensed activity is more than a de minimis part of the business activity

Based on the credible testimony of Inv. Chumsky and the photographs taken during the inspection, I find that no part of the business premises was used as a residence. Furthermore, Respondent did not dispute Petitioner's evidence that no part of the premises was used as a residence.

In assessing whether the unlicensed activity was more than a de minimis part of the Respondent's business activity, factors that must be considered and weighed heavily include the volume and variety of the cannabis and cannabis products observed and the unlicensed sales taking place at the time the inspection was conducted. When Inv. Chumsky entered the Respondent's business premises, she observed several customers in the store purchasing cannabis. Indeed, she testified that when the inspection began, she was asked by the customers if they could complete their purchases. Moreover, the sheer number of cannabis products observed and seized suggests the sale of cannabis and cannabis products is not a de minimis part of the Respondent's business activity. The premises itself was designed in a manner that showcased the cannabis products offered for sale. No other products were observed on display. Petitioner's photographs demonstrate voluminous amounts of cannabis and cannabis products. Among the volume were various types of untested cannabis products, including edibles, cannabis flower, pre-rolls of cannabis flower, concentrates and vapes. While there was no case register or point-of-sale system observed, there was an atm machine, a pricing list near the service display counters, and a box of cash in the rear of the premises. *Pet. Ex. D2, D5, and D7.* Additionally, there was a notebook that was observed and photographed that appeared to be utilized for tracking the unlicensed activity and cannabis product inventory. Therefore, based on the totality of the circumstances, I find that the unlicensed activity occurring at Respondent's business premises was more than a de minims part of the business activity occurring at the premises.

Civil Penalty Pursuant to Cannabis Law § 132

A violation of unlicensed activity may be subject to a civil penalty of not more than ten thousand dollars for each day during which such violation. *Cannabis Law § 132 (1)(a).* Any civil penalties assessed shall take into consideration the nature of such violation and shall assess a penalty that is proportionate to the violation. *Cannabis Law § 132 (1)(c).*

Here, the evidence demonstrates that on May 28, 2026, Respondent was engaging in unlicensed activity in violation of Cannabis Law Sections 125 and 132 and that such activity was an

imminent threat to public health, safety, and welfare. Petitioner observed and seized a voluminous amount of untested cannabis, cannabis products, and products marketed and labeled as such. Respondent was doing business in the name of TATVibe Tattoos but the premises was designed in a manner that appeared to be more like a cannabis dispensary. *Pet. Ex. D1 – D4*. The commercial space of the premises was concealed from public view with black curtains covering the exterior windows facing the street. *Pet. Ex. D4*. The only products available for purchase were cannabis products. There were cannabis samples in jars on the counter available for customers to view and smell. Additionally, pricing information was updated and posted on a wall in the retail space alerting customers that cannabis and cannabis products were for sale.

These actions demonstrate an intent to evade regulation, which is in direct conflict with the legislative intent of the MRTA. Part of the legislative intent behind the MRTA was to regulate, control, and tax cannabis generating significant revenue, prevent access to cannabis by those under the age of twenty-one, generate significant new revenue, and to reduce the illegal drug market. *Cannabis Law § 2*. Taking into consideration the totality of the evidence and the deliberate nature of the violation, Respondent is ordered to pay a civil penalty in the amount of $10,000.

Considering the extent of the unlicensed activity operation occurring as part of Respondent's business activity, the flagrant manner in which the business operated as an unlicensed retail dispensary, the variety and volume of the cannabis and cannabis products recovered, including items marketed for medical use, and the unlicensed sales occurring at the time of the inspection, I find the civil penalty assessed in this matter to be proportionate to the nature of the violation and the totality of the evidence presented sustaining the unlicensed cannabis activity.

DETERMINATION

Based on the foregoing, I find that the Petitioner established that the Respondent was engaging in unlicensed activity in violation of Cannabis Law §§ 125 and 132; such conduct was an imminent threat to public health, safety, and welfare; no part of the Respondent's business premises was used in part as a residence; and the unlicensed activity was more than a de minimis part of Respondent's business activity occurring at the premises.

WHEREFORE, IT IS HEREBY ORDERED that the order to seal issued to Respondent TATVibe Tattoos LLC business premises located at 209 W Water Street, Elmira, NY, 14901, is hereby extended for one-year from the date of this decision and order, pursuant to Cannabis Law § 138-b (9).

WHEREFORE, IT IS HEREBY FURTHER ORDERED that the Respondent TATVibe Tattoos LLC shall pay a civil penalty in the amount of $10,000, pursuant to Cannabis Law § 132 (1)(a).

DATED: September 3, 2026

/s/ Celena L. Ditchev

Celena L. Ditchev
Supervising Administrative Law Judge

This constitutes the final decision of the Office of Administrative Hearings. Either party may appeal this decision within 30 calendar days of receipt pursuant to 9 NYCRR § 133.25 (k).

Payment of the Civil Penalty due under this Decision and Order shall be paid directly to New York State Office of Cannabis Management and shall include a reference to CASE CAPTION/INSPECTION NUMBER in the memo section, and mailed to the following address: NYS Office of Cannabis Management Administrative Unit: Fees & Fines, PO BOX 2071, Albany, NY 12220.

If any penalty is not paid within six months, the amount thereof will be entered as a judgment in the office of the clerk of the county of Albany and in any other county in which the person resides, has a place of business, or through which it operates. If such judgment has not been satisfied within thirty days thereafter, no license, registration, or permit shall be issued by the CCB to such person for three years thereafter. *Cannabis Law § 138-a (14).* Unpaid civil penalties provided for in Cannabis Law § 132 may be recovered by Petitioner OCM or the Attorney General on behalf of the CCB in an action or proceeding brought pursuant to Cannabis Law § 138-a. *Cannabis Law § 132 (7).*