

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 25-1001

Caption [use short title]

Motion for: Voluntary Dismissal of Appeal

Set forth below precise, complete statement of relief sought:

Voluntary dismissal of appeal because case is moot

Valencia Ag, LLC v. Felicia Reid, et al.

MOVING PARTY: Valencia Ag, LLC

OPPOSING PARTY: Felicia Reid; Tremaine Wright

☒ Plaintiff☐ Defendant☒ Appellant/Petitioner☐ Appellee/Respondent

MOVING ATTORNEY: David J. Hoffa

OPPOSING ATTORNEY: Alexandria R. Twinem

[name of attorney, with firm, address, phone number and e-mail]

Pacific Legal Foundation, 3241 E. Shea Blvd., Ste. 108

New York State Office of the Attorney General, Appeals and

Phoenix, AZ 85028, Tel: (916) 419-7111

Opinions Bureau, The Capitol, Albany, New York 12224

dhoffa@pacificlegal.org

Tel: (518) 776-2042, Alexandria.Twinem@ag.ny.gov

Court- Judge/ Agency appealed from: U.S. District Court for the Northern District of New York, Hon. Glenn. T. Suddaby

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

Is the oral argument on motion requested?

☐ Yes☒ No (requests for oral argument will not necessarily be granted)

Has the appeal argument date been set?

☐ Yes☒ No If yes, enter date:

Signature of Moving Attorney:

David Hoffa

Date: August 5, 2025

Service :

☒ Electronic☐ Other

[Attach proof of service]

No. 25-1001

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

VALENCIA AG, LLC,
Plaintiff – Appellant,

v.

FELICIA REID, in her official capacity as Acting Executive Director of
the New York Office of Cannabis Management; TREMAINE WRIGHT,
in her official capacity as Chairperson of the
New York Cannabis Control Board,

Defendants – Appellees.

On Appeal from the United States District Court
for the Northern District of New York
Honorable Glenn T. Suddaby, District Judge

PLAINTIFF-APPELLANT'S MOTION TO VOLUNTARILY DISMISS APPEAL

DAVID J. HOFFA
Pacific Legal Foundation
3241 E. Shea Blvd., Ste. 108
Phoenix, Arizona 85028
Telephone: (916) 419-7111
Facsimile: (916) 419-7747
DHoffa@pacificlegal.org

Counsel for Plaintiff – Appellant

INTRODUCTION

Now moves Plaintiff-Appellant Valencia Ag, LLC, for voluntary dismissal of this appeal, pursuant to Fed. R. App. P. 42(b)(2).

Pursuant to Local Rule 27.1(b), Counsel for Plaintiff-Appellant notified opposing counsel on August 1, 2025, of Plaintiff-Appellant's intent to submit this motion. *Aff. of Hoffa* ¶ 7. Opposing counsel indicated that Defendants-Appellees have no opposition to this motion and that they will not submit a response. *Id.* ¶ 8.

ARGUMENT

Plaintiff-Appellant's First Amended Complaint (FAC) asserts two claims under the Equal Protection Clause of the Fourteenth Amendment, alleging race- and sex-based barriers to Plaintiff-Appellant's ability to receive a cannabis business license. FAC ¶¶ 73–99. *See also* Pl's. Opp'n to Defs.' Mot. to Dismiss at 4 (citing *Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 666 (1993)). Plaintiff-Appellant sought prospective declaratory and injunctive relief to remove these discriminatory barriers to its receipt of a license. FAC Prayer for Relief ¶¶ 1–3. Accordingly, Plaintiff-Appellant's receipt of the

cannabis business license that it has applied for would render Plaintiff-Appellant's claims moot.

On March 13, 2025, Plaintiff-Appellant received notice from the New York Office of Cannabis Management that it had been granted a provisional cannabis microbusiness license. Aff. of Hoffa ¶ 2; DktEntry 9.1 at 35–36. Receipt of this provisional license triggered a 12-month period for Plaintiff-Appellant to secure suitable premises for the operation of a cannabis microbusiness before receiving a final cannabis microbusiness license. Aff. of Hoffa ¶ 3; DktEntry 9.1 at 35–36; 9 N.Y. ADC §§ 120.2(b), 120.9(c). In its Motion to Stay this appeal, Plaintiff-Appellant conceded that if it receives a final cannabis microbusiness license then this would render this case moot. DktEntry 15.1 at 4.

On May 11, 2025, Plaintiff-Appellant entered a lease agreement for industrial/warehouse zoned premises in which to operate a cannabis microbusiness. Aff. of Hoffa ¶ 4; DktEntry 18.1. This lease agreement was submitted to the New York Office of Cannabis Management, and the submission was accepted by the Office on May 18, 2025. Aff. of Hoffa ¶ 5; DktEntry 18.1.

On July 25, 2025, the New York Cannabis Control Board voted to approve a final cannabis microbusiness license for Plaintiff-Appellant. Aff. of Hoffa ¶ 6. Accordingly, Plaintiff-Appellant's claims are moot, requiring dismissal of this appeal.

CONCLUSION

Plaintiff-Appellant respectfully requests that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b)(2). The Parties agree to bear their own costs on this appeal. Aff. of Hoffa ¶ 8.

DATED: August 5, 2025.

Respectfully submitted,

/s/ David J. Hoffa
DAVID J. HOFFA
Pacific Legal Foundation
3241 E. Shea Blvd., Ste. 108
Phoenix, Arizona 85028
Telephone: (916) 419-7111
Facsimile: (916) 419-7747
DHoffa@pacificlegal.org

Counsel for Plaintiff – Appellant

CERTIFICATE OF COMPLIANCE

Type-Volume Limit, Typeface Requirements, and Type-Style Requirements

This document complies with the type-volume limitation of Local Rule 27.1 and Fed. R. App. P. 27(d)(2), excluding the parts of the document exempted by Fed. R. App. P. 32(f), because this document contains 414 words.

This document complies with the typeface requirements of Fed. R. App. P. 27(d)(1)(E) and 32(a)(5), and the type style requirements of Fed. R. App. P. 27(d)(1)(E) and 32(a)(6), because it has been prepared in a proportionally spaced typeface using Word 365 in font style Century Schoolbook and font size 14.

DATED: August 5, 2025.

/s/ David J. Hoffa
DAVID J. HOFFA
Attorney for Plaintiff – Appellant

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ David J. Hoffa
DAVID J. HOFFA
Attorney for Plaintiff – Appellant

No. 25-1001

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

VALENCIA AG, LLC,
Plaintiff – Appellant,

v.

FELICIA REID, in her official capacity as Acting Executive Director of
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in her official capacity as Chairperson of the
New York Cannabis Control Board,

Defendants – Appellees.

On Appeal from the United States District Court
for the Northern District of New York
Honorable Glenn T. Suddaby, District Judge

AFFIDAVIT OF DAVID J. HOFFA

DAVID J. HOFFA
Pacific Legal Foundation
3241 E. Shea Blvd., Ste. 108
Phoenix, Arizona 85028
Telephone: (916) 419-7111
Facsimile: (916) 419-7747
DHoffa@pacificlegal.org

Counsel for Plaintiff – Appellant

Affiant, David J. Hoffa, states as follows:

1. My name is David J. Hoffa, and I am counsel for Valencia Ag, LLC, Plaintiff-Appellant in this action.

2. On March 13, 2025, Plaintiff-Appellant was notified that it had been granted a provisional cannabis microbusiness license by the New York Office of Cannabis Management.

3. Plaintiff-Appellant was notified that it would have twelve months to secure suitable premises for the operation of a cannabis microbusiness in order to receive a final operational license.

4. On May 11, 2025, Plaintiff-Appellant entered a lease agreement for industrial/warehouse zoned premises in which to operate a cannabis microbusiness.

5. This lease agreement was submitted to the New York Office of Cannabis Management, and the submission was accepted by the Office on May 18, 2025.

6. On July 25, 2025, the New York Cannabis Control Board (CCB) voted to approve a final cannabis microbusiness license for Plaintiff-Appellant. The agenda for the CCB's July 25, 2025, meeting is publicly available at <https://cannabis.ny.gov/ccb-meeting-agenda-7-25-25>

and is attached to this Affidavit as **Exhibit 1**. The decision to approve the license was part of CCB Resolution No. 2025-51, which is available at <https://cannabis.ny.gov/ccb-resolution-2025-51> and is attached to this Affidavit as **Exhibit 2**. Video of the CCB's July 25, 2025, meeting is publicly available at https://www.youtube.com/watch?v=2mrV9ez4r_o, and the CCB's consideration of Resolution No. 2025-51 is found during the timecode 13:50-18:10. The transcript of the CCB's July 25, 2025, meeting is publicly available at <https://cannabis.ny.gov/ccb-meeting-transcript-7-25-25> and is attached to this Affidavit as **Exhibit 3**. The CCB's consideration of Resolution No. 2025-51 is found in lines 86 through 170 of Exhibit 3.

7. On August 1, 2025, I notified opposing counsel, Alexandria Twinem, by email of Plaintiff-Appellant's intent to submit a motion to voluntarily dismiss this appeal.

8. On August 1, 2025, opposing counsel informed me by email that Defendant-Appellees do not oppose Plaintiff-Appellant's motion and that Appellees do not intend to submit any response to the motion. Opposing counsel further agreed with my suggestion that it is appropriate for the parties to bear their own costs for this appeal.

I declare under penalty of perjury of the laws of the United States
that the foregoing is true and correct.

Executed on 5 August, 2025 at Phoenix, Arizona.

A handwritten signature in cursive script, reading "David Hoffa".

DAVID J. HOFFA

Exhibit 1



**Office of Cannabis
Management**

BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board Chair

FELICIA A.B. REID

Acting Executive Director

Full Meeting of the Cannabis Control Board

July 25th, 2025

11:00 AM

Hudson Valley Community College

Bulmer Telecommunications Center

80 Vandenberg Ave., Troy, NY 12180

- i. Call to Order
- ii. Welcome and Opening Remarks
- iii. Approval of Meeting Minutes from June 27, 2025 Board Meeting
- iv. Consideration of Adult-Use Applications for Approval
- v. Consideration of Adult-Use Licensee Location Change Amendment Requests
- vi. Consideration of Cannabis Research License Annual Report
- vii. Consideration of Registered Organization Dispensing Locations
- viii. Consideration of Packaging, Labelling, Marketing, and Advertising Regulations for Public Comment
- ix. Consideration of Applications Closed for One License Per Entity or Majority Owner Policy
- x. Consideration of Adult-Use Applications for Denial
- xi. Consideration of Administrative Appeals
- xii. Office of Cannabis Management Report
- xiii. Public Comment
- xiv. Adjourn

Exhibit 2



Office of Cannabis Management

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Governor

**JESSICA
GARCIA**

Cannabis
Control
Board Chair

**HOPE
KNIGHT**

Board
Member

**CRYSTAL J.
RODRIGUEZ
DABNEY**

Board Member

**BRAD
USHER**

Board
Member

**FELICIA
A.B.
REID**

Acting
Executive Director

No. 2025-51
July 25, 2025

RESOLUTION TO ISSUE CERTAIN ADULT-USE CANNABIS LICENSES

WHEREAS, pursuant to Article 4 and Section 10(1) of the Cannabis Law, the Cannabis Control Board (Board) is given the authority and discretion to issue licenses related to adult-use cannabis;

WHEREAS, pursuant to Article 4 of the Cannabis Law, the Board is charged with the responsibility of overseeing activities related to adult-use cannabis;

WHEREAS, pursuant to Section 10(23) of the Cannabis Law, the Board may delegate its functions, powers and duties to the Executive Director of the Office of Cannabis Management (Office) subject to certain exceptions;

WHEREAS, pursuant to Section 76(4) of the Cannabis Law, when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board's issuance for a license authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion;

WHEREAS, certain Municipalities have expressed an Opinion for or against the Board's issuance of an adult-use license to certain applicants;

WHEREAS, the Chairperson of the Board has made a preliminary determination to grant adult-use licenses to certain individuals and entities that have applied for adult-use licenses (as identified by the applications in Attachment A);

WHEREAS, the members of the Board waive their right pursuant to Section 10(1) of the Cannabis Law to take up to 14 days from the Chairperson's preliminary determination to object to the Chairperson's preliminary determination or to request that the matter be brought before the full Board for consideration;

WHEREAS, no member of the Board objects to the Chairperson's preliminary determination to grant certain adult-use licenses, and no member of the Board requests that the matter be brought before the full Board for consideration;

WHEREAS, the Board desires to issue a license as indicated, to every applicant that has received the Chairperson's aforementioned preliminary determination to grant an adult-use license as identified on Attachment A hereto;

WHEREAS, the Board desires that a response be issued to those Municipalities that have expressed an Opinion explaining how such Opinion was considered; now, therefore, be it



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**HOPE
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Member

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RODRIGUEZ
DABNEY**

Board Member

**BRAD
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Board
Member

**FELICIA
A.B.
REID**

Acting
Executive Director

RESOLVED, the Board hereby delegates its authority to the Office, effective immediately, to issue a response to Municipalities that have expressed an Opinion in favor of the issuance of a license to the applicants identified on Attachment A explaining how the Opinion was considered;

BE IT FURTHER RESOLVED, the Board approves, and directs the Office to issue, the responses contained in Attachment B hereto to Municipalities that have expressed an Opinion in opposition of the issuance of a license to the applicants identified on Attachment A;

BE IT FURTHER RESOLVED, the Board issues an adult-use license as indicated to every applicant that has received the Chairperson's aforementioned preliminary determination to grant an adult-use license as identified on Attachment A; and

BE IT FURTHER RESOLVED, the Board dictates that an adult-use licensee shall not begin adult-use cannabis operations until the completion of any additional requirements to the satisfaction of the Office including written approval from the Office's compliance team.



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Board Member

BRAD USHER

Board Member

FELICIA A.B. REID

Acting Executive Director

Attachment A

Application ID	License Type	Entity Name
OCMCULT-2023-000225	Adult-Use Cultivator License	CHECKOUT NUGG LLC
OCMDIST-2023-000191	Adult-Use Distributor License	OUTTHEMIX LLC
OCMDIST-2025-000002	Adult-Use Distributor License	Windsor Cider LLC
OCMDIST-2023-000092	Adult-Use Distributor License	Marvela Industries Inc
OCMDIST-2023-000126	Adult-Use Distributor License	SHOKi Beverages Corp.
OCMDIST2-2025-000005	Adult-Use Distributor License	Gnome Nugs, LLC
OCMMICR-2024-000008	Adult-Use Microbusiness License	Denice Davis LLC
OCMMICR-2023-000046	Adult-Use Microbusiness License	Ravenscourt LLC
OCMMICR-2023-000193	Adult-Use Microbusiness License	Valencia Ag, LLC
OCMMICR-2023-000098	Adult-Use Microbusiness License	Christopher D Casacci
OCMMICR-2023-000530	Adult-Use Microbusiness License w/ Retail	Hidden City Farms, LLC
OCMMICR-2023-000462	Adult-Use Microbusiness License w/ Retail	Allison Maguire
OCMPROC-2023-000419	Adult-Use Processor License	Miss Perry Farms Processing Inc.
OCMPROC-2023-000023	Adult-Use Processor License	LATENITEZ LLC
OCMPROC-2023-000369	Adult-Use Processor License	Empire Hemp Co.
OCMPROC-2023-000156	Adult-Use Processor License	Tremolo Bien LLC
OCMPROC-2025-000001	Adult-Use Processor License	Windsor Cider LLC
OCMPROC2-2024-000005	Adult-Use Processor License	NY Cannabis Source L.L.C.
OCMPROC2-2024-000003	Adult-Use Processor License	Robert L Ellis
OCMPT3B-2025-000052	Adult-Use Processor License Branding	Natures Produce LLC
OCMPT3B-2025-000049	Adult-Use Processor License Branding	Jems Cannabis, LLC
OCMPT3B-2025-000044	Adult-Use Processor License Branding	TricoNY LLC



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OCMPT3B-2025-000010	Adult-Use Processor License Branding	HIGHHAND INC.
OCMPT3B-2025-000002	Adult-Use Processor License Branding	Frederick Sepulveda JR
OCMPT3B-2024-000111	Adult-Use Processor License Branding	Earthborn Garden LLC
OCMPT3B-2024-000100	Adult-Use Processor License Branding	PASTIME HOLDINGS, LLC
OCMPT3B-2024-000023	Adult-Use Processor License Branding	washington heights canna Co LLC
OCMPT3B-2025-000061	Adult-Use Processor License Branding	Roll Up Exotics LLC
OCMPT3B-2025-000026	Adult-Use Processor License Branding	BECCA'S EXTRA-EDIBLES LLC
OCMPT3B-2025-000023	Adult-Use Processor License Branding	J L N Promotions INC
OCMPT3B-2025-000020	Adult-Use Processor License Branding	Deja Yu LLC
OCMPT3B-2024-000080	Adult-Use Processor License Branding	PROJECT STARZ LLC
OCMPT3B-2024-000117	Adult-Use Processor License Branding	Bluntercrackers LLC
OCMPT3B-2025-000013	Adult-Use Processor License Branding	The Kyle Family Farm LLC
OCMPT3B-2025-000046	Adult-Use Processor License Branding	Always Upstate, LLC
OCMRETL-2023-002122	Adult-Use Retail Dispensary License	RAGTIME NEWSTAND AND LOTTO, INC.
OCMRETL-2023-002110	Adult-Use Retail Dispensary License	The Chosen Pot LLC
OCMRETL-2023-001808	Adult-Use Retail Dispensary License	Small Leaf 79 LLC
OCMRETL-2023-001108	Adult-Use Retail Dispensary License	Guru Baba Inc
OCMRETL-2023-001193	Adult-Use Retail Dispensary License	HB&V ENTERPRISES INC
OCMRETL-2023-001525	Adult-Use Retail Dispensary License	Potency Group LLC
OCMRETL-2023-001051	Adult-Use Retail Dispensary License	Windyhill 312 LLC
OCMRETL-2023-001114	Adult-Use Retail Dispensary License	1110 NAMO INC
OCMRETL-2023-001636	Adult-Use Retail Dispensary License	Green on Top, LLC
OCMRETL-2023-000763	Adult-Use Retail Dispensary License	Greensite Alternative Solutions Inc
OCMRETL-2023-002074	Adult-Use Retail Dispensary License	Womens United Alliance LLC
OCMRETL-2023-002147	Adult-Use Retail Dispensary License	Hudson RV LLC



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OCMRETL-2023-000780	Adult-Use Retail Dispensary License	On The Move Contracting Services, LLC
OCMRETL-2023-001411	Adult-Use Retail Dispensary License	Thurston Hall Partners LLC
OCMRETL-2023-000829	Adult-Use Retail Dispensary License	The Dispensary of CNY, Inc.
OCMRETL-2023-000199	Adult-Use Retail Dispensary License	Blissful Buds LLC
OCMRETL-2023-002096	Adult-Use Retail Dispensary License	Create Kindness LLC



Office of Cannabis Management

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Cannabis Control Board
Chair

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Acting Executive Director

Attachment B

July 25, 2025

SENT VIA EMAIL

Queens Community Board 10
115-01 Lefferts Boulevard
South Ozone Park, NY 11420

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Queens Community Board 10:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMRETL-2023-002122 (RAGTIME NEWSTAND AND LOTTO, INC.) located at 15748 Crossbay Blvd., Howard Beach, NY 11414.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board's issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about January 7th, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to RAGTIME NEWSTAND AND LOTTO, INC. In the attached opinion provided by your Office you raised concerns of the general public's unsupportiveness of any adult use retail dispensaries in their area. The Board and Office appreciate you raising these concerns to our attention. While these concerns do not relate to the specific application and location, the Office and Board would like to respond as following.

The Marihuana Regulation & Taxation Act (MRTA) was signed into law on March 31, 2021, legalizing adult-use cannabis. The legislation created a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to comprehensively regulate adult-use, medical, and hemp cannabis. Through regulations the Board has adopted comprehensive application and licensure requirements for entities operating in the industry. A few examples of the requirements would be as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable. § 123.10 (d) sets requirements of a retail dispensary for verification of identification and proof of age for retail dispensaries. When an incident occurs, licensees must submit a detailed incident report to OCM. This report includes the circumstances of the incident, the corrective actions taken, and confirmation that the appropriate law enforcement authorities have been notified. This mandatory reporting ensures a swift and transparent response to any threats to public safety. Additionally, Section 120.1(k) emphasizes that



Office of Cannabis Management

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Acting Executive Director

violations of the Regulations or the Cannabis Law by a licensee can result in significant penalties. These penalties may include fines, suspension, revocation of the license, and even debarment, as outlined in Part 133 of the Regulations. Additional requirements and prohibitions of adult use retail licenses can be found in § 123.9 and § 123.10 of the Adult Use Regulations.

Additionally, pursuant to Article 6 (§ 131) of the Cannabis Law, cities, towns, and villages had the option of passing a local law to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions by December 31, 2021, or nine months after the effective date of the legislation. If a municipality did not opt-out by December 31, 2021, the municipality will be unable to opt-out at a future date. Community Boards do not have the authorization to opt out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions.

Furthermore, the Board reviewed and confirmed RAGTIME NEWSTAND AND LOTTO, INC completion of all application requirements for final licensure. After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, a license was approved for RAGTIME NEWSTAND AND LOTTO, INC located at 15748 Crossbay Blvd Howard Beach, NY 11414.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,
Cannabis Control Board



Office of Cannabis Management

BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board
Chair

FELICIA A.B. REID

Acting Executive Director

July 25, 2025

SENT VIA EMAIL

Town of Brookhaven
1 Independence Hill,
Farmingville, NY 11738

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Town of Brookhaven:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMRETL-2023-001808 (Small Leaf 79 LLC) located at 2400 N. Ocean Ave., Farmingville, NY 11738.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board's issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about February 27, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Small Leaf 79 LLC, and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or school grounds.
- Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location



**Office of Cannabis
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Acting Executive Director

to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. Additionally, the Board reviewed and confirmed Small Leaf 79 LLC's completion of all application requirements for final licensure. As such, the Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and Regulations.

Furthermore, Applicants attest to a requirement that "[A]n applicant and licensee shall have an obligation to ensure that the information, documentation, attestations and assurances submitted to the Office of Cannabis Management ("OCM") are not fraudulent, false, or misleading" as required by Section 120.1(g) of Title 9 NYCRR, which includes obtaining all necessary permits, a certificate of occupancy and meeting all Town codes and license requirements. Please note, OCM can also require that the applicant/licensee show proof that they obtained the local permit necessary after license issuance and prior to commencing operations. Even though the business has been issued a license from OCM, it is still subject to all applicable local laws/codes that are not specific to our licensed businesses.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, a license was approved for Small Leaf 79 LLC located at 2400 N. Ocean Ave., Farmingville, NY 11738.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,
Cannabis Control Board



Office of Cannabis Management

BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board
Chair

FELICIA A.B. REID

Acting Executive Director

July 25, 2025

SENT VIA EMAIL

Town of Brookhaven
1 Independence Hill,
Farmingville, NY 11738

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Town of Brookhaven:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMRETL-2023-001193 (HB&V ENTERPRISES INC) located at 615 Route 112, Patchogue, NY, 11772.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board's issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about February 27, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to HB&V ENTERPRISES INC, and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or school grounds.
- Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be



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considered a public youth facility it must be designated as such by a local municipality via the passage of a local law.

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. Additionally, the Board reviewed and confirmed HB&V ENTERPRISES INC's completion of all application requirements for final licensure. As such, the Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and Regulations.

Furthermore, Applicants attest to a requirement that "[A]n applicant and licensee shall have an obligation to ensure that the information, documentation, attestations and assurances submitted to the Office of Cannabis Management ("OCM") are not fraudulent, false, or misleading" as required by Section 120.1(g) of Title 9 NYCRR, which includes obtaining all necessary permits, a certificate of occupancy and meeting all Town codes and license requirements. Please note, OCM can also require that the applicant/licensee show proof that they obtained the local permit necessary after license issuance and prior to commencing operations. Even though the business has been issued a license from OCM, it is still subject to all applicable local laws/codes that are not specific to our licensed businesses.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, a license was approved for HB&V ENTERPRISES INC. located at 615 Route 112, Patchogue, NY, 11772.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,
Cannabis Control Board



**Office of Cannabis
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Exhibit 3

WEBVTT

1

00:09:32.995 --> 00:09:33.955

Can we get like a countdown?

2

00:10:10.645 --> 00:10:14.095

Good morning, everyone. Um, my name is Jessica Garcia.

3

00:10:14.495 --> 00:10:16.055

I am chair of the Cannabis Control Board,

4

00:10:16.055 --> 00:10:18.135

and it's great to be here with all of you today.

5

00:10:18.835 --> 00:10:22.015

Um, my board member, uh, Brad Usher,

6

00:10:22.035 --> 00:10:23.535

is running a little late, um,

7

00:10:23.755 --> 00:10:26.335

but recognizing that we nevertheless still have the majority

8

00:10:26.355 --> 00:10:27.575

of board members present.

9

00:10:27.875 --> 00:10:30.615

Um, I'm pleased to call the meeting to order, um,

10

00:10:30.675 --> 00:10:32.655

and welcome all of you who are participating,

11

00:10:32.655 --> 00:10:34.095

both in person as well as virtually.

12

00:10:34.755 --> 00:10:38.535

Um, before we get started, I would like

13

00:10:38.555 --> 00:10:40.735

to talk a little bit about public participation

14

00:10:40.735 --> 00:10:42.295

during the Cannabis Control Board meeting.

15

00:10:43.125 --> 00:10:44.775

Open meetings law allows,

16

00:10:45.075 --> 00:10:47.975

but doesn't require a public bodies such

17

00:10:47.975 --> 00:10:49.855

as the control board to include a period

18

00:10:49.955 --> 00:10:51.735

for public participation and comment.

19

00:10:52.035 --> 00:10:54.815

During regularly scheduled meetings, the office

20

00:10:55.075 --> 00:10:56.855

and the board recognize the importance

21

00:10:56.855 --> 00:10:59.335

of hearing directly from licensees, the public,

22

00:10:59.395 --> 00:11:01.095

and all those affected by the work that we do.

23

00:11:01.795 --> 00:11:04.775

In order to allow public comment, we need to make sure

24

00:11:04.775 --> 00:11:06.655

that this is a space that is respectful

25

00:11:06.835 --> 00:11:09.135

and safe for everyone who attends

26

00:11:09.845 --> 00:11:11.855

when we reach today's public comment period.

27

00:11:12.355 --> 00:11:13.615

Uh, this is just a reminder.

28

00:11:13.945 --> 00:11:16.655

Commenters are expected to maintain decorum.

29

00:11:17.215 --> 00:11:19.095

Speakers should engage in civil discourse

30

00:11:19.115 --> 00:11:20.255

and refrain from obscene

31

00:11:20.255 --> 00:11:21.695

or offensive language, threats

32

00:11:21.715 --> 00:11:23.255

of violence and personal attacks.

33

00:11:24.615 --> 00:11:25.905

Keep their comments relevant.

34

00:11:26.625 --> 00:11:28.665

Comments should remain pertinent to the business conducted

35

00:11:28.665 --> 00:11:29.985

by the Board and OCM

36

00:11:30.005 --> 00:11:31.825

and avoid discussions of private matters

37

00:11:31.885 --> 00:11:33.145

or issues beyond our scope.

38

00:11:34.175 --> 00:11:35.585

Keep their comments timely.

39

00:11:36.015 --> 00:11:37.825

Many people register to speak at these meetings

40

00:11:37.825 --> 00:11:39.745

and deserve equal time to hold the floor.

41

00:11:40.375 --> 00:11:42.745

When staff signals that your two minutes are done,

42

00:11:42.965 --> 00:11:44.625

please make space for the next speaker.

43

00:11:45.685 --> 00:11:48.735

Address. The body remarks should be directed towards the

44

00:11:48.895 --> 00:11:51.095

Cannabis Control Board or the agency,

45

00:11:51.515 --> 00:11:54.005

rather than toward individual members or the audience.

46

00:11:55.175 --> 00:11:58.235

And lastly, we ask that you understand the consequences.

47

00:11:59.015 --> 00:12:01.875

The control board may impose consequences for disruptive

48

00:12:01.975 --> 00:12:03.275

or inappropriate behavior,

49

00:12:03.525 --> 00:12:05.955

which may include limiting further participation,

50

00:12:06.265 --> 00:12:07.435

removal from the meeting,

51

00:12:07.735 --> 00:12:09.595

or even potential legal action in

52

00:12:09.595 --> 00:12:10.755

cases of disorderly conduct.

53

00:12:12.455 --> 00:12:15.855

A public comment policy has been posted on the OCM website,

54

00:12:15.855 --> 00:12:17.215

which goes into more detail.

55

00:12:17.555 --> 00:12:19.295

We appreciate everyone's commitment

56

00:12:19.295 --> 00:12:21.975

to helping ensure a safe, respectful meeting environment.

57

00:12:23.695 --> 00:12:25.275

So, without further ado, um,

58

00:12:25.475 --> 00:12:29.675

I believe the agenda is posted on the screen today.

59

00:12:29.765 --> 00:12:32.835

We'll be approving the meeting minutes from the

60

00:12:32.865 --> 00:12:34.635

June 27th board meeting.

61

00:12:35.535 --> 00:12:38.875

We will consider the adult use applications for approval.

62

00:12:39.975 --> 00:12:42.515

We will consider adult use licensee location change

63

00:12:42.515 --> 00:12:43.515
amendments requests.

64

00:12:44.375 --> 00:12:46.075
Uh, we will also review consideration

65

00:12:46.075 --> 00:12:50.435
of cannabis research licenses, annual reports, consideration

66

00:12:50.475 --> 00:12:52.835
of registered organizations, dispensing locations,

67

00:12:53.835 --> 00:12:55.915
consideration of packaging labeling, marketing

68

00:12:55.915 --> 00:12:57.995
and advertising regulations for public comment,

69

00:12:59.165 --> 00:13:00.725
consideration of applications closed

70

00:13:00.905 --> 00:13:04.005
for the one license policy consideration

71

00:13:04.005 --> 00:13:06.765
of delegating denial power for certain license applications,

72

00:13:08.055 --> 00:13:09.775
consideration of administrative appeals.

73

00:13:10.715 --> 00:13:13.375
And, uh, we will also hear from the Office

74

00:13:13.375 --> 00:13:14.775
of Cannabis Management, um,

75

00:13:14.845 --> 00:13:16.255

through their updates and reports.

76

00:13:16.715 --> 00:13:18.695

And then lastly, we will have public comments

77

00:13:18.835 --> 00:13:20.095

before we adjourn.

78

00:13:21.875 --> 00:13:25.415

Um, so with that, um, we can move on to the approval

79

00:13:25.475 --> 00:13:28.295

of the minutes for the June 27th meeting.

80

00:13:28.635 --> 00:13:31.135

Can I have a motion to, um, to approve the minutes?

81

00:13:31.595 --> 00:13:36.455

So moved. Thank you. Can I have a second? I second. Great.

82

00:13:36.795 --> 00:13:41.675

Any amendments discussion regarding the minutes? See none.

83

00:13:41.675 --> 00:13:43.475

All in favor of approving the minutes, say aye

84

00:13:43.475 --> 00:13:44.675

or signify with your hand.

85

00:13:45.815 --> 00:13:50.275

Aye. Aye. Thank you. Um, minutes have been adopted.

86

00:13:50.975 --> 00:13:53.915

The next item is consideration of adult use applications

87

00:13:53.935 --> 00:13:58.475

for approval, and that is resolution number 2025 dash 51.

88

00:13:58.535 --> 00:14:00.235

Can I have a motion to consider

89

00:14:00.235 --> 00:14:01.315

that mo, uh, that resolution?

90

00:14:03.115 --> 00:14:06.495

So moved. Thank you. Can I have a second? I, I'll second.

91

00:14:07.345 --> 00:14:08.655

Thank you. Um,

92

00:14:08.755 --> 00:14:10.535

and, uh, pat, I believe we're hearing from you.

93

00:14:11.465 --> 00:14:13.055

Thank you Jessica. Uh,

94

00:14:13.195 --> 00:14:14.935

before the board today is a cohort

95

00:14:15.075 --> 00:14:17.095

of 52 adult use applications,

96

00:14:17.095 --> 00:14:18.895

which have cleared the multi-step review process

97

00:14:18.955 --> 00:14:20.655

and are being recommended for approval by the board.

98

00:14:21.155 --> 00:14:24.135

Uh, today's cohort includes applications from the November

99

00:14:24.315 --> 00:14:26.055

and December queues, as well as a handful

100

00:14:26.115 --> 00:14:27.735

of processor type three applications.

101

00:14:28.355 --> 00:14:31.855

Uh, of the 52 applications there includes one cultivator,

102

00:14:32.175 --> 00:14:34.495

17 retail dispensaries, six micro businesses,

103

00:14:34.805 --> 00:14:36.935

five distributors, and 23 processors.

104

00:14:37.435 --> 00:14:39.415

Uh, if approved, this will bring the total number

105

00:14:39.415 --> 00:14:43.015

of adult use cannabis licenses to 1,850.

106

00:14:43.975 --> 00:14:46.895

I also wanna take a, a brief moment to, uh, update, uh,

107

00:14:46.895 --> 00:14:48.975

the license review process in terms of the number

108

00:14:49.195 --> 00:14:51.805

of applications that remain pending in both the November

109

00:14:51.905 --> 00:14:52.965

and December queues.

110

00:14:53.545 --> 00:14:56.165

Uh, so for the November queue, uh, which included, uh,

111

00:14:56.165 --> 00:14:59.965

1,603 applications, uh, that were queued, um,

112

00:15:00.105 --> 00:15:03.325

674 of those have received a final license from the board.

113

00:15:03.825 --> 00:15:07.085

Um, 239 have been issued a provisional license,

114

00:15:07.235 --> 00:15:09.965

meaning they're out there trying to find a final location,

115

00:15:10.105 --> 00:15:11.525

and we'll come back before the board

116

00:15:11.625 --> 00:15:12.805

for, for final approval.

117

00:15:13.455 --> 00:15:15.845

321 applications are pending,

118

00:15:15.875 --> 00:15:18.845

meaning their applications are actively under review, uh,

119

00:15:18.845 --> 00:15:20.325

going back with deficiencies

120

00:15:20.385 --> 00:15:22.285

and gear periods in terms of, uh,

121

00:15:22.285 --> 00:15:23.645

getting outstanding information.

122

00:15:24.225 --> 00:15:28.365

And then 369 of those November queue applications, um,

123

00:15:28.595 --> 00:15:32.045

have been, have been closed, either, uh, denied, withdrawn,

124

00:15:32.235 --> 00:15:36.125

void, et cetera from the December queue, uh,

125

00:15:36.125 --> 00:15:38.125

which includes the different queues depending on,

126

00:15:38.185 --> 00:15:39.325
on the different license type.

127

00:15:39.665 --> 00:15:43.325
Uh, there was approximately 4,666 applications

128

00:15:43.325 --> 00:15:45.925
that were submitted and, and included in the December queue.

129

00:15:46.785 --> 00:15:48.965
Um, in terms of the license types, there's,

130

00:15:48.965 --> 00:15:53.285
there's 2,704 retail dispen dispensary applications pending,

131

00:15:53.775 --> 00:15:56.685
872 micro business applications pending.

132

00:15:57.225 --> 00:15:59.365
Um, and of course, as we've, we've talked about, uh,

133

00:15:59.475 --> 00:16:01.605
that queue is, is, is on hold until we get

134

00:16:01.605 --> 00:16:03.525
through the November queue, um,

135

00:16:09.365 --> 00:16:10.995
seven processor applications,

136

00:16:46.295 --> 00:16:47.555
the number of one backend process,

137

00:16:47.845 --> 00:16:50.035
those are actively working on their, their way to get

138

00:16:50.035 --> 00:16:52.035
through the, the review, uh, process.

139

00:16:52.255 --> 00:16:53.675
And we hope to have another kind

140

00:16:53.675 --> 00:16:55.155
of cohort ready for September.

141

00:16:55.705 --> 00:16:59.235
Okay. Um, any challenges to reviewing those applications

142

00:16:59.265 --> 00:17:00.875
that you should make folks aware about?

143

00:17:01.545 --> 00:17:04.595
Yeah, well, I, I, I will flag that, um, especially,

144

00:17:04.595 --> 00:17:05.635
you know, some of these have

145

00:17:05.635 --> 00:17:06.715
been outstanding for a little bit.

146

00:17:06.775 --> 00:17:09.195
So, uh, understandable that, you know,

147

00:17:09.195 --> 00:17:11.675
the office is now reaching out a, a year, a year plus

148

00:17:11.725 --> 00:17:13.355
after you've submitted your application.

149

00:17:13.695 --> 00:17:15.595
So I just remind folks to keep an eye on it.

150

00:17:15.895 --> 00:17:19.315

Um, one of the big deficiencies is the TPI disclosure.

151

00:17:19.735 --> 00:17:23.315

So when the, uh, application was submitted, um,

152

00:17:23.535 --> 00:17:27.235

an automatic email gets sent to the entity, primary entity

153

00:17:27.785 --> 00:17:30.995

with a pin, and then they are have to go in

154

00:17:31.015 --> 00:17:32.395

and do the individual disclosure.

155

00:17:32.575 --> 00:17:34.075

And then every single TPI

156

00:17:34.075 --> 00:17:36.115

that's listed on the application also has

157

00:17:36.115 --> 00:17:37.115

to individually go in.

158

00:17:37.455 --> 00:17:40.475

And so, um, sometimes it, you know, takes some coordination

159

00:17:40.495 --> 00:17:41.835

to get everyone on the same page.

160

00:17:42.415 --> 00:17:44.635

And, uh, just, just flagging that, that's probably, that's,

161

00:17:44.635 --> 00:17:46.835

we've seen that as the most common deficiency in terms of,

162

00:17:46.975 --> 00:17:49.365

uh, getting things ready to go for your review.

163

00:17:49.675 --> 00:17:50.725

Okay. Thank you for that.

164

00:17:51.225 --> 00:17:52.685

Um, any questions from the board?

165

00:17:54.185 --> 00:17:56.925

All right, so, um, if there are no further questions,

166

00:17:57.105 --> 00:17:59.425

um, I'll just take a vote.

167

00:17:59.485 --> 00:18:03.425

Uh, all in favor of approving the, um, licenses submitted

168

00:18:03.425 --> 00:18:05.785

to us for approval, uh, signify by saying Aye,

169

00:18:05.785 --> 00:18:08.305

or show a aye.

170

00:18:09.535 --> 00:18:11.315

Motion carries. Um,

171

00:18:11.415 --> 00:18:16.115

the next item is resolution number 20 25 52 consideration,

172

00:18:16.535 --> 00:18:19.835

um, of adult use license location change amendment requests.

173

00:18:19.975 --> 00:18:21.915

Can I have a motion for that resolution?

174

00:18:23.495 --> 00:18:27.215

So moved. Thank you. Can I have a second? Second.

175

00:18:28.055 --> 00:18:29.815

I'll second. Thanks so much.

176

00:18:30.715 --> 00:18:33.095

Uh, pat, can you give us an explanation of this resolution?

177

00:18:34.175 --> 00:18:37.095

A absolutely. This one's become a pretty standard one.

178

00:18:37.155 --> 00:18:39.175

Uh, we have, uh, 29 licensees

179

00:18:39.235 --> 00:18:41.135

who are requesting a location change

180

00:18:41.315 --> 00:18:42.975

or tier change in some form.

181

00:18:43.555 --> 00:18:46.375

Um, it's a mix of cultivator, processor, distributor,

182

00:18:46.745 --> 00:18:49.735

micro business, and retail dispensary licenses.

183

00:18:50.235 --> 00:18:52.055

Um, all of the, uh, applicant

184

00:18:52.055 --> 00:18:54.695

or licensees have submitted an amendment via our amendment

185

00:18:54.695 --> 00:18:57.295

survey, which is located on our website, um,

186

00:18:57.875 --> 00:18:59.855

and have been reviewed for all the required materials

187

00:18:59.875 --> 00:19:01.735

and recommending approval for these amendments.

188

00:19:02.145 --> 00:19:03.145

Great.

189

00:19:03.585 --> 00:19:06.715

Any questions from the board? Great.

190

00:19:07.135 --> 00:19:09.195

Um, all in favor of, um,

191

00:19:10.665 --> 00:19:15.185

adopting resolution number 20 25 52, um,

192

00:19:15.295 --> 00:19:16.745

signify by saying aye.

193

00:19:18.085 --> 00:19:22.135

Aye. Aye. Great. Motion carries.

194

00:19:22.355 --> 00:19:25.575

Um, next item is resolution number 2025 dash 53

195

00:19:25.975 --> 00:19:28.535

consideration of cannabis research license annual report.

196

00:19:29.555 --> 00:19:30.555

Once again, pat.

197

00:19:31.515 --> 00:19:34.685

Yeah. So, uh, pursuant to section 1 32 0.9

198

00:19:34.685 --> 00:19:37.445

of the regulations in order to continue, uh,

199

00:19:37.965 --> 00:19:39.485

cannabis research license must submit

200

00:19:39.505 --> 00:19:43.005

to the board information, uh, to essentially extend the,

201

00:19:43.005 --> 00:19:44.925

the research license with an annual report.

202

00:19:45.665 --> 00:19:48.405

Um, the following research licensee has submitted an annual

203

00:19:48.405 --> 00:19:50.365

report to the office, which has been reviewed,

204

00:19:50.425 --> 00:19:52.605

and the office believes the licensee has demonstrated

205

00:19:52.925 --> 00:19:54.725

sufficient evidence to continue their research.

206

00:19:55.305 --> 00:19:57.405

Um, as a reminder for this one, this is

207

00:19:57.405 --> 00:20:00.485

that their primary objective is researched into investigate

208

00:20:00.505 --> 00:20:02.645

how the introduction of specific strains

209

00:20:02.705 --> 00:20:06.725

of beneficial bacteria into hydroponic media can improve

210

00:20:07.005 --> 00:20:09.525

cannabis growth, ultimately leading to enhanced yields

211

00:20:09.705 --> 00:20:11.485

and the potential for increased development

212

00:20:11.505 --> 00:20:15.325

of key compounds such as T-H-C-C-B-D and terpenes.

213

00:20:16.745 --> 00:20:21.375

Thank you. Any questions? All right. We'll move it along.

214

00:20:21.395 --> 00:20:22.415

Um, all in favor then

215

00:20:22.475 --> 00:20:26.575

of approving resolution number 2025 dash 53, um,

216

00:20:26.575 --> 00:20:27.855

signify by stating, aye.

217

00:20:28.315 --> 00:20:31.695

Aye. Aye. Thank you. All right.

218

00:20:31.725 --> 00:20:35.575

Next, um, order of business is resolution number 2025 dash

219

00:20:35.585 --> 00:20:36.935

54 consideration

220

00:20:36.935 --> 00:20:39.815

of register organization dispensing license, the locations.

221

00:20:40.235 --> 00:20:44.755

Can I have a motion to consider the resolution? So moved.

222

00:20:46.065 --> 00:20:50.325

Aye. Can I have a second? I'll second. Thank you.

223

00:20:50.825 --> 00:20:53.405

Um, welcome. Thank you. Sorry

224

00:20:53.835 --> 00:20:54.845

Very much. Sorry for the

225

00:20:55.535 --> 00:20:56.535

Train. Sorry. We blame.

226

00:20:56.535 --> 00:20:58.565

And the heat.

227

00:20:59.385 --> 00:21:02.945

Um, uh, pat, would you mind giving us a explanation

228

00:21:02.945 --> 00:21:04.305

of this resolution, please?

229

00:21:06.775 --> 00:21:08.975

Absolutely. So, uh, before the board today, uh,

230

00:21:09.315 --> 00:21:13.135

is a resolution to include two dispensing facility locations

231

00:21:13.515 --> 00:21:17.215

and one manufacturing facility locations for, uh,

232

00:21:17.685 --> 00:21:20.015

Nana Farms, which is one of the new ros, uh,

233

00:21:20.015 --> 00:21:21.015

which was recently licensed

234

00:21:21.015 --> 00:21:22.575

by the board in the past six months.

235

00:21:23.315 --> 00:21:25.695

Uh, one of the dispensaries is located in Schenectady

236

00:21:25.695 --> 00:21:26.935

County, and the other, uh,

237

00:21:26.945 --> 00:21:28.975

dispensary is located in Westchester County.

238

00:21:29.515 --> 00:21:32.455

The manufacturing facility is out in Oneida County

239

00:21:32.635 --> 00:21:34.735

and will be conducting an outdoor cultivation.

240

00:21:35.395 --> 00:21:38.375

Um, the office has received all required information in

241

00:21:38.375 --> 00:21:40.055

terms of approving these locations, uh,

242

00:21:40.055 --> 00:21:41.415

including adequate proof

243

00:21:41.435 --> 00:21:44.375

of control over the locations from the licensee.

244

00:21:44.955 --> 00:21:46.935

Um, as a, uh, just a reminder,

245

00:21:46.995 --> 00:21:49.855

the the office will conduct a pre-operational inspection

246

00:21:49.995 --> 00:21:52.495

before the clearance is given to go at any

247

00:21:52.495 --> 00:21:54.975

of these locations, uh, following, following, uh,

248

00:21:54.975 --> 00:21:56.375

if there is a board, board approval

249

00:21:56.515 --> 00:21:58.375

for the locations today. Great.

250

00:21:58.835 --> 00:22:02.225

Thank you. Uh, any questions from the board?

251

00:22:04.015 --> 00:22:06.675

All right, if there are no questions, um, all in favor

252

00:22:06.735 --> 00:22:09.755

of approving resolution number 2025 dash 54

253

00:22:10.145 --> 00:22:11.435

signify by saying aye.

254

00:22:12.175 --> 00:22:16.195

Aye. Aye. Aye. So everyone, motion carries.

255

00:22:16.735 --> 00:22:20.955

Um, next order of business is resolution number 2025 dash 55

256

00:22:21.475 --> 00:22:23.595

consideration of packaging, labeling, marketing

257

00:22:23.595 --> 00:22:26.475

and advertising regulations for public comment.

258

00:22:28.685 --> 00:22:30.145

So this one has been a bit of a saga,

259

00:22:30.325 --> 00:22:32.745

but, uh, glad to see it back, back in front of the board.

260

00:22:33.325 --> 00:22:36.265

Um, just to kind of give the, the order, the history here,

261

00:22:36.265 --> 00:22:37.865

it was originally approved to go out

262

00:22:37.865 --> 00:22:39.625

for public comment at the March board meeting.

263

00:22:40.525 --> 00:22:42.105

Um, then at the May board meeting

264

00:22:42.105 --> 00:22:44.025

before it was officially published, uh,

265

00:22:44.165 --> 00:22:47.225

the board directed the office to, to hold on publishing, um,

266

00:22:47.225 --> 00:22:48.745

mainly to address an issue in,

267

00:22:48.745 --> 00:22:51.265

in the proposed regulations related to billboards.

268

00:22:51.685 --> 00:22:53.865

Um, so the cannabis law is rather prescriptive.

269

00:22:53.885 --> 00:22:56.185

It does not allow advertising to via billboards.

270

00:22:56.445 --> 00:23:00.305

And, uh, the office has gone back and, and got with counsel

271

00:23:00.845 --> 00:23:03.905

and has, uh, proposed amendments to this, this package

272

00:23:04.005 --> 00:23:05.825

to make it clear that advertising via

273

00:23:05.825 --> 00:23:07.065

billboard is not allowed.

274

00:23:07.175 --> 00:23:08.545

It's not allowed in the cannabis law.

275

00:23:09.125 --> 00:23:12.865

Um, it, it strikes this balance to also allow signage from,

276

00:23:13.085 --> 00:23:16.105

uh, our, our, our retail dispensary licensees at, at, uh,

277

00:23:16.405 --> 00:23:18.465

at their dispensaries by allowing for,

278

00:23:18.645 --> 00:23:22.385

for larger signage when the sign is near a dispensary,

279

00:23:22.565 --> 00:23:26.385

and then a smaller signage allowed, uh, when the, uh,

280

00:23:26.415 --> 00:23:29.065

signage or advertising are away from a dispensary.

281

00:23:29.565 --> 00:23:32.065

Um, the majority of the, uh, other kind

282

00:23:32.065 --> 00:23:33.825

of changes in there were very technical in nature.

283

00:23:34.125 --> 00:23:35.945

And so that was really the, the main,

284

00:23:36.005 --> 00:23:37.545

the main change in substance.

285

00:23:38.005 --> 00:23:39.985

Um, if approved today, these will go back out

286

00:23:40.085 --> 00:23:42.465

for a 45 day public comment period, um,

287

00:23:42.485 --> 00:23:44.585

in which case then they would be coming back to the board

288

00:23:44.585 --> 00:23:45.890
after that public comment period

289

00:23:45.945 --> 00:23:48.845
to either make further changes or, uh, to be adopted.

290

00:23:50.665 --> 00:23:52.815
Great. Thanks, pat. Any questions from the board?

291

00:23:55.245 --> 00:23:56.495
Will these get posted on the

292

00:23:56.495 --> 00:23:58.615
August 6th register as well, or later?

293

00:24:00.465 --> 00:24:01.825
I can check. That might be a little tight.

294

00:24:02.125 --> 00:24:04.025
Um, but we, we, we can follow up, uh,

295

00:24:05.545 --> 00:24:06.835
with, with you and Wend.

296

00:24:06.835 --> 00:24:08.795
They'll get posted, but hopefully in, in August.

297

00:24:09.185 --> 00:24:12.695
Okay. Um, if there are no other questions from the board,

298

00:24:12.795 --> 00:24:15.215
can, um, we'll just bring it to a vote.

299

00:24:15.235 --> 00:24:18.495
Um, all in favor of resolution 2025 dash, um,

300

00:24:18.945 --> 00:24:21.055

55 signify by saying aye.

301

00:24:21.475 --> 00:24:24.085

Aye. Aye, everyone.

302

00:24:24.905 --> 00:24:28.845

Uh, next up is resolution number 2025 dash 56, consideration

303

00:24:28.845 --> 00:24:31.885

of applications closed for one licensed policy,

304

00:24:32.505 --> 00:24:35.365

and I have a motion to, um, consider the resolution.

305

00:24:36.225 --> 00:24:40.165

So moved. Can I have a second? Second. Thank you.

306

00:24:40.785 --> 00:24:43.085

Um, and we're gonna hear from Pat again, this one.

307

00:24:44.215 --> 00:24:46.165

Thank you. So, uh, we,

308

00:24:46.165 --> 00:24:47.925

we've talked about this issue a couple times, uh,

309

00:24:47.945 --> 00:24:49.365

at the last couple board meetings.

310

00:24:49.825 --> 00:24:53.605

Um, and, uh, you know, just kind of as a refresher, um,

311

00:24:53.745 --> 00:24:58.085

in May, 2024, the board passed, uh, a guidance document

312

00:24:58.195 --> 00:25:00.045

that set out a policy that

313

00:25:00.105 --> 00:25:03.885

for this first application window, um, each entity

314

00:25:04.065 --> 00:25:06.045

and majority owner would only be eligible

315

00:25:06.045 --> 00:25:08.965

to have one retail dispensary license for,

316

00:25:08.985 --> 00:25:11.245

for this first application window, really as an effort

317

00:25:11.245 --> 00:25:13.805

to try and make sure that more people could have access

318

00:25:13.805 --> 00:25:15.165

to a, a dispensary license

319

00:25:15.305 --> 00:25:16.845

before other people could start

320

00:25:16.845 --> 00:25:18.005

having their second or third.

321

00:25:18.625 --> 00:25:20.565

Um, there was a, a court case in, uh,

322

00:25:20.805 --> 00:25:24.045

a judge issued a determination in late April, early May

323

00:25:24.475 --> 00:25:28.165

that, um, the guidance policy was invalid

324

00:25:28.425 --> 00:25:32.365

and, uh, not enacted in, in, in, in the correct form.

325

00:25:32.905 --> 00:25:35.485

And so that led to a number of those, uh,

326

00:25:35.485 --> 00:25:36.885

applicants involved in the lawsuit

327

00:25:37.025 --> 00:25:38.445

to essentially have their second

328

00:25:38.745 --> 00:25:42.005

or third applications put put back into, uh, process.

329

00:25:43.025 --> 00:25:45.525

And so, um, in tandem with this, uh,

330

00:25:45.865 --> 00:25:49.125

we have also closed close to 400 applications

331

00:25:49.425 --> 00:25:50.925

for this one license policy.

332

00:25:51.665 --> 00:25:52.845

So the resolution

333

00:25:52.845 --> 00:25:55.365

before the board today is to, um,

334

00:25:55.705 --> 00:25:58.285

put back into process those applications that were closed

335

00:25:58.285 --> 00:26:00.405

because of this policy, um,

336

00:26:00.625 --> 00:26:02.925

to essentially con continue processing them,

337

00:26:03.175 --> 00:26:05.085

which would allow, uh, people

338

00:26:05.085 --> 00:26:07.525

who applied multiple times in the November queue

339

00:26:07.665 --> 00:26:10.525

to have a second or third license if it's eligible.

340

00:26:11.345 --> 00:26:14.045

So, um, this kind of ties to the resolution

341

00:26:14.045 --> 00:26:15.365

that is immediately proceeding this.

342

00:26:15.785 --> 00:26:16.845

Um, but, uh,

343

00:26:16.935 --> 00:26:18.325

after the team did the review,

344

00:26:18.325 --> 00:26:20.925

there's approximately 400 applications that,

345

00:26:20.925 --> 00:26:22.325

that fit into this criteria.

346

00:26:23.065 --> 00:26:26.725

Um, about 200 of them, uh, have a fact pattern

347

00:26:26.855 --> 00:26:29.205

where the entity, uh,

348

00:26:29.665 --> 00:26:31.765

the same entity applied multiple

349

00:26:31.765 --> 00:26:33.285

times for the same location.

350

00:26:33.865 --> 00:26:35.285

Um, and this was something that was allowed

351

00:26:35.285 --> 00:26:38.165

because of the way that application window was structured.

352

00:26:38.505 --> 00:26:40.925

Uh, essentially it was, uh, done by the queue,

353

00:26:41.055 --> 00:26:42.245

which was essentially a lottery.

354

00:26:42.385 --> 00:26:44.365

And so people applied multiple times to try

355

00:26:44.365 --> 00:26:45.765

and get a better spot in the queue

356

00:26:45.765 --> 00:26:46.885

with their different application.

357

00:26:47.275 --> 00:26:49.765

However, you can't have a license, uh, issued

358

00:26:49.825 --> 00:26:52.205

for the same location, uh, three times.

359

00:26:52.705 --> 00:26:57.285

So, um, the office is recommending that, uh, for the,

360

00:26:57.505 --> 00:26:59.405

for this fact pattern, for the entities that apply

361

00:26:59.425 --> 00:27:03.605

for the same location that, uh, they, uh, be denied

362

00:27:03.785 --> 00:27:05.925

and not be allowed to be put back into process

363

00:27:06.105 --> 00:27:08.005

and continue processing for their second

364

00:27:08.005 --> 00:27:09.605

and third since it's for the same location.

365

00:27:10.145 --> 00:27:11.645

But for those people that did apply,

366

00:27:11.655 --> 00:27:15.605

which is approximately 200, um, for a different location

367

00:27:15.785 --> 00:27:18.325

or under a different entity, that those, uh,

368

00:27:18.535 --> 00:27:20.925

those applications would be put back into process.

369

00:27:21.825 --> 00:27:23.645

And why this is kind of important, uh,

370

00:27:23.645 --> 00:27:25.805

as if we think about the bigger picture and the applications

371

00:27:25.805 --> 00:27:29.125

before us is, uh, we have to get through the November queue

372

00:27:29.125 --> 00:27:30.645

before we can move on to the December queue.

373

00:27:30.705 --> 00:27:32.365

And so getting these, uh, 200,

374

00:27:32.505 --> 00:27:35.445

so applications back in process will help us get through

375

00:27:35.445 --> 00:27:37.765

that November queue so we could then, uh,

376

00:27:37.875 --> 00:27:38.925

move on to December.

377

00:27:40.065 --> 00:27:42.735

Thank you. Got it. Any questions from the board?

378

00:27:45.395 --> 00:27:49.285

Does this change the, um, estimated timeline you've shared

379

00:27:49.285 --> 00:27:52.125

with us in previous board meetings, how long it'll take

380

00:27:52.125 --> 00:27:53.245

to get through that November queue?

381

00:27:54.345 --> 00:27:56.925

The, that timeline of basically, you know, end

382

00:27:56.925 --> 00:27:59.165

of year-ish is, is still in place as we were kind

383

00:27:59.165 --> 00:28:01.645

of anticipating that this was gonna be, uh,

384

00:28:01.935 --> 00:28:04.525

gonna be a factor in, in, in adding the number

385

00:28:04.525 --> 00:28:05.645

of applications we need to get.

386

00:28:05.955 --> 00:28:08.525

Okay. So it's included. It's already in the calculations.

387

00:28:08.555 --> 00:28:11.605

Yeah. Yeah. Thank you. Um, okay.

388

00:28:11.605 --> 00:28:12.925

If there are no questions from the

389

00:28:12.925 --> 00:28:14.085

board, I'll call for a vote.

390

00:28:14.225 --> 00:28:18.725

Um, all in favor of, uh, resolution number 2025 dash 56,

391

00:28:19.065 --> 00:28:20.805

um, signify by saying aye.

392

00:28:21.505 --> 00:28:24.335

Aye. Aye. Right. Motion carries.

393

00:28:24.875 --> 00:28:29.295

Um, next up is resolution number 2025 dash 57, consideration

394

00:28:29.295 --> 00:28:32.135

of delegating denial power for certain license applications.

395

00:28:33.225 --> 00:28:35.885

Um, pat, can I, oh, can I have a motion

396

00:28:35.905 --> 00:28:37.645

to consider this resolution?

397

00:28:38.775 --> 00:28:42.725

Thank you. Can I have a second? Second. Wonderful. And Pat?

398

00:28:43.265 --> 00:28:45.525

Yes. And, and as, as I alluded to, this is the one

399

00:28:45.525 --> 00:28:47.125

that's very related to this.

400

00:28:47.625 --> 00:28:49.045

So, um, in this resolution,

401

00:28:49.045 --> 00:28:51.565

it would essentially be delegating to the office the ability

402

00:28:51.585 --> 00:28:53.485

to deny applicants that fit

403

00:28:53.485 --> 00:28:56.445

that fact pattern we were just talking about where, uh,

404

00:28:56.625 --> 00:28:58.205

if the entity applied, um,

405

00:28:58.565 --> 00:29:01.925

multiple times under the same entity, same location, uh,

406

00:29:01.985 --> 00:29:03.725

it would be giving the office the ability

407

00:29:03.785 --> 00:29:05.125

to deny those applications.

408

00:29:05.585 --> 00:29:09.045

Um, so, uh, we could essentially close them out formally

409

00:29:09.045 --> 00:29:11.485

because the way that they're denied now under the one

410

00:29:11.485 --> 00:29:13.205

license policy is not valid.

411

00:29:13.345 --> 00:29:16.645

So they need a, a proper way to be closed out.

412

00:29:18.025 --> 00:29:21.435

Okay. Any questions from the board? All right.

413

00:29:21.435 --> 00:29:22.515
Um, I'll just call for a vote.

414

00:29:22.575 --> 00:29:26.675
All in favor of adopting resolution 2025 dash 57

415

00:29:26.865 --> 00:29:28.115
signify by saying Aye.

416

00:29:28.735 --> 00:29:31.945
Aye. Aye. Carries.

417

00:29:33.285 --> 00:29:35.985
Um, next up is, uh, can I have a motion

418

00:29:36.045 --> 00:29:40.305
to consider resolution 20 25 58, um,

419

00:29:40.885 --> 00:29:43.565
of administrative appeal regarding the matter

420

00:29:43.565 --> 00:29:46.405
of Brecken Gold Athletics, N-Y-C-D-B-A,

421

00:29:46.405 --> 00:29:49.325
Breckenridge Hemp Company versus OCM?

422

00:29:50.105 --> 00:29:53.285
And for this one, we're gonna go on to the screen to, uh,

423

00:29:53.445 --> 00:29:57.165
Selena are you so moved?

424

00:29:57.745 --> 00:30:01.165
Oh, so sorry. Thank you for, for that motion.

425

00:30:01.305 --> 00:30:03.045

Can I have a second? Second. Thank you,

426

00:30:05.135 --> 00:30:06.135

Selena. Good morning, Madam Chair.

427

00:30:06.135 --> 00:30:06.775

Good morning.

428

00:30:06.955 --> 00:30:09.255

Uh, board members, the resolution

429

00:30:09.255 --> 00:30:11.135

before the board is to consider

430

00:30:11.155 --> 00:30:14.015

and approve the recommended decision that was sent

431

00:30:14.015 --> 00:30:17.215

to the board in advance and is posted on the OCM website

432

00:30:18.035 --> 00:30:21.615

for the appeal filed by Appellant Brecken Gold Athletics,

433

00:30:22.455 --> 00:30:25.135

N-Y-C-D-B-A Breckenridge Hemp Company.

434

00:30:26.195 --> 00:30:28.575

The appellant has filed the appeal pursuant to Section

435

00:30:29.155 --> 00:30:30.455

1 33 22

436

00:30:31.355 --> 00:30:34.175

of Title IX New York Codes rules and regulations.

437

00:30:35.485 --> 00:30:40.395

Next slide, please. The hearing was

438

00:30:40.395 --> 00:30:42.915

conducted pursuant to cannabis Law 1 38 A

439

00:30:43.735 --> 00:30:48.235

and to section 1 33 25 of Title IX rules regs, uh, sorry,

440

00:30:48.235 --> 00:30:49.315

code rules and regs.

441

00:30:50.395 --> 00:30:54.205

The hearing was to determine the notice of violation

442

00:30:54.205 --> 00:30:57.445

and a cease order that had been issued by appellate OCM

443

00:30:57.445 --> 00:31:00.675

after a regulatory inspection on appeal,

444

00:31:00.675 --> 00:31:02.395

the appellant raised several issues.

445

00:31:03.335 --> 00:31:06.795

One, whether a licensed cannabinoid hemp retailer is subject

446

00:31:06.815 --> 00:31:08.555

to Article six of the cannabis law,

447

00:31:08.815 --> 00:31:10.755

and subject to seizure by OCM

448

00:31:10.755 --> 00:31:13.765

during a regulatory inspection, whether it's error,

449

00:31:13.765 --> 00:31:16.685

whether there was an error of law to impose a civil penalty

450

00:31:17.565 --> 00:31:19.445

for unlicensed activity pursuant

451

00:31:19.445 --> 00:31:23.365

to cannabis law 1 32 1 A on a cannabinoid retailer,

452

00:31:24.085 --> 00:31:25.845

a licensed cannabinoid hemp retailer,

453

00:31:26.945 --> 00:31:29.125

and whether there was sufficient evidence establishing

454

00:31:29.125 --> 00:31:31.805

unlicensed activity as defined in the cannabis law.

455

00:31:33.045 --> 00:31:36.705

Oh, and finally, whether the A LJ had retroactively applied

456

00:31:37.265 --> 00:31:39.145

regulatory standards from guidance

457

00:31:39.575 --> 00:31:42.305

that was issued subsequent to the inspection

458

00:31:42.485 --> 00:31:46.925

and to the hearing, I would recommend to the board

459

00:31:47.145 --> 00:31:49.925

to adopt and to approve the recommended decision

460

00:31:49.995 --> 00:31:52.845

that was prepared and shared with the board's specifically,

461

00:31:53.425 --> 00:31:55.325

uh, denying the appellant's appeal

462

00:31:55.465 --> 00:31:57.365

and affirming the AJ's decision.

463

00:31:58.395 --> 00:32:01.415

The appellant's argument regarding OCMs authority pursuant

464

00:32:01.415 --> 00:32:04.775

to 138 A is contrary to the law under the law.

465

00:32:04.775 --> 00:32:05.935

The language is very clear,

466

00:32:06.355 --> 00:32:11.035

and the intent was that the, uh, app PE OCM has authority

467

00:32:11.255 --> 00:32:12.595

to inspect

468

00:32:13.255 --> 00:32:14.555

and to issue violations

469

00:32:14.615 --> 00:32:18.035

for unlicensed activity against any person regardless

470

00:32:18.035 --> 00:32:20.115

of whether or not that individual is licensed,

471

00:32:20.975 --> 00:32:22.875

if the activity is unlicensed activity

472

00:32:22.895 --> 00:32:25.035

and outside of the scope of the license issued,

473

00:32:25.585 --> 00:32:26.795

they are very well deemed

474

00:32:26.815 --> 00:32:29.035

to have been engaged in unlicensed activity under the

475

00:32:29.035 --> 00:32:30.075

ca cannabis law.

476

00:32:30.075 --> 00:32:33.315

Excuse me. Additionally, it was not error of law

477

00:32:33.315 --> 00:32:35.315

for the A LJ to impose a civil penalty

478

00:32:35.425 --> 00:32:36.795

because again,

479

00:32:36.795 --> 00:32:39.450

that section is also applicable to all persons.

480

00:32:40.095 --> 00:32:41.765

There was substantial evidence in the record

481

00:32:41.825 --> 00:32:44.005

to support the unlicensed activity, which again,

482

00:32:44.305 --> 00:32:45.645

is defined in the cannabis law,

483

00:32:45.645 --> 00:32:47.205

and does include activity outside the

484

00:32:47.205 --> 00:32:48.405

scope of an issued license.

485

00:32:50.035 --> 00:32:53.935

The A LJ did not retroactively apply regulatory standards

486

00:32:54.205 --> 00:32:55.935

because the guidance that was issued

487

00:32:56.025 --> 00:33:00.215

after the hearing was issued, explaining regulations

488

00:33:00.215 --> 00:33:03.215

that had already been in effect from December, 2023.

489

00:33:04.095 --> 00:33:05.485

There were no regulations

490

00:33:05.485 --> 00:33:07.325

or rules that were introduced in that guidance.

491

00:33:08.525 --> 00:33:10.425

The written recommendation was Shannon Advance

492

00:33:10.445 --> 00:33:12.145

and is available on the website

493

00:33:12.145 --> 00:33:13.745

and does further expand on the reasoning.

494

00:33:14.085 --> 00:33:15.425

I'm happy to answer any questions.

495

00:33:17.425 --> 00:33:19.815

Thank you. Any questions from the board?

496

00:33:22.195 --> 00:33:24.615

Seeing none, um, I will call for a vote.

497

00:33:24.755 --> 00:33:28.895

All in favor of resolution 2025 dash 58, uh,

498

00:33:28.995 --> 00:33:32.535

to accept the recommendation to affirm the AJ's decision.

499

00:33:33.315 --> 00:33:36.615

Um, please signify by saying aye. Aye. Aye. Aye. Aye.

500

00:33:37.975 --> 00:33:39.115

Motion carries.

501

00:33:40.215 --> 00:33:44.535

Um, before we, uh, get to the, um,

502

00:33:44.835 --> 00:33:48.375

office of Cannabis Management Report, um, uh, you'll note

503

00:33:48.375 --> 00:33:51.215

that the agenda doesn't have any PCA requests, uh,

504

00:33:51.235 --> 00:33:52.975

before the board, uh, for this month,

505

00:33:53.555 --> 00:33:55.735

and our next meeting will be till September.

506

00:33:56.515 --> 00:33:59.015

Uh, we wanted to let you know that we have every intention

507

00:33:59.235 --> 00:34:03.295

of going through those who have submitted those PCA requests

508

00:34:03.915 --> 00:34:06.935

on June 27th or earlier, um, and,

509

00:34:07.035 --> 00:34:08.775

and get all of those done as

510

00:34:08.795 --> 00:34:10.895

or as many of those done at the September meeting.

511

00:34:11.395 --> 00:34:13.135

Um, so that is our goal for those of you waiting

512

00:34:13.235 --> 00:34:16.175

for your PCA request to be considered by the, by the board,

513

00:34:16.875 --> 00:34:20.735

if you are among that cohort, um, we urge you

514

00:34:20.735 --> 00:34:22.815

to please be mindful of communication

515

00:34:22.815 --> 00:34:24.375

that may be coming from OCM

516

00:34:24.435 --> 00:34:27.255

to get your application ready, uh, for the board.

517

00:34:27.435 --> 00:34:29.255

Um, that way you won't be further delayed.

518

00:34:29.875 --> 00:34:31.935

Um, and if you submitted your PCA request

519

00:34:31.985 --> 00:34:34.375

after June 27th, know that

520

00:34:34.955 --> 00:34:38.735

the new PCA regs will be applicable to your request,

521

00:34:38.795 --> 00:34:42.215

and those will be considered hopefully shortly thereafter.

522

00:34:42.435 --> 00:34:43.855

Um, but we are very committed

523

00:34:44.195 --> 00:34:46.575

and the team is very, the OCM team is very committed

524

00:34:46.575 --> 00:34:49.055

to trying to move through those applications so that all

525

00:34:49.055 --> 00:34:52.575

of you can continue in, um, building your business, um,

526

00:34:52.745 --> 00:34:56.635

where you, um, where it's best for, for, for your, uh,

527

00:34:56.655 --> 00:34:57.675

for you and your partners.

528

00:34:58.495 --> 00:35:01.315

Um, so with that, I will pass it on to

529

00:35:01.865 --> 00:35:03.675

executive Director Fi. Yes.

530

00:35:04.215 --> 00:35:06.915

Uh, good after. Good morning. No, good morning everybody.

531

00:35:07.275 --> 00:35:08.355

Uh, thank you for being here.

532

00:35:08.675 --> 00:35:11.515

I will do a brief update on power score

533

00:35:11.655 --> 00:35:14.835

and then turn it to our policy team to discuss,

534

00:35:14.975 --> 00:35:15.995

uh, market update.

535

00:35:16.455 --> 00:35:18.435

Uh, this is just a final reminder, uh,

536

00:35:18.455 --> 00:35:20.395

to all licensees authorized to cultivate

537

00:35:20.395 --> 00:35:24.635

that your benchmark power score is due August 31st, 2025.

538

00:35:24.695 --> 00:35:26.515

So you have a little over a month to get that done.

539

00:35:26.895 --> 00:35:28.355

Uh, please be mindful of that date.

540

00:35:28.815 --> 00:35:31.715

We now have a series of brief tutorial videos posted

541

00:35:31.815 --> 00:35:34.275

to our YouTube page and a playlist, which you can access

542

00:35:34.295 --> 00:35:36.355

by clicking the QR code on the screen.

543

00:35:36.665 --> 00:35:38.205

It's hella small here,

544

00:35:38.465 --> 00:35:40.645

but, uh, the, the slide deck will be posted

545

00:35:40.985 --> 00:35:42.845

and you'll able to see the QR code that way.

546

00:35:43.545 --> 00:35:46.005

Uh, the three new tutorials are 15 minutes or less

547

00:35:46.005 --> 00:35:47.605

and cover how to set up your account

548

00:35:47.625 --> 00:35:49.925

and gather the data You'll need to enter how

549

00:35:49.925 --> 00:35:51.125

to enter your data into the system

550

00:35:51.265 --> 00:35:54.245

and how to interpret the results of your power score report.

551

00:35:55.025 --> 00:35:57.925

We also have a webinar recording available in the playlist

552

00:35:58.115 --> 00:35:59.405

that covers regulations

553

00:35:59.425 --> 00:36:02.165

and reporting timelines from our power score guidance

554

00:36:02.525 --> 00:36:05.125

document and a power score demonstration recording

555

00:36:05.275 --> 00:36:06.885

that walks you through the product.

556

00:36:07.355 --> 00:36:09.965

Finally, you can also access this playlist by going

557

00:36:09.965 --> 00:36:13.645

to OCMs Energy and Environmental Sustainability webpage.

558

00:36:13.715 --> 00:36:17.565

Easiest way to do that is Google, OCM and those words, uh,

559

00:36:17.585 --> 00:36:19.845

or the New York State Power Score landing page.

560

00:36:20.145 --> 00:36:21.685

If you have any questions, please do feel

561

00:36:21.685 --> 00:36:22.725

free to reach out to the office.

562

00:36:25.675 --> 00:36:28.415

You can also find other useful documents on the webpage

563

00:36:28.475 --> 00:36:30.295
as well, including power score

564

00:36:30.455 --> 00:36:31.615
Guidance and the data checklist.

565

00:36:32.355 --> 00:36:34.415
If you have questions about your account

566

00:36:34.595 --> 00:36:37.415
or need to help with the PowerScore platform, please,

567

00:36:37.415 --> 00:36:40.575
please reach out to the Resource Innovation Institute at

568

00:36:40.665 --> 00:36:43.615
powerscore@resourceinnovation.org.

569

00:36:43.995 --> 00:36:47.095
That's all one on the, on the latter half after the at.

570

00:36:47.115 --> 00:36:51.335
So I'll say it again, powerscore@resourceinnovation.org.

571

00:36:51.835 --> 00:36:53.815
If you have any questions about recording rules

572

00:36:53.875 --> 00:36:55.135
or required timelines,

573

00:36:55.195 --> 00:37:00.095
please contact the office at powercore@ocm.ny.gov.

574

00:37:00.465 --> 00:37:03.695
Thank you. And I will turn it to Kevin and Sarah.

575

00:37:03.975 --> 00:37:05.855

I believe they're here.

576

00:37:16.725 --> 00:37:18.875

Kevin, before you begin, I just wanna welcome a new member

577

00:37:18.875 --> 00:37:21.755

to the table, Simone Washington, our Chief Equity Officer.

578

00:37:21.975 --> 00:37:24.035

I'm so glad you're here today, um,

579

00:37:24.335 --> 00:37:26.155

and looking forward to all the work that you're doing

580

00:37:26.155 --> 00:37:28.275

and all the work you'll continue to do. Alright, Kevin.

581

00:37:28.705 --> 00:37:30.885

Alright. Hi everyone.

582

00:37:31.305 --> 00:37:33.725

Um, so this market update is going

583

00:37:33.725 --> 00:37:35.725

to be similar in structure to last month's.

584

00:37:35.725 --> 00:37:36.885

There are two sections.

585

00:37:37.505 --> 00:37:38.885

The first is a continuation

586

00:37:38.885 --> 00:37:40.885

of the licensing analysis from last month.

587

00:37:41.495 --> 00:37:43.525

We're gonna look at how many stores may open their

588

00:37:43.525 --> 00:37:44.765
doors and how long that takes.

589

00:37:45.345 --> 00:37:47.405
And then the second section is the core

590

00:37:47.405 --> 00:37:48.645
sales views we always show.

591

00:37:49.195 --> 00:37:51.695
Please stop me if anybody has any questions along the way.

592

00:37:55.055 --> 00:37:56.835
All right. I wanna start

593

00:37:56.855 --> 00:37:58.955
by reorienting everybody to where we left off.

594

00:37:59.655 --> 00:38:02.135
We now have 431 open

595

00:38:02.655 --> 00:38:04.375
au dispensaries in the state of New York.

596

00:38:04.745 --> 00:38:07.735
There are 575 entities that are licensed,

597

00:38:07.735 --> 00:38:11.535
but not yet open 960 that are pending or under review.

598

00:38:12.075 --> 00:38:13.815
And 3,518

599

00:38:14.115 --> 00:38:17.095
or 53% of the applications are in submitted status,

600

00:38:17.395 --> 00:38:18.495

and they have not yet been touched

601

00:38:20.375 --> 00:38:21.715
of those in a submitted status.

602

00:38:21.855 --> 00:38:23.755
Almost all of them are from the December queue.

603

00:38:24.745 --> 00:38:26.485
We continue to grow store counts steadily,

604

00:38:26.485 --> 00:38:27.685
but there's a lot in the pipeline

605

00:38:27.905 --> 00:38:29.405
and we have barely scratched the surface.

606

00:38:34.975 --> 00:38:37.385
Last month, we looked at how many potential dispensaries we

607

00:38:37.385 --> 00:38:38.705
could have if everybody was approved

608

00:38:38.765 --> 00:38:41.375
and everybody opened their doors this month.

609

00:38:41.395 --> 00:38:42.455
We wanna try to estimate

610

00:38:42.455 --> 00:38:43.775
how many of those are likely to open.

611

00:38:44.575 --> 00:38:47.075
To do this, we broke the application funnel into two parts.

612

00:38:47.835 --> 00:38:49.655
The first is review to office approval,

613

00:38:49.655 --> 00:38:50.735
which is the grant on the left.

614

00:38:51.405 --> 00:38:54.535
This looks the period covering the first time OCM touches

615

00:38:54.555 --> 00:38:56.735
the app through when the application either receives

616

00:38:56.735 --> 00:38:58.295
provisional status or is recommended

617

00:38:58.295 --> 00:38:59.735
for approval, whichever comes first.

618

00:39:01.155 --> 00:39:03.215
For the November queue, this process took about

619

00:39:03.235 --> 00:39:04.775
182 days on average.

620

00:39:05.315 --> 00:39:07.015
For many applicants, it was shorter than this,

621

00:39:07.555 --> 00:39:09.255
but a few have taken a very long time.

622

00:39:10.465 --> 00:39:14.085
83.7% of decided applications were approved.

623

00:39:15.985 --> 00:39:17.725
The second part of the funnel is office

624

00:39:18.005 --> 00:39:19.045
approval through store openings.

625

00:39:19.475 --> 00:39:20.565

This is the graph on the right,

626

00:39:20.565 --> 00:39:22.125

which reflects all openings to date.

627

00:39:23.065 --> 00:39:25.805

The average amount of time this took was about 115 days

628

00:39:26.275 --> 00:39:27.965

similar to the previous step in the funnel.

629

00:39:28.155 --> 00:39:30.005

Many applications open, oh,

630

00:39:30.005 --> 00:39:31.365

many applicants open fairly quickly,

631

00:39:31.545 --> 00:39:32.805

but a few have taken a long time.

632

00:39:34.295 --> 00:39:35.405

Based on analysis

633

00:39:35.405 --> 00:39:37.405

of the provisionally licensed doors approaching their

634

00:39:37.565 --> 00:39:38.605

deadline to find locations.

635

00:39:38.945 --> 00:39:41.165

We estimate that 76.3%

636

00:39:41.185 --> 00:39:42.885

of office approved locations will open.

637

00:39:43.425 --> 00:39:47.005

Market conditions could alter this over time, uh, just

638

00:39:47.105 --> 00:39:51.685

as a heads up, like different queues, uh, I guess, uh,

639

00:39:52.825 --> 00:39:54.655

could have different conditions that they're dealing in.

640

00:39:54.675 --> 00:39:56.645

As we have more saturation,

641

00:39:56.645 --> 00:39:58.005

as we get deeper into the queues,

642

00:39:58.145 --> 00:39:59.925

we can't necessarily see if that'll hold,

643

00:39:59.925 --> 00:40:01.605

but that's the information that we have today.

644

00:40:02.825 --> 00:40:06.565

Um, so this means in total we estimate 63.9%

645

00:40:06.565 --> 00:40:07.845

of applications will open

646

00:40:08.065 --> 00:40:10.325

and then it will take about 11 months once touched on

647

00:40:10.325 --> 00:40:10.645

average,

648

00:40:15.275 --> 00:40:17.205

this slide takes the assumptions from the p prior,

649

00:40:17.375 --> 00:40:18.765

prior slide and applies them

650

00:40:18.765 --> 00:40:20.525

to the full retail December queue.

651

00:40:21.055 --> 00:40:24.965

There are 3,664 retail applications in the December queue,

652

00:40:25.185 --> 00:40:27.925

of which we expect 3067 to be approved

653

00:40:28.305 --> 00:40:30.245

and 2,340 to open.

654

00:40:31.065 --> 00:40:34.645

If we add in the 987 estimated openings from the card in

655

00:40:34.805 --> 00:40:38.965

November queues, that gives us an additional 3,327 stores on

656

00:40:38.965 --> 00:40:41.125

top of 431 stores open today.

657

00:40:45.045 --> 00:40:46.225

All right, this is gonna be a long one,

658

00:40:46.285 --> 00:40:47.425

but everyone bear with me.

659

00:40:48.155 --> 00:40:50.575

Uh, this is the slide where we put it all together.

660

00:40:51.045 --> 00:40:52.615

I'll draw your attention to the chart on the left.

661

00:40:53.105 --> 00:40:54.775

There are a number of moving pieces I'll walk you

662

00:40:54.775 --> 00:40:56.375

through here, but this is essentially

663

00:40:56.375 --> 00:40:57.935

where we modeled the decision over time.

664

00:40:58.885 --> 00:41:00.595

First off, we know from the previous slide

665

00:41:00.595 --> 00:41:04.355

that across all queues, we estimate 3,327 new stores,

666

00:41:04.915 --> 00:41:06.395

assuming a fully reviewed December queue.

667

00:41:07.265 --> 00:41:09.085

The bars along the bottom of this chart show

668

00:41:09.185 --> 00:41:11.205

how we project these stores will open over time,

669

00:41:12.185 --> 00:41:14.605

we assume 24 stores per month for the next few years.

670

00:41:14.955 --> 00:41:17.245

This is based on the average store openings to date,

671

00:41:18.265 --> 00:41:19.405

we modeled in a ramp of up

672

00:41:19.405 --> 00:41:20.885

to 40 stores per month in the out years

673

00:41:20.945 --> 00:41:24.285

to reflect less complicated December few applications

674

00:41:24.505 --> 00:41:26.525

and fewer supply side licenses to process.

675

00:41:26.795 --> 00:41:28.165

This may be an aggressive assumption.

676

00:41:28.985 --> 00:41:31.235

This puts our last December Q store opening in March

677

00:41:31.235 --> 00:41:32.275

of 2033.

678

00:41:34.155 --> 00:41:35.535

The second thing I wanna call your attention

679

00:41:35.535 --> 00:41:36.895

to is the black line on the chart.

680

00:41:37.405 --> 00:41:39.335

This is the cumulative store count over time.

681

00:41:39.675 --> 00:41:42.495

As you can see, it goes from today's 431 stores through

682

00:41:42.495 --> 00:41:44.095

as many as 3,700 stores.

683

00:41:45.315 --> 00:41:47.135

The final thing I want you to look at is the red area.

684

00:41:47.485 --> 00:41:49.295

This is the potential market strain zone.

685

00:41:49.765 --> 00:41:51.615

This is the point in terms of store count,

686

00:41:51.665 --> 00:41:54.455

where New York could start to see store on profitability,

687

00:41:55.055 --> 00:41:57.295

closures, price collapse, and equity failure.

688

00:41:58.045 --> 00:42:00.105

The market strain zone is not a precise forecast.

689

00:42:00.245 --> 00:42:02.265

We won't know where this truly is until we hit it.

690

00:42:03.075 --> 00:42:04.375

It is a symbolic threshold,

691

00:42:04.395 --> 00:42:06.135

an infor an informed estimate based

692

00:42:06.135 --> 00:42:07.215

on what we have seen in benchmark.

693

00:42:07.725 --> 00:42:11.375

Benchmark states like Oregon, Colorado, Michigan,

694

00:42:11.705 --> 00:42:14.055

Washington, and Massachusetts adjusted

695

00:42:14.075 --> 00:42:15.495

for New York's population density.

696

00:42:16.785 --> 00:42:18.685

We placed it at around 1700 stores,

697

00:42:18.695 --> 00:42:20.045

which mirrors the average density

698

00:42:20.145 --> 00:42:21.285

of the states mentioned above.

699

00:42:22.805 --> 00:42:24.225

We don't know where this line actually is,

700

00:42:24.225 --> 00:42:25.265

but you can probably assume

701

00:42:25.265 --> 00:42:26.505

that the higher store count goes,

702

00:42:26.725 --> 00:42:28.065

the more likely it is that we will get there.

703

00:42:29.055 --> 00:42:30.525

Based on our licensing forecast,

704

00:42:30.585 --> 00:42:33.205

New York could reach the potential market strain zone in

705

00:42:33.205 --> 00:42:34.565

January of 2029.

706

00:42:35.195 --> 00:42:36.565

This is more than four years

707

00:42:37.025 --> 00:42:39.685

before we would be through a fully reviewed December queue,

708

00:42:40.145 --> 00:42:43.445

uh, in which time we would open about 2000 more stores in

709

00:42:43.445 --> 00:42:45.885

that four years potentially into an already strained market.

710

00:42:48.115 --> 00:42:50.795

I just wanna, uh, flag for the previous slide.

711

00:42:51.175 --> 00:42:54.235

We do still require the board to review some of

712

00:42:54.235 --> 00:42:55.395

what we're putting out there in terms

713

00:42:55.395 --> 00:42:57.995

of the information relative to December queue, so

714

00:42:57.995 --> 00:43:01.395

that this is not to say this is a final or determined number

715

00:43:01.935 --> 00:43:04.195

or a fi or totally accurate number in terms of

716

00:43:04.195 --> 00:43:05.395

what will end, end up happening.

717

00:43:05.395 --> 00:43:07.795

This is just to give information for folks about

718

00:43:07.795 --> 00:43:09.715

how we're looking at things overall.

719

00:43:09.855 --> 00:43:12.155

But again, that the direction

720

00:43:12.155 --> 00:43:13.995

around the December queue will come from the board.

721

00:43:13.995 --> 00:43:15.195

It will not come from OCM,

722

00:43:15.305 --> 00:43:16.305

Correct? Yeah. This is

723

00:43:16.305 --> 00:43:19.235

if the past holds and goes into the future.

724

00:43:19.385 --> 00:43:21.835

Just a projection, not the determination. Thank you.

725

00:43:24.145 --> 00:43:25.675

Okay. Just gonna hammer it home here.

726

00:43:26.255 --> 00:43:29.315

Uh, so why market strain could be hard to course correct.

727

00:43:30.065 --> 00:43:32.635

Over half of all applications are still awaiting review.

728

00:43:32.925 --> 00:43:35.715

Submission to opening takes 12 to 18 months on average,

729

00:43:36.215 --> 00:43:38.195

and once granted cannot be undone.

730

00:43:38.765 --> 00:43:41.235

After that, we still need to observe market performance

731

00:43:41.235 --> 00:43:42.315

to assess market health.

732

00:43:42.585 --> 00:43:43.955

This takes time to unfold.

733

00:43:44.875 --> 00:43:46.365

This means we will not see the impact

734

00:43:46.365 --> 00:43:48.405

of new licenses in real time and potentially

735

00:43:48.405 --> 00:43:49.645

after it is too late to act.

736

00:43:50.405 --> 00:43:51.945

By the time we reach market strain,

737

00:43:52.005 --> 00:43:54.305

we could already be locked into licensing thousands

738

00:43:54.305 --> 00:43:55.425
of more applications.

739

00:43:59.745 --> 00:44:02.395
Okay, now just onto the normal sales update.

740

00:44:02.785 --> 00:44:03.795
I'll go through this one quick.

741

00:44:04.375 --> 00:44:07.675
So, sales for June came in at 142.2 million.

742

00:44:07.975 --> 00:44:10.115
Our best month to date for the year.

743

00:44:10.255 --> 00:44:13.075
So far, we are at 869.1 million

744

00:44:13.215 --> 00:44:14.715
and should reach 1 billion in sales

745

00:44:14.935 --> 00:44:17.275
for the year next month program to date,

746

00:44:17.295 --> 00:44:20.315
we are at one point, uh, nine, 1 billion in sales

747

00:44:20.335 --> 00:44:22.515
and should reach 2 billion in sales in the next month.

748

00:44:23.235 --> 00:44:27.165
Exciting stuff. More good news.

749

00:44:27.215 --> 00:44:29.445
Sales per store rose month over month for the first time

750

00:44:30.015 --> 00:44:31.850

since August of 20 of 2024.

751

00:44:32.415 --> 00:44:33.905

This is likely due to the ramping

752

00:44:33.905 --> 00:44:36.025

of mature stores more than offsetting the addition

753

00:44:36.025 --> 00:44:37.305

of new stores that are just opening.

754

00:44:39.825 --> 00:44:41.235

Okay, this is my last slide.

755

00:44:41.855 --> 00:44:44.425

This slide shows the average price of flower by state.

756

00:44:44.845 --> 00:44:47.105

New York has the highest price of all tracked markets.

757

00:44:47.775 --> 00:44:49.625

This is likely due to a multitude of factors,

758

00:44:49.655 --> 00:44:51.945

including our relative newness as a program.

759

00:44:52.725 --> 00:44:54.905

All of the highest price states are in newer markets,

760

00:44:55.285 --> 00:44:57.265

but price has compressed significantly in older

761

00:44:57.265 --> 00:44:58.545

markets as they've matured.

762

00:45:00.135 --> 00:45:02.625

What remains to be seen is whether our highest in the nation

763

00:45:02.625 --> 00:45:05.105

pricing is a function of legal consumers being comfortable

764

00:45:05.105 --> 00:45:07.105

paying more for cannabis as they historically have done,

765

00:45:07.105 --> 00:45:08.105

even during prohibition,

766

00:45:08.965 --> 00:45:11.545

or whether even despite dramatic growth seen to date,

767

00:45:11.605 --> 00:45:13.345

New York just hasn't yet experienced the

768

00:45:13.345 --> 00:45:14.665

price compression seen in other markets.

769

00:45:14.725 --> 00:45:16.945

As they've matured, we'll have a better sense of

770

00:45:16.945 --> 00:45:18.625

how this is trending as we get into September,

771

00:45:19.005 --> 00:45:20.905

and then the outdoor harvest season in the fall.

772

00:45:22.035 --> 00:45:24.055

That's it for me. Does anybody have any questions?

773

00:45:24.955 --> 00:45:28.045

Yeah, do you have any, Um, just a couple.

774

00:45:28.505 --> 00:45:33.005

Um, in one of the things that I was curious about, uh,

775

00:45:33.105 --> 00:45:35.965

in sort of an analysis for the future is do we

776

00:45:36.595 --> 00:45:41.555

have the ability to analyze, uh, what THC levels

777

00:45:41.895 --> 00:45:44.515

by what kind, like percentages of products at different,

778

00:45:45.295 --> 00:45:48.155

at different THC levels that are selling across the market?

779

00:45:49.405 --> 00:45:51.625

Not currently given the data that we have,

780

00:45:51.725 --> 00:45:54.145

but we hope to be able to augment our data to be able to,

781

00:45:54.705 --> 00:45:57.385

Would the seed to sale implementation help that or not?

782

00:45:57.495 --> 00:45:58.545

Potentially. Okay.

783

00:45:58.925 --> 00:46:02.505

And then getting back to the sort of sat saturation

784

00:46:02.565 --> 00:46:04.065

or, uh, strain.

785

00:46:04.205 --> 00:46:05.905

Mar strain is the word I guess we're using.

786

00:46:06.245 --> 00:46:09.105

Uh, question is, um,

787

00:46:10.495 --> 00:46:12.945

that obviously is affected in some ways by

788

00:46:12.945 --> 00:46:14.425
where the stores are located.

789

00:46:14.425 --> 00:46:18.225
Obviously, if we end up, it seems like a, a reason why,

790

00:46:19.515 --> 00:46:22.615
um, we need to focus even more on

791

00:46:23.305 --> 00:46:26.735
where we have room to grow, um, the market.

792

00:46:27.515 --> 00:46:29.695
Uh, so that would be something that I, you know,

793

00:46:29.695 --> 00:46:32.935
looking again at where are, where are we, where do we have

794

00:46:33.655 --> 00:46:37.175
regional discrepancies where there's actually potential,

795

00:46:37.485 --> 00:46:39.215
more potential for growth rather.

796

00:46:39.235 --> 00:46:42.055
And other areas where strain might, some areas strain,

797

00:46:42.055 --> 00:46:43.695
might hit earlier, some that might hit later.

798

00:46:44.425 --> 00:46:45.615
Completely agree. And

799

00:46:45.615 --> 00:46:47.095
that's definitely something we could look into

800

00:46:47.095 --> 00:46:48.815

in, uh, future meetings. Thank

801

00:46:48.815 --> 00:46:49.815

You.

802

00:46:50.995 --> 00:46:52.455

Um, I have a question.

803

00:46:52.755 --> 00:46:56.335

Um, if you're yet seeing the impact of the economy

804

00:46:56.995 --> 00:46:59.175

and what's happening at the federal level

805

00:46:59.995 --> 00:47:01.815

on the cannabis market here in New York?

806

00:47:03.045 --> 00:47:04.665

Not a whole lot yet.

807

00:47:04.695 --> 00:47:06.385

From my perspective, um,

808

00:47:07.535 --> 00:47:09.815

I maybe would've said something different a couple

809

00:47:09.815 --> 00:47:13.075

of months ago, but it seems like, um, we're starting

810

00:47:13.075 --> 00:47:14.435

to see things rebound a little bit,

811

00:47:14.435 --> 00:47:16.115

which makes me think it has less to do with kind

812

00:47:16.115 --> 00:47:17.355

of the macroeconomic conditions

813

00:47:17.355 --> 00:47:19.315

and more to do with just kind of, uh,

814

00:47:20.165 --> 00:47:23.315

store portfolio dynamics, just so as like new stores come on

815

00:47:23.315 --> 00:47:24.915

and ramp and all that stuff.

816

00:47:25.155 --> 00:47:26.675

I think that's probably more,

817

00:47:27.695 --> 00:47:30.045

those drivers are stronger in our market than I think like

818

00:47:30.045 --> 00:47:32.205

macroeconomics are at the moment. Okay.

819

00:47:32.515 --> 00:47:34.405

I'll just add to that. I think it depends on

820

00:47:34.405 --> 00:47:36.245

where you are in the supply chain also.

821

00:47:36.245 --> 00:47:38.605

Mm-hmm. I know having, um, talked to

822

00:47:38.605 --> 00:47:40.445

and been out to see cultivators, they're starting

823

00:47:40.445 --> 00:47:43.365

to see increases in, in products that they normally use

824

00:47:43.425 --> 00:47:45.445

for cultivation, including processors.

825

00:47:45.905 --> 00:47:47.845

Uh, I think when you think about, you know, vapes

826

00:47:47.845 --> 00:47:49.805

and those parts are coming from often China

827

00:47:49.865 --> 00:47:52.125

or overseas, um, there, they're,

828

00:47:52.125 --> 00:47:53.365

they're seeing some of the squeeze there.

829

00:47:53.425 --> 00:47:54.765

So I really think it depends on

830

00:47:54.765 --> 00:47:56.165

where you are in the ecosystem.

831

00:47:56.345 --> 00:47:58.685

But, you know, I've heard a lot of conversation about it,

832

00:47:58.685 --> 00:48:01.245

and one thing that I flagged, uh, for Kevin

833

00:48:01.305 --> 00:48:03.925

and co um, coming out of a briefing, um,

834

00:48:04.635 --> 00:48:07.885

from the governor on economic health, uh, of New York is

835

00:48:07.885 --> 00:48:09.605

what is it this, what is, what does it do to,

836

00:48:09.635 --> 00:48:10.965

what does what's happening right now

837

00:48:10.985 --> 00:48:12.165

do to discretionary spending?

838

00:48:12.165 --> 00:48:13.885

Mm-hmm. What does that do to personal income?

839

00:48:13.945 --> 00:48:15.605

And so I think we may start to see things,

840

00:48:15.705 --> 00:48:17.685

but I, like Kevin said, on the, on the retail

841

00:48:17.685 --> 00:48:19.965

and consumer side, um, nothing quite yet.

842

00:48:20.655 --> 00:48:22.795

And have we seen store closures yet?

843

00:48:24.005 --> 00:48:25.985

Not, uh, not that I've seen yet. No.

844

00:48:28.615 --> 00:48:31.255

Thank you. Anything else?

845

00:48:34.415 --> 00:48:37.295

Cool. Okay.

846

00:48:37.355 --> 00:48:39.535

Uh, last point for everybody.

847

00:48:39.915 --> 00:48:43.935

Uh, the office has just put out a cultivator survey.

848

00:48:44.145 --> 00:48:46.615

We've emailed it to all of the relevant licensees.

849

00:48:47.315 --> 00:48:49.415

Um, basically we, the data

850

00:48:49.415 --> 00:48:51.695

that we're collecting here is gonna help us, uh, kind

851

00:48:51.695 --> 00:48:54.255

of augment some of the stuff we looked at last month around,

852

00:48:54.395 --> 00:48:56.455

um, license capacity, understanding

853

00:48:56.455 --> 00:48:58.375

how much people are actually utilizing, what they plan

854

00:48:58.375 --> 00:49:00.535

to utilize, who's operational and who's not.

855

00:49:00.835 --> 00:49:03.135

So I just encourage everybody to please check your emails

856

00:49:03.195 --> 00:49:04.295

and please take the survey.

857

00:49:04.525 --> 00:49:07.105

It'd be very helpful for us. Thanks.

858

00:49:12.035 --> 00:49:13.605

This Ju this is

859

00:49:13.625 --> 00:49:14.625

Julius.

860

00:49:15.145 --> 00:49:17.725

Now we will move to the, uh, c update.

861

00:49:17.825 --> 00:49:18.965

I'm gonna welcome Julius.

862

00:49:29.655 --> 00:49:31.835

All right. Uh, good morning everyone. Good morning board.

863

00:49:31.835 --> 00:49:32.955

My name is Julius Cara.

864

00:49:33.415 --> 00:49:36.115

Uh, I'm on the social economic equity team here at OCM.

865

00:49:36.415 --> 00:49:38.155

Um, please. Next slide.

866

00:49:44.235 --> 00:49:46.015

Oh, you control It. Oh, sorry. You're driving.

867

00:49:46.755 --> 00:49:51.335

So used the, uh, the New York one. Apologize. Um, okay.

868

00:49:51.335 --> 00:49:54.935

So today's, uh, um, licensee licenses

869

00:49:54.935 --> 00:49:58.015

that were passed today, 62% of all adult use licenses

870

00:49:58.015 --> 00:50:02.735

that were issued today are c Um, 56%

871

00:50:03.075 --> 00:50:06.775

of those, uh, that were issued today we'll see are,

872

00:50:06.775 --> 00:50:08.095

uh, minority owned businesses.

873

00:50:08.515 --> 00:50:10.815

Uh, 56% are woman owned businesses,

874

00:50:11.365 --> 00:50:13.775

16% are from communities

875

00:50:13.775 --> 00:50:15.215

that have been disproportionately impacted,

876

00:50:15.715 --> 00:50:18.335

and 3% are, uh, service disabled veterans

877

00:50:18.595 --> 00:50:21.295

and 3% are distressed farmers.

878

00:50:22.195 --> 00:50:24.215

Um, these, these numbers continue

879

00:50:24.215 --> 00:50:28.365

to demonstrate the diversity in our, uh, license packages,

880

00:50:28.785 --> 00:50:30.645

and I think it's just gonna continue to show that

881

00:50:30.905 --> 00:50:32.765

how we committed the offices to equity.

882

00:50:33.235 --> 00:50:34.725

Also, please note, um, some

883

00:50:34.725 --> 00:50:37.485

of these licenses may be counted multiple times, uh,

884

00:50:37.485 --> 00:50:41.125

if they are approved for multiple types of C categories.

885

00:50:42.945 --> 00:50:45.395

Okay, so this is, uh, c stats, uh,

886

00:50:45.395 --> 00:50:48.835

overall meaning since the inception of the program, 56%

887

00:50:48.835 --> 00:50:52.315

of all adult use licenses issued are c owned.

888

00:50:53.015 --> 00:50:56.945

Um, of 47% are minority owned businesses.

889

00:50:56.995 --> 00:50:59.305

56% are women-owned businesses.

890

00:50:59.665 --> 00:51:02.505

14% are communities that have been to sports impacted.

891

00:51:03.275 --> 00:51:06.025

7% are services disabled veterans

892

00:51:06.165 --> 00:51:08.265

and 7% are distressed farmers.

893

00:51:08.415 --> 00:51:09.585

Once again, uh,

894

00:51:09.625 --> 00:51:13.185

licenses may be counted multiple times if they are approved

895

00:51:13.565 --> 00:51:16.265

for multiple types of C categories.

896

00:51:17.605 --> 00:51:20.025

And now we have our c across the supply chain slide.

897

00:51:20.365 --> 00:51:24.025

Um, 39% of all of our adult use, uh,

898

00:51:24.385 --> 00:51:28.305

cultivators are c 40% of all of our adult use.

899

00:51:28.395 --> 00:51:29.705

Processors are C.

900

00:51:30.155 --> 00:51:33.665

47% of our adult use distributors are C

901

00:51:34.195 --> 00:51:35.945

59% of our adult use.

902

00:51:36.085 --> 00:51:39.025

Uh, micro businesses are c uh, 79%

903

00:51:39.025 --> 00:51:42.825

of our adult use retail dispensaries are c once again shown

904

00:51:42.825 --> 00:51:46.265

in diversity of our license across the supply licenses

905

00:51:46.265 --> 00:51:49.105

across the supply chain, and see how c uh, are,

906

00:51:49.125 --> 00:51:50.705

is represented across the supply chain.

907

00:51:51.725 --> 00:51:52.985

Um, and last

908

00:51:52.985 --> 00:51:57.225

but not least, uh, the C team has issued

909

00:51:57.825 --> 00:51:59.825

a technical assistance and incubation survey.

910

00:52:00.485 --> 00:52:02.905

So we are concern the conducting the short surveys

911

00:52:02.905 --> 00:52:05.505

to better understand the current landscape, uh,

912

00:52:05.505 --> 00:52:07.745

around cannabis incubation and education.

913

00:52:08.325 --> 00:52:11.985

Um, we are looking to reach out to, uh,

914

00:52:11.985 --> 00:52:13.545

community-based organizations, folks

915

00:52:13.545 --> 00:52:14.945

that have their own incubation services,

916

00:52:15.015 --> 00:52:17.625

education institution, anybody

917

00:52:17.625 --> 00:52:19.665

that's doing any cannabis related work when it comes

918

00:52:19.665 --> 00:52:20.745

to incubation, when it comes

919

00:52:20.745 --> 00:52:22.345

to training, we wanna hear from you.

920

00:52:22.345 --> 00:52:24.025

We wanna get your feedback so that we can,

921

00:52:24.025 --> 00:52:27.305

the better form us to see how we can help and support you.

922

00:52:27.605 --> 00:52:29.465

Um, this is a very important survey

923

00:52:29.725 --> 00:52:31.545

and if you are, you know, doing any work

924

00:52:31.805 --> 00:52:34.025

around the cannabis space, even if you, um,

925

00:52:34.205 --> 00:52:36.425

may not be doing anything, uh, directly,

926

00:52:36.425 --> 00:52:39.785

but you are helping folks, I think you should fill this out.

927

00:52:39.855 --> 00:52:42.985

Help us out to better inform how we can develop our programs

928

00:52:42.985 --> 00:52:44.345

and make sure that we're reaching the right people

929

00:52:44.345 --> 00:52:45.985

and we're being as targeted as we can.

930

00:52:46.245 --> 00:52:48.425

Uh, the QR code is up on the screen as you see,

931

00:52:48.445 --> 00:52:51.065

so please give it a scan if you haven't done so already.

932

00:52:51.645 --> 00:52:54.225

Um, and we really appreciate getting

933

00:52:54.225 --> 00:52:56.585

your feedback so we can move forward. Julius,

934

00:52:56.585 --> 00:52:58.385

For how long is the, uh, survey open?

935

00:52:59.405 --> 00:53:03.825

Um, I believe the survey is open. I can get that to you.

936

00:53:04.045 --> 00:53:08.185

Uh, one second. We'll come back to it. Yeah, absolutely.

937

00:53:09.385 --> 00:53:10.745

Absolutely. I get that to you right away.

938

00:53:10.765 --> 00:53:12.425

Uh, in, in the meantime, any questions from the board?

939

00:53:12.445 --> 00:53:13.105

Any other questions?

940

00:53:18.595 --> 00:53:20.845

Okay. All right. I'll get that to you in one second.

941

00:53:20.845 --> 00:53:22.805

Okay, great. Alright, thank you so much. Thank you.

942

00:53:25.505 --> 00:53:27.925

Oh, sorry for another month. Oh, another month.

943

00:53:27.925 --> 00:53:30.965

Another month. Sorry. Okay, lovely. Alright, thanks Julia.

944

00:53:30.965 --> 00:53:33.815

Alright, thank you. Back to Chair

945

00:53:33.815 --> 00:53:34.815

Garcia. All right, fantastic.

946

00:53:34.815 --> 00:53:37.855

So now we're on to, um, the part

947

00:53:37.855 --> 00:53:39.935

of the agenda that I know a lot of you're here for

948

00:53:40.315 --> 00:53:42.095

and that is the, uh, public comment.

949

00:53:42.795 --> 00:53:46.215

Um, as you proceed with this, um, please remember

950

00:53:46.215 --> 00:53:48.055

that this is an opportunity for the public

951

00:53:48.115 --> 00:53:49.215

to address the board.

952

00:53:49.675 --> 00:53:52.615

Uh, we will not be answering questions, uh,

953

00:53:52.615 --> 00:53:54.735

but we will be noting your questions and concerns

954

00:53:54.735 --> 00:53:56.975

and attempt to follow up, uh, where appropriate.

955

00:53:57.405 --> 00:53:59.335

Each commenter will have no more than two minutes

956

00:53:59.515 --> 00:54:02.335

to speak if you submit comments electronically,

957

00:54:02.385 --> 00:54:05.335

those will be captured in the meeting minutes, um,

958

00:54:05.915 --> 00:54:07.415

and will be posted on the website when

959

00:54:07.415 --> 00:54:08.455

the minutes are are posted.

960

00:54:08.995 --> 00:54:10.455

Um, and with that we're gonna begin

961

00:54:10.715 --> 00:54:12.135

and who's our timekeeper today?

962

00:54:15.165 --> 00:54:18.465

That's an excellent question. Just keeping time. I can,

963

00:54:18.725 --> 00:54:19.725

We can keep time.

964

00:54:20.575 --> 00:54:23.585

I'll do, um Oh, okay.

965

00:54:24.535 --> 00:54:25.745

Alright. Thank you.

966

00:54:26.155 --> 00:54:27.625

Thank you. So our timekeepers over there,

967

00:54:27.625 --> 00:54:30.025

please keep your eye on what's her name?

968

00:54:30.275 --> 00:54:32.425

Kayla Kalyn. Thank you so much Kalyn.

969

00:54:32.685 --> 00:54:34.265

Um, and remember you only have two minutes.

970

00:54:34.525 --> 00:54:37.345

Um, so with that we will start with Margaret, Nicole

971

00:54:37.525 --> 00:54:40.305

and wind Bertran.

972

00:54:40.725 --> 00:54:42.145

Um, be ready to come up

973

00:54:42.145 --> 00:54:44.545

after uh, yeah, the mic's right here.

974

00:54:45.045 --> 00:54:46.345

You can come, you can come closer.

975

00:54:46.345 --> 00:54:48.465

You can grab a chair, sit up right there. So you're in eye.

976

00:54:48.545 --> 00:54:49.545

Eyesight.

977

00:54:51.525 --> 00:54:54.605

I think you should come closer here so she can see. Yeah,

978

00:54:55.915 --> 00:54:57.375

You can camp at the end of the table. The

979

00:54:57.375 --> 00:55:00.065

Speakers need to see you, so Thank you.

980

00:55:06.845 --> 00:55:09.745

Go ahead. Hi, I'm here today to ask

981

00:55:09.775 --> 00:55:12.705

that you honor your assurances and move the trajectory.

982

00:55:13.005 --> 00:55:15.225

For those of us who have been patiently waiting

983

00:55:15.285 --> 00:55:16.985

for indoor cultivation license.

984

00:55:17.725 --> 00:55:20.345

The administrative procedures act as in rules.

985

00:55:20.805 --> 00:55:23.625

You have deviated from the left legislation

986

00:55:23.685 --> 00:55:28.585

and intent has left the OCM and CCB as legislators.

987

00:55:29.245 --> 00:55:30.785

The impact of your initiative

988

00:55:30.885 --> 00:55:32.585
and practice must be challenged.

989

00:55:32.615 --> 00:55:35.985
This is a prevalent question, questionable pattern

990

00:55:36.085 --> 00:55:39.345
and practice when you deviate the mandate you left when an

991

00:55:39.615 --> 00:55:41.265
unregulated toxic market,

992

00:55:41.715 --> 00:55:45.065
which is the expanded the illicit market beyond

993

00:55:45.065 --> 00:55:47.585
where news news generally stood,

994

00:55:48.645 --> 00:55:53.105
we have not sat ably, I'm sorry, let me go back.

995

00:55:53.435 --> 00:55:54.465
There is no order.

996

00:55:54.735 --> 00:55:57.945
More people are licensed today who have avoided any kind

997

00:55:57.945 --> 00:55:59.025
of queuing system.

998

00:55:59.025 --> 00:56:02.705
They have not sat irreparably in a manipulated system

999

00:56:02.845 --> 00:56:06.585
or heard empty promises of an expedited order.

1000

00:56:07.255 --> 00:56:08.705

It's most of this audience

1001

00:56:09.245 --> 00:56:11.425

who have felt the arbitrary leanings.

1002

00:56:11.815 --> 00:56:14.345

This is a true byproduct of your design.

1003

00:56:14.815 --> 00:56:18.305

When the chair poses a question about converting outdoor

1004

00:56:18.575 --> 00:56:22.145

growers to indoors and is told that there will be little

1005

00:56:22.325 --> 00:56:25.685

or no impact to the people who are in the December queue,

1006

00:56:26.235 --> 00:56:31.085

it's a shame misrepresentation when the next phrase jumps

1007

00:56:31.085 --> 00:56:35.405

right to a saturated market, the statements are erroneous

1008

00:56:35.745 --> 00:56:38.645

and a stranglehold on us continues by design.

1009

00:56:39.305 --> 00:56:44.125

Yes, trade groups and pharma seem to have your voice

1010

00:56:44.985 --> 00:56:47.405

and the voice that counts and they listen

1011

00:56:47.585 --> 00:56:50.605

and they revert back to the mission you were charged.

1012

00:56:51.625 --> 00:56:53.805

The equity has circled the drill.

1013

00:56:55.505 --> 00:56:59.525

I'm asking you to take this hiatus in um, box

1014

00:57:00.225 --> 00:57:02.405

to go back to the legislation.

1015

00:57:02.965 --> 00:57:07.205

I implore you and crosswalk what's happening today to

1016

00:57:07.205 --> 00:57:11.365

what the legislation states my legislation.

1017

00:57:12.145 --> 00:57:15.525

My copy of it looks like I trained three dogs,

1018

00:57:16.105 --> 00:57:17.445

two dogs have eaten it.

1019

00:57:18.115 --> 00:57:22.885

I've dogeared it 'cause I followed it so succinctly.

1020

00:57:23.845 --> 00:57:27.285

I will be glad to point to those items if you ask me to.

1021

00:57:27.765 --> 00:57:30.685

I need your help. We've been doing this now for years

1022

00:57:31.275 --> 00:57:32.645

with empty promises

1023

00:57:32.745 --> 00:57:36.845

and we are imploring you to let us get out of the gate.

1024

00:57:38.225 --> 00:57:39.225

Thank you,

1025

00:57:40.335 --> 00:57:42.635

Uh, Windberg Tran next and uh,

1026

00:57:42.635 --> 00:57:45.645

after them, uh, Kenneth Seligson.

1027

00:57:47.285 --> 00:57:49.055

Sure. You could give it

1028

00:57:49.055 --> 00:57:50.455

to Nick Perry right here on the front.

1029

00:57:51.165 --> 00:57:52.165

Thank you so much.

1030

00:57:53.075 --> 00:57:55.775

Hi, good morning. My comment just uh,

1031

00:57:55.775 --> 00:57:57.095

before my time starts, please.

1032

00:57:57.195 --> 00:58:00.775

My comment is based on the micro type licenses in the

1033

00:58:01.095 --> 00:58:03.495

December queue because my understanding is

1034

00:58:03.495 --> 00:58:06.375

that the mentioning of the review of the December queue

1035

00:58:06.395 --> 00:58:09.695

by the board today is an exclusion of the retail

1036

00:58:09.755 --> 00:58:12.535

and micro applicants related to a current injunction.

1037

00:58:14.365 --> 00:58:17.425

My name is Wendy Bertran and I'm not only an RN

1038

00:58:17.845 --> 00:58:19.345
and certified cannabis nurse

1039

00:58:19.445 --> 00:58:22.145
who holds a New York state hemp retail license,

1040

00:58:22.845 --> 00:58:25.345
but I am also a micro business applicant,

1041

00:58:25.665 --> 00:58:27.265
O-C-M-M-I-C-R

1042

00:58:27.685 --> 00:58:31.265
2 0 2 3 0 0 0 8 0 6

1043

00:58:31.575 --> 00:58:32.705
from the December queue.

1044

00:58:32.895 --> 00:58:34.145
Once again, I stand

1045

00:58:34.145 --> 00:58:36.945
before you today, not just as an applicant,

1046

00:58:37.245 --> 00:58:40.545
but as someone who grew up in a community disproportionately

1047

00:58:40.945 --> 00:58:43.065
impacted by cannabis prohibition.

1048

00:58:43.405 --> 00:58:46.985
And as a proud recipient of OCMs SEA designation

1049

00:58:47.895 --> 00:58:49.145
created specifically

1050

00:58:49.165 --> 00:58:51.865

to ensure equity is more than a buzzword,

1051

00:58:52.365 --> 00:58:54.865

but a real living mission in New York

1052

00:58:54.865 --> 00:58:56.305

state's cannabis industry.

1053

00:58:57.205 --> 00:58:58.785

It is deeply disheartening

1054

00:58:59.015 --> 00:59:02.385

that while applicants like myself, meaning those meant

1055

00:59:02.385 --> 00:59:03.545

to be prioritized

1056

00:59:04.005 --> 00:59:07.865

and are still waiting even a review of our applications,

1057

00:59:08.275 --> 00:59:10.705

while the larger ros MSOs

1058

00:59:10.885 --> 00:59:15.585

and financially sound general applicants have already

1059

00:59:15.945 --> 00:59:18.025

received both reviews and licenses.

1060

00:59:18.655 --> 00:59:20.065

This isn't just about fairness,

1061

00:59:20.615 --> 00:59:22.045

it's about about honoring the promise

1062

00:59:22.155 --> 00:59:23.645

that equity would come first.

1063

00:59:24.155 --> 00:59:27.845

It's about not turning our backs on the very communities

1064

00:59:27.905 --> 00:59:28.965

and individuals.

1065

00:59:29.275 --> 00:59:31.325

This initiative was built to uplift.

1066

00:59:32.005 --> 00:59:33.925

I know that the OCM of ca,

1067

00:59:34.305 --> 00:59:37.085

the OCM is doing its best under pressure

1068

00:59:37.105 --> 00:59:40.805

and navigating what continues to be uncharted borders

1069

00:59:40.915 --> 00:59:42.525

because of the current injunction.

1070

00:59:43.065 --> 00:59:46.965

But to skip over the December, 2023 micro Q

1071

00:59:48.315 --> 00:59:51.765

without its proper review would be an insult to injury

1072

00:59:52.025 --> 00:59:54.965

and a serious miscarriage of justice to a society

1073

00:59:55.075 --> 00:59:58.285

that has already carried that burden for so long.

1074

00:59:59.835 --> 01:00:04.305

Um, also sidebar, it's very hot out today,

1075

01:00:04.605 --> 01:00:07.345

so please check on your elderly and loved ones.

1076

01:00:07.995 --> 01:00:11.945

Thank you. Thank you. Kenneth SSON, followed by Nicola.

1077

01:00:12.085 --> 01:00:15.225

Um, forgive me, uh, shival. Val,

1078

01:00:16.735 --> 01:00:17.735

Good morning. My name

1079

01:00:17.735 --> 01:00:22.105

is Kenson and I, I'm counsel for STH Lord TD Inc.

1080

01:00:22.305 --> 01:00:25.705

A licensed can dispensary located at 3 81 fifth

1081

01:00:25.845 --> 01:00:26.865

Ave in Manhattan.

1082

01:00:27.685 --> 01:00:29.425

My client received their final approval

1083

01:00:29.485 --> 01:00:32.465

and opened just four months ago on April 2nd of this year.

1084

01:00:33.245 --> 01:00:36.345

I'm here today to respectfully oppose the public convenience

1085

01:00:36.545 --> 01:00:39.945

and advantage requested by New York Retail four Inc.

1086

01:00:40.285 --> 01:00:43.665

For a proposed dispensary at 4 35 Fifth Ave,

1087

01:00:43.775 --> 01:00:46.905

approximately 700 feet from my client's front door.

1088

01:00:47.495 --> 01:00:50.425

This application is legally improper for two reasons.

1089

01:00:50.875 --> 01:00:52.585

First, under the proposed

1090

01:00:52.805 --> 01:00:55.065

or pending PCA regulations,

1091

01:00:55.465 --> 01:00:58.825

a new dispensary cannot be approved within a thousand feet

1092

01:00:58.845 --> 01:01:01.465

of two others in a city like New York City.

1093

01:01:01.845 --> 01:01:04.505

And this location is within 1000 feet

1094

01:01:04.565 --> 01:01:06.105

of two other dispensaries.

1095

01:01:06.565 --> 01:01:09.905

The my client's location at 3 81 Fifth Ave, as well

1096

01:01:09.905 --> 01:01:11.145

as another, uh,

1097

01:01:11.165 --> 01:01:15.305

retail store at 12 East 42nd Street, Polanco Brothers.

1098

01:01:15.695 --> 01:01:17.225

That alone requires denial.

1099

01:01:17.845 --> 01:01:21.425

Second, even where a new dispensary is proposed within 500

1100

01:01:21.525 --> 01:01:23.465

to a thousand feet of an existing one,

1101

01:01:23.765 --> 01:01:26.665

the proposed rules only allow if the existing business has

1102

01:01:26.665 --> 01:01:28.425

been open for at least nine months.

1103

01:01:28.845 --> 01:01:30.745

My client has only been open for four months.

1104

01:01:31.005 --> 01:01:33.185

The application violates this rule too,

1105

01:01:33.965 --> 01:01:36.505

but this isn't just about distance, it's about fairness

1106

01:01:36.725 --> 01:01:38.465

and trust in the regulatory process.

1107

01:01:39.245 --> 01:01:42.705

My client, like many other c applicants invested substantial

1108

01:01:42.705 --> 01:01:45.705

capital and time in their location with an understanding

1109

01:01:45.705 --> 01:01:47.225

that the buffer rules were in place

1110

01:01:47.225 --> 01:01:49.065

to give new dispensaries room to grow,

1111

01:01:49.945 --> 01:01:51.025

stabilize and succeed.

1112

01:01:51.415 --> 01:01:54.745

They relied on that promise when choosing a location signing

1113

01:01:54.905 --> 01:01:56.865

a, a lease and building out their space.

1114

01:01:58.375 --> 01:02:01.385

There's no meaningful barrier to access in this part

1115

01:02:01.385 --> 01:02:03.345

of Midtown and the area's already dense

1116

01:02:03.345 --> 01:02:05.465

with licensed dispensaries all within a few minutes

1117

01:02:05.465 --> 01:02:09.105

of one another we're urge the board to uphold integrity

1118

01:02:09.165 --> 01:02:11.625

of the PCA regulations and deny this request.

1119

01:02:12.165 --> 01:02:14.185

And I just heard today that if the,

1120

01:02:14.525 --> 01:02:16.545

the PCA request had been submitted

1121

01:02:16.595 --> 01:02:21.005

after June 27, then the new laws

1122

01:02:21.005 --> 01:02:22.485

that are going to effect would apply.

1123

01:02:22.985 --> 01:02:27.365

But the notice that we received did not mention when exactly

1124

01:02:27.585 --> 01:02:29.485

the PCA request had been submitted.

1125

01:02:29.825 --> 01:02:33.205

So I think for the September hearing, it would be good

1126

01:02:33.225 --> 01:02:37.365

for all the PCA request notices to actually state the date

1127

01:02:37.445 --> 01:02:38.805

that it was submitted so

1128

01:02:38.805 --> 01:02:41.205

that we could properly oppose based on the rules

1129

01:02:41.205 --> 01:02:42.285

that are going to apply.

1130

01:02:42.455 --> 01:02:43.455

Thank you.

1131

01:02:45.505 --> 01:02:49.695

Thank you. Um, Nicola Valle, followed

1132

01:02:49.755 --> 01:02:50.855

by Jeffrey Emerson.

1133

01:02:53.175 --> 01:02:55.305

Good afternoon, OCM Board members and leadership.

1134

01:02:55.365 --> 01:02:58.145

My name is Nicola Valle, owner of Primero.

1135

01:02:58.645 --> 01:03:01.305

And yes, I am a December Q applicant for cultivation,

1136

01:03:01.325 --> 01:03:04.585

but I'm not here today to plead or even raise my voice.

1137

01:03:05.265 --> 01:03:08.625

I am here today as an advisor, a team player from New York.

1138

01:03:09.085 --> 01:03:11.545

My background is a legacy grower for 25 years

1139

01:03:12.005 --> 01:03:13.145

and an expert in the food

1140

01:03:13.145 --> 01:03:14.625

and beverage industry for 30 years

1141

01:03:14.725 --> 01:03:17.945

as a marketing consultant, chef and restaurant owner.

1142

01:03:18.625 --> 01:03:21.025

I have come here today with a solution to how to calculate

1143

01:03:21.025 --> 01:03:23.865

how much canopy is needed for cultivation in New York

1144

01:03:23.885 --> 01:03:27.425

by using what is called the consumption rate factor.

1145

01:03:28.065 --> 01:03:30.515

This is what experts use in the food beverage industry

1146

01:03:30.735 --> 01:03:32.915

to calculate how much product needed

1147

01:03:33.055 --> 01:03:34.595

for a specific consumable item.

1148

01:03:35.585 --> 01:03:36.605

New York Department

1149

01:03:36.605 --> 01:03:40.085

of Health estimates 2.3 million adults consume an average

1150

01:03:40.105 --> 01:03:43.445

of a half ounce of cannabis weekly instead of 2.3.

1151

01:03:43.655 --> 01:03:46.885

Let's make it 2 million to be conservative and simple math.

1152

01:03:47.425 --> 01:03:50.565

And instead of 52 weeks, let's make it 45 due

1153

01:03:50.565 --> 01:03:52.325

to consumers not taking a break

1154

01:03:52.545 --> 01:03:54.565

or don't have enough funds for the week.

1155

01:03:54.945 --> 01:03:57.805

So 2 million consumers times a half ounce cannabis weekly

1156

01:03:58.305 --> 01:04:01.925

for 45 weeks equals 45 million ounces of annual demand.

1157

01:04:02.425 --> 01:04:03.965

And again, this is only reported

1158

01:04:03.965 --> 01:04:05.685

consumption, not unreported.

1159

01:04:06.525 --> 01:04:09.205

I know as a legacy grower, a cultivator, it takes six months

1160

01:04:09.205 --> 01:04:11.885

to grow cannabis to reach a product ready, available

1161

01:04:11.985 --> 01:04:15.165

for a consumer from clone, grow, flower, harvest,

1162

01:04:15.385 --> 01:04:16.405

dry trim and pack.

1163

01:04:17.095 --> 01:04:19.125

Let's just take the fact of flowering time

1164

01:04:19.185 --> 01:04:20.365

for canopy purposes.

1165

01:04:20.965 --> 01:04:23.125

I know it takes one square feet of canopy

1166

01:04:23.125 --> 01:04:24.765

to produce one ounce of product.

1167

01:04:25.045 --> 01:04:27.885

I could use that same square feet four times a year

1168

01:04:28.115 --> 01:04:29.725

with the perpetuals harvest system.

1169

01:04:30.305 --> 01:04:32.365

So here's the math and I'll explain this right away.

1170

01:04:33.035 --> 01:04:36.065

This means, uh, that means four weeks out

1171

01:04:36.065 --> 01:04:39.105

of 45 will supply two consumers a half ounce a week.

1172

01:04:39.285 --> 01:04:42.025

But what about the remaining 41 weeks outta the 45?

1173

01:04:42.525 --> 01:04:44.785

To figure that remaining 41 weeks, you have

1174

01:04:44.785 --> 01:04:47.185

to divide 41 weeks by four turns,

1175

01:04:47.475 --> 01:04:51.665

which is 10.25 plus the original four weeks equals

1176

01:04:51.905 --> 01:04:55.505

14.25 square feet canopy needed for two consumers.

1177

01:04:55.815 --> 01:04:58.505

This is the factor rate 14.25.

1178

01:04:58.925 --> 01:05:00.105

Now let's say if I have to provide

1179

01:05:00.105 --> 01:05:01.985

of all New York weekly cannabis consumers,

1180

01:05:02.255 --> 01:05:04.825

well I know one square feet multiplied by the factor rate

1181

01:05:04.825 --> 01:05:05.865

of 14.5.

1182

01:05:06.425 --> 01:05:10.585

14.25, we'll supply two consumers. I have ounce time's up.

1183

01:05:10.925 --> 01:05:13.305

Ah, sorry, I I I just really, this is more

1184

01:05:13.305 --> 01:05:14.505

of an informative thing that please,

1185

01:05:14.505 --> 01:05:15.545

Please submit your comments or

1186

01:05:15.765 --> 01:05:16.425

Can I give you copies

1187

01:05:17.195 --> 01:05:18.525

Because this really will break down.

1188

01:05:18.985 --> 01:05:20.655

You can give it to Nick. Thank you.

1189

01:05:21.265 --> 01:05:24.135

Sorry I wasn't being ill or any kind advisory.

1190

01:05:24.735 --> 01:05:26.975

I just wanted to show you that we're a little bit the

1191

01:05:27.215 --> 01:05:30.495

negative and if we approve all of the December draft,

1192

01:05:30.495 --> 01:05:34.135

please still be a little behind on camp.

1193

01:05:34.465 --> 01:05:37.415

Thank you. Thank you. Uh, next up Jeffrey Emerson,

1194

01:05:37.615 --> 01:05:39.335

followed by Jennifer, uh, Baan.

1195

01:05:41.985 --> 01:05:44.455

Hello, I'm Jeff Emerson, vice president of Shen Canada.

1196

01:05:44.525 --> 01:05:47.255

Tier one indoor cultivator applicant with licenses

1197

01:05:47.255 --> 01:05:49.175

for processing and distribution issued

1198

01:05:49.175 --> 01:05:51.175

by the OCM in October in November of 24.

1199

01:05:51.915 --> 01:05:53.655

In the recent June CCB meeting,

1200

01:05:53.675 --> 01:05:55.215

it was acknowledged in discussion

1201

01:05:55.215 --> 01:05:57.255

that the supply chain needs more indoor flower

1202

01:05:57.635 --> 01:05:58.815

for all the superior quality

1203

01:05:58.835 --> 01:06:00.975

and steady production benefits as described.

1204

01:06:01.305 --> 01:06:03.415

While encouraging to hear this, we were dismayed

1205

01:06:03.415 --> 01:06:06.095

by the recommendation to allow legacy outdoor mix like

1206

01:06:06.375 --> 01:06:07.615

cultivators to reclassify some

1207

01:06:07.615 --> 01:06:09.495

of their licensed canopy into indoor production.

1208

01:06:10.025 --> 01:06:11.415

While a need is recognized

1209

01:06:11.435 --> 01:06:13.215

for more high quality indoor flower,

1210

01:06:13.275 --> 01:06:16.095

it represents the smallest amount of licensed canopy issued

1211

01:06:16.515 --> 01:06:18.295

and half of the issued indoor canopy is

1212

01:06:18.295 --> 01:06:21.535

with registered organizations allowing legacy producers

1213

01:06:21.535 --> 01:06:23.455

to shift into indoor production ahead

1214

01:06:23.455 --> 01:06:25.775

of all the indoor applicants is extremely unfair.

1215

01:06:26.105 --> 01:06:28.855

While it won't result in a net increase in total licensed

1216

01:06:28.915 --> 01:06:31.655

canopy, which is convenient to support the perception

1217

01:06:31.655 --> 01:06:33.135

of preventing oversaturation,

1218

01:06:33.515 --> 01:06:36.655

it will ultimately result in fewer indoor applicants getting

1219

01:06:36.735 --> 01:06:38.895

a chance to open their doors in favor

1220

01:06:38.955 --> 01:06:40.455

of incumbent large suppliers

1221

01:06:40.455 --> 01:06:42.855

and multi-state operators already benefiting from

1222

01:06:42.855 --> 01:06:43.895

being in business today.

1223

01:06:44.695 --> 01:06:46.895

Contrary to the stated intention of economic development

1224

01:06:46.955 --> 01:06:50.575

and equal opportunity as illustrated in the third slide

1225

01:06:50.575 --> 01:06:52.295

of the market update in the June meeting deck,

1226

01:06:52.295 --> 01:06:54.495

indoor applicants are overwhelmingly the most

1227

01:06:54.495 --> 01:06:56.575

underrepresented cultivation type in terms

1228

01:06:56.575 --> 01:06:58.895

of license compared to waiting to be brought to the board.

1229

01:06:59.325 --> 01:07:01.775

Your indoor capacity is right there in queue waiting

1230

01:07:01.775 --> 01:07:03.535

to be brought to parity with the outdoor

1231

01:07:03.535 --> 01:07:04.975

and mixed light cultivation types.

1232

01:07:05.325 --> 01:07:07.135

Transitioning outdoor mixed light,

1233

01:07:07.545 --> 01:07:08.975

light lighting license types

1234

01:07:08.975 --> 01:07:11.695

to indoor will exacerbate the already glaring inequity

1235

01:07:11.805 --> 01:07:14.055

keeping indoor applicants from operating.

1236

01:07:14.435 --> 01:07:16.895

Our processing and distribution licenses are useless

1237

01:07:16.915 --> 01:07:17.935

if we can't cultivate.

1238

01:07:18.615 --> 01:07:21.015

Chen stands ready to supply high quality indoor flower.

1239

01:07:21.015 --> 01:07:22.055

We've got everything ready to go.

1240

01:07:22.055 --> 01:07:23.615

You've already approved us some prior license

1241

01:07:23.675 --> 01:07:25.095

rounds, so that should be easy.

1242

01:07:25.755 --> 01:07:27.375

Uh, this would bring the type

1243

01:07:27.375 --> 01:07:29.895

of community-based economic development the law intended

1244

01:07:29.905 --> 01:07:30.975

while improving the quality

1245

01:07:30.975 --> 01:07:32.895

of packaged flour being brought to the market.

1246

01:07:33.425 --> 01:07:35.895

Until licensed stores carry better quality products than the

1247

01:07:35.895 --> 01:07:37.575

deli down the street, it's gonna be difficult

1248

01:07:37.575 --> 01:07:38.895

to complete compete with them.

1249

01:07:39.185 --> 01:07:42.015

Increasing the amount of licensed indoor canopy is the way

1250

01:07:42.015 --> 01:07:43.175

to get there, but doing so

1251

01:07:43.175 --> 01:07:45.295

by favoring legacy producers ahead

1252

01:07:46.155 --> 01:07:48.215

of those in the application queue would be an

1253

01:07:48.215 --> 01:07:49.335

injustice. And thank

1254

01:07:49.335 --> 01:07:50.335

You for your time.

1255

01:07:51.005 --> 01:07:53.935

Good move. Thank you. That was good.

1256

01:07:55.425 --> 01:07:57.255

Thank you. Thank you. Another two minutes.

1257

01:07:58.905 --> 01:08:00.015

There you go. Thanks a lot.

1258

01:08:00.025 --> 01:08:04.655

Thank you. Um, Jennifer Bian followed by Chris, um, Ian.

1259

01:08:06.635 --> 01:08:08.295

Hi guys. Uh, thank you for your time.

1260

01:08:08.555 --> 01:08:09.575

My name is Jen Bevin.

1261

01:08:09.715 --> 01:08:11.975

I'm a licensee whose location has been deemed viable

1262

01:08:12.395 --> 01:08:14.015

and granted proximity protection.

1263

01:08:14.015 --> 01:08:16.885

Despite this, my license still waiting final board approval

1264

01:08:17.115 --> 01:08:19.285

with no timeline or actual communication

1265

01:08:19.285 --> 01:08:20.525

from OCM for several months.

1266

01:08:21.145 --> 01:08:22.605

I'd just like to raise a broader concern

1267

01:08:22.615 --> 01:08:23.685

about communication.

1268

01:08:24.175 --> 01:08:27.085

There is no reliable way to obtain timely updates.

1269

01:08:27.175 --> 01:08:29.845

Phone inquiries are routinely redirected to email

1270

01:08:29.845 --> 01:08:31.045

and many go unanswered.

1271

01:08:31.475 --> 01:08:32.485

This lack of access

1272

01:08:32.485 --> 01:08:35.325

and transparency makes it extremely difficult for licensees

1273

01:08:35.325 --> 01:08:36.925

to plan and operate responsibly.

1274

01:08:37.225 --> 01:08:38.245

For example, many of us

1275

01:08:38.245 --> 01:08:40.805

that attended today's meeting based on prior communication

1276

01:08:40.935 --> 01:08:43.165

suggesting that PCA waivers would be reviewed,

1277

01:08:43.505 --> 01:08:46.005

it now appears that those items have been postponed Without

1278

01:08:46.005 --> 01:08:47.685

notice, early publication of the agenda

1279

01:08:47.705 --> 01:08:50.645

or direct outreach would have prevented unnecessary travel

1280

01:08:50.645 --> 01:08:52.405

and made participation more effective.

1281

01:08:52.405 --> 01:08:53.565

Eliminating comments not

1282

01:08:53.805 --> 01:08:55.245

directly relevant to today's issues.

1283

01:08:55.905 --> 01:08:59.365

I'm also here to express concern over PCA waivers being

1284

01:08:59.565 --> 01:09:01.245

considered for locations near licensees

1285

01:09:01.425 --> 01:09:03.565

who are not even open or have just opened

1286

01:09:04.435 --> 01:09:05.805

OCMs own common sense Guidance states

1287

01:09:05.805 --> 01:09:08.125

that licensees not must be operational for nine months

1288

01:09:08.385 --> 01:09:10.485
before PCA waiver can be granted.

1289

01:09:11.685 --> 01:09:15.045
Ignoring this policy undermines small operators ignores the

1290

01:09:15.045 --> 01:09:18.085
underlying reasons proximity protection even exists in the

1291

01:09:18.085 --> 01:09:20.765
first place and erodes trust in the regulatory framework.

1292

01:09:21.185 --> 01:09:23.125
In my case specifically, I'm not even open.

1293

01:09:23.225 --> 01:09:25.085
My location hasn't even been formally approved

1294

01:09:25.745 --> 01:09:27.045
and we have a licensee looking

1295

01:09:27.045 --> 01:09:29.445
to open a second location for their business.

1296

01:09:29.905 --> 01:09:32.205
Uh, it's an established brand, just three blocks away.

1297

01:09:32.545 --> 01:09:34.005
And for these reasons, I'm here

1298

01:09:34.005 --> 01:09:36.605
to formally oppose Bela Care, L-L-C-P-C-A waiver.

1299

01:09:37.225 --> 01:09:40.495
Um, but I just, that's it. Look, I'm 30 seconds.

1300

01:09:40.745 --> 01:09:42.175

Thank you guys. Thank you.

1301

01:09:43.075 --> 01:09:45.375

Um, next up is Chris Casta, followed

1302

01:09:45.395 --> 01:09:46.695

by Audrey Bonano Williams.

1303

01:09:49.605 --> 01:09:50.865

Hi. Thank you for the opportunity.

1304

01:09:50.925 --> 01:09:52.825

My name is Chris K, and I'm a Vice President

1305

01:09:53.085 --> 01:09:55.425

of Misty Blue Farm, uh, micro business

1306

01:09:55.425 --> 01:09:57.185

with retail right here in the city of Troy.

1307

01:09:57.765 --> 01:10:00.585

Um, on a personal note, I'd like to reach out to, uh, John

1308

01:10:00.605 --> 01:10:02.625

and hope that his family is doing well.

1309

01:10:02.885 --> 01:10:04.985

It would, you know, I hope it's all going well. Oh,

1310

01:10:05.005 --> 01:10:07.025

He had twin boys. Excellent.

1311

01:10:07.825 --> 01:10:09.385

Excellent. Thank you. Thank you.

1312

01:10:11.905 --> 01:10:14.345

I, I wanted to briefly talk about the proposed, uh,

1313

01:10:14.345 --> 01:10:16.945

part one 17 regulations about cannabis events.

1314

01:10:17.565 --> 01:10:20.625

Um, and really want to reiterate that, um,

1315

01:10:20.645 --> 01:10:23.545

the proposed regulations fly directly in the face

1316

01:10:23.565 --> 01:10:25.665

of the enabling, uh, legislation.

1317

01:10:26.045 --> 01:10:28.945

The enabling legislation says in three separate places,

1318

01:10:29.195 --> 01:10:31.105

quote, a licensee authorized

1319

01:10:31.105 --> 01:10:33.185

to conduct retail sales of adult use cannabis.

1320

01:10:33.845 --> 01:10:36.105

Um, it doesn't say ros,

1321

01:10:36.165 --> 01:10:38.545

and it doesn't say, um, dispensaries.

1322

01:10:38.605 --> 01:10:41.705

It says any licensee authorized for retail sales.

1323

01:10:42.325 --> 01:10:46.425

Um, we know that microbusinesses can purchase, um,

1324

01:10:46.785 --> 01:10:50.465

cannabis in any form up to 500 pounds of flower equivalent,

1325

01:10:50.885 --> 01:10:54.395

um, from other cultivators, from other processors,

1326

01:10:54.655 --> 01:10:56.075

and make that part of our business.

1327

01:10:56.415 --> 01:10:59.635

And I guarantee, based on, um, my experience

1328

01:10:59.635 --> 01:11:01.675

with cannabis growers showcases a couple of years ago

1329

01:11:02.145 --> 01:11:06.595

that they would be happy to participate in an event side

1330

01:11:06.595 --> 01:11:09.795

by side with a micro, uh, running the retail component.

1331

01:11:10.255 --> 01:11:12.795

You can have all micros, a micro run in retail, a micro

1332

01:11:13.345 --> 01:11:15.365

as a cultivator, and a micro as a processor.

1333

01:11:15.785 --> 01:11:19.365

Um, I think the regulations as written

1334

01:11:19.505 --> 01:11:23.285

and as proposed, uh, will result in legisl, uh, legal

1335

01:11:24.575 --> 01:11:27.495

challenges that will make those events impossible

1336

01:11:27.495 --> 01:11:30.875

for next year, much less the end of this year.

1337

01:11:31.635 --> 01:11:32.635

Thank You. Thank you.

1338

01:11:35.755 --> 01:11:39.135

Audrey Bonano Williams, followed by Scott. Uh, Triolo.

1339

01:11:40.105 --> 01:11:42.755

Good afternoon. My name is Audrey

1340

01:11:43.095 --> 01:11:45.155

and I'm the owner of Cannabis New York,

1341

01:11:45.515 --> 01:11:48.635

LLC 800% minority owned,

1342

01:11:48.855 --> 01:11:50.515

100% family owned

1343

01:11:50.975 --> 01:11:53.915

and majority woman owned business.

1344

01:11:54.615 --> 01:11:58.795

We submitted our dispensary license application, OCM,

1345

01:11:58.855 --> 01:12:02.755

retail 20 23 0 0 0 9 9 6,

1346

01:12:03.295 --> 01:12:04.995

and November 23 crew.

1347

01:12:05.685 --> 01:12:09.435

Since then, we've maintained continuous exclusive control

1348

01:12:09.435 --> 01:12:11.435

of our proposed retail location.

1349

01:12:12.375 --> 01:12:13.755

We have never released it.

1350

01:12:13.805 --> 01:12:17.915

Throughout this process, we've remained constant good faith

1351

01:12:18.715 --> 01:12:20.715

communication with OCM

1352

01:12:20.775 --> 01:12:24.035

and CCB, including the former CCB chair.

1353

01:12:24.775 --> 01:12:27.995

Our application was previously blocked from receiving

1354

01:12:27.995 --> 01:12:29.235

proximity protection

1355

01:12:29.235 --> 01:12:32.995

because a licensed micro business was operating

1356

01:12:33.025 --> 01:12:34.315

with a thousand feet.

1357

01:12:34.745 --> 01:12:38.195

However, that business has since ceased operation

1358

01:12:38.375 --> 01:12:41.635

and the space is now listed for rent or sale.

1359

01:12:42.315 --> 01:12:43.555

A fact we documented

1360

01:12:43.575 --> 01:12:46.515

and shared directly with the OCM and CCP.

1361

01:12:47.785 --> 01:12:52.685

Just two weeks ago received a call from OCM confirming

1362

01:12:52.685 --> 01:12:56.365

that this dispensing is no longer active,

1363

01:12:57.025 --> 01:12:58.685
yet we were told we still need

1364

01:12:58.685 --> 01:13:02.605
to request a public convenience, um, and advantage waiver.

1365

01:13:03.105 --> 01:13:06.845
We are respectfully asking if the proximity issue no longer

1366

01:13:07.335 --> 01:13:10.765
exist, why are we being required to obtain a waiver?

1367

01:13:11.555 --> 01:13:14.685
This program was created to support equity

1368

01:13:14.905 --> 01:13:19.045
and prioritize ownership by people like me, individuals

1369

01:13:19.045 --> 01:13:21.085
and families who have been historically

1370

01:13:21.485 --> 01:13:22.725
excluded from the industry.

1371

01:13:23.215 --> 01:13:28.135
We've compelled, we've complied fully at every step,

1372

01:13:28.275 --> 01:13:31.015
and yet we are being delayed due to the condition

1373

01:13:31.015 --> 01:13:32.255
that no longer applies.

1374

01:13:32.925 --> 01:13:35.975
This delay has real consequences.

1375

01:13:36.345 --> 01:13:39.455

Every day we are stored, we lose rent, we lose time,

1376

01:13:39.595 --> 01:13:42.615

and we lose economic opportunity for community.

1377

01:13:43.145 --> 01:13:44.535

Thank you. Thank you so

1378

01:13:44.535 --> 01:13:45.535

Much. Feel

1379

01:13:45.535 --> 01:13:46.635

free to email your comments.

1380

01:13:48.985 --> 01:13:51.285

Uh, Scott Chlo, followed by Fred Whiteman.

1381

01:13:54.385 --> 01:13:57.565

Hi, my name is Scott Triple 0 Micro licensed holder number

1382

01:13:57.565 --> 01:13:59.365

four in Saratoga Springs, New York.

1383

01:13:59.425 --> 01:14:00.765

I'm a micro with retail.

1384

01:14:01.165 --> 01:14:03.245

I would just like to welcome all the new board members

1385

01:14:03.345 --> 01:14:05.325

to our cannabis community here in New York.

1386

01:14:05.585 --> 01:14:07.565

You're all doing a wonderful job. Thank you.

1387

01:14:08.225 --> 01:14:10.885

Um, I'd like to, uh, talk a little bit more about what,

1388

01:14:10.920 --> 01:14:14.125

what Chris spoke of, uh, micro with retail regarding the,

1389

01:14:14.265 --> 01:14:16.365

uh, upcoming grower showcases.

1390

01:14:17.105 --> 01:14:21.845

And, um, I was a, a, I was a organizer of, uh, one

1391

01:14:21.845 --> 01:14:22.965

of the grower showcases,

1392

01:14:22.965 --> 01:14:25.045

the first grower showcases in Saratoga Springs.

1393

01:14:25.045 --> 01:14:29.765

Very successful. The, um, our base loved to meet the farmers

1394

01:14:29.905 --> 01:14:34.325

and things like that, um, to what he said regarding micro

1395

01:14:34.475 --> 01:14:38.675

with retail, if, if, um, I'm a little disappointed

1396

01:14:38.675 --> 01:14:42.795

that we didn't see the micro retailers, um, allowed

1397

01:14:43.095 --> 01:14:44.275

to hold these events.

1398

01:14:44.695 --> 01:14:47.635

And, and to add with, he said,

1399

01:14:47.755 --> 01:14:51.435

even a simpler version would be like a farmer's market.

1400

01:14:52.295 --> 01:14:55.675

Our both of Saratoga Springs farmers' markets are on board

1401

01:14:55.675 --> 01:14:58.115

with this, but they only allow farmers

1402

01:14:58.745 --> 01:15:00.675

that grow their own product, right?

1403

01:15:01.095 --> 01:15:04.155

So I know that I'm not able to sell other product,

1404

01:15:05.215 --> 01:15:07.355

but for me to set up at a farmer's market

1405

01:15:07.455 --> 01:15:10.475

to sell my own product, my own manufactured product

1406

01:15:10.615 --> 01:15:13.395

and cultivated products would be a, a huge,

1407

01:15:13.575 --> 01:15:14.755

um, boost for us.

1408

01:15:15.085 --> 01:15:18.795

We're very limited now in retail into what we can sell.

1409

01:15:18.855 --> 01:15:21.075

So this would be a very, a very good boost,

1410

01:15:21.295 --> 01:15:23.075

and I would hope that you would consider

1411

01:15:23.075 --> 01:15:24.555

that, um, moving forward.

1412

01:15:25.845 --> 01:15:28.245

And then one other thing, um, regarding the

1413
01:15:28.875 --> 01:15:31.705
micro cultivation tiers.

1414
01:15:32.035 --> 01:15:35.185
We've got an outdoor tier, an indoor tier,

1415
01:15:35.745 --> 01:15:38.625
a mixed light tier, and then we have a combination tier

1416
01:15:39.325 --> 01:15:41.305
of outdoor and mixed light.

1417
01:15:41.805 --> 01:15:45.065
And right from the beginning, I've been putting in comments

1418
01:15:45.245 --> 01:15:49.305
and I've been talking to John about can we add a micro

1419
01:15:50.145 --> 01:15:52.985
cultivation tier of outdoor and indoor?

1420
01:15:54.375 --> 01:15:59.095
A very, very, um, thank you. Thank you. Thank

1421
01:15:59.095 --> 01:16:00.095
You so much.

1422
01:16:00.915 --> 01:16:04.055
Um, Fred Whiteman, followed by Matthew Robinson.

1423
01:16:04.585 --> 01:16:07.175
Hello. Hi, uh, my name's Fred Whiteman.

1424
01:16:07.275 --> 01:16:08.775
Uh, I'm a card, uh,

1425
01:16:09.085 --> 01:16:12.175

license holder retailer in the town of Brookhaven.

1426

01:16:12.515 --> 01:16:14.415

Our card number is 95.

1427

01:16:15.115 --> 01:16:17.815

I'm part of the, uh, long Island Cannabis Coalition.

1428

01:16:18.395 --> 01:16:21.055

We have, uh, been in the process for three years.

1429

01:16:21.395 --> 01:16:24.815

We had purchased a building, uh, in a very strong location.

1430

01:16:25.355 --> 01:16:27.935

We have had site protection for almost two years.

1431

01:16:28.755 --> 01:16:30.975

We went through a lengthy process with the town

1432

01:16:30.975 --> 01:16:35.695

of Brookhaven to receive our C0 for a, uh, retail,

1433

01:16:35.915 --> 01:16:38.975

uh, clothing store and a CBD dispensary.

1434

01:16:38.975 --> 01:16:41.575

Our retail clothing store is a piece of Woodstock.

1435

01:16:42.235 --> 01:16:47.135

Um, we, it's been two months since, uh, we had gone

1436

01:16:47.135 --> 01:16:49.495

through our final checkups,

1437

01:16:49.835 --> 01:16:54.255

and then it had been passed over for, um, the,

1438
01:16:54.395 --> 01:16:55.415
uh, activation.

1439
01:16:55.835 --> 01:16:58.535
So we've been waiting two months for activation.

1440
01:16:59.235 --> 01:17:03.335
Uh, our store is open. We have a, uh, co for our location.

1441
01:17:04.035 --> 01:17:06.775
Uh, we've been working with, uh, the Chamber of Commerce,

1442
01:17:07.115 --> 01:17:10.245
the Civic Association Association, and the local police.

1443
01:17:10.625 --> 01:17:13.405
And, um, was actually received a call from, uh,

1444
01:17:13.405 --> 01:17:15.805
Suffolk County Police on the way up,

1445
01:17:16.185 --> 01:17:20.085
asking if there's any update on when our license is going

1446
01:17:20.085 --> 01:17:22.605
to be activated, because the, uh,

1447
01:17:22.605 --> 01:17:24.205
community now is supporting it.

1448
01:17:24.665 --> 01:17:29.045
And, uh, it, it's been a long weighted, uh, time.

1449
01:17:29.575 --> 01:17:31.405
We're located in the quorum area,

1450
01:17:31.495 --> 01:17:35.285

which has gotten quite a bit of, uh, news lately

1451

01:17:35.585 --> 01:17:37.085

for Fentanyl overdose.

1452

01:17:37.705 --> 01:17:40.965

Uh, our business is committed to giving back to

1453

01:17:40.965 --> 01:17:45.085

that community and committed to working with local, uh,

1454

01:17:45.325 --> 01:17:48.965

nonprofit organizations, which we have been doing to help

1455

01:17:49.025 --> 01:17:53.685

to facilitate the, um, the issues as far as, uh,

1456

01:17:54.145 --> 01:17:55.645

uh, drug education

1457

01:17:56.065 --> 01:17:59.005

and working with, uh, uh, the fentanyl, uh,

1458

01:17:59.005 --> 01:18:01.565

issues especially that, uh, are

1459

01:18:01.625 --> 01:18:03.365

so prevalent in the town of Core.

1460

01:18:03.745 --> 01:18:07.245

So what I would ask is that the control board,

1461

01:18:07.305 --> 01:18:10.005

please help us to get our license activated.

1462

01:18:10.135 --> 01:18:11.135

Thank you. Thank you.

1463

01:18:12.945 --> 01:18:16.725

Uh, Matthew, uh, Robinson, followed by Jake Kani.

1464

01:18:19.505 --> 01:18:20.915

Morning, everybody. Um, first

1465

01:18:20.915 --> 01:18:21.995

and foremost, I'd like to say thank you

1466

01:18:22.415 --> 01:18:24.675

to O-C-M-C-C-B-C-A-B.

1467

01:18:24.735 --> 01:18:27.515

Congratulations to John and his twins.

1468

01:18:28.105 --> 01:18:30.755

With that being said, I'm the owner of Legacy Dispensary.

1469

01:18:31.335 --> 01:18:32.795

I'm also the director

1470

01:18:32.895 --> 01:18:35.115

of Cranny Cannabis Retail Lines of New York.

1471

01:18:35.615 --> 01:18:38.675

Um, an organization that is focused on the retail portion

1472

01:18:39.425 --> 01:18:40.555

tier of, uh, cannabis.

1473

01:18:41.655 --> 01:18:45.515

The BioTrack time that you guys are giving us

1474

01:18:45.655 --> 01:18:47.555

to reconcile is just not enough.

1475

01:18:47.555 --> 01:18:48.915

30 days is understandable,

1476

01:18:49.455 --> 01:18:51.955

but at 30 days, there needs to be a reconciliation period

1477

01:18:52.445 --> 01:18:55.115

where the vendors and the retailers can get together

1478

01:18:55.375 --> 01:18:56.995

and make sure that the invoices are paid

1479

01:18:56.995 --> 01:18:58.555

correctly and timely.

1480

01:18:59.055 --> 01:19:01.035

So it just can't be, Hey, day 31,

1481

01:19:01.185 --> 01:19:02.395

they're thrown on this list

1482

01:19:02.905 --> 01:19:04.955

when the vendor hasn't given approval

1483

01:19:05.335 --> 01:19:07.235

or hasn't confirmed whether you've paid

1484

01:19:07.235 --> 01:19:10.235

or not, that's gonna be very harmful to dispensaries.

1485

01:19:11.145 --> 01:19:12.515

Also, quarantined items.

1486

01:19:12.985 --> 01:19:16.915

When items are in quarantine, we still have only 30 days to,

1487

01:19:16.915 --> 01:19:18.395

to pay it back, but we can't sell it.

1488

01:19:18.855 --> 01:19:20.915

So you're telling us, Hey, pay this back in 30 days,

1489

01:19:20.915 --> 01:19:22.115

but don't sell anything.

1490

01:19:22.615 --> 01:19:24.715

It just puts us as retailers in a bad position,

1491

01:19:25.095 --> 01:19:27.275

and that needs to be, um, looked at as well.

1492

01:19:28.585 --> 01:19:32.635

Also, the sample handling samples are being requested by,

1493

01:19:32.695 --> 01:19:36.155

um, inspectors for retail to put that into the system

1494

01:19:36.495 --> 01:19:37.555

of their POS.

1495

01:19:38.095 --> 01:19:42.355

Now, that takes a lot of time, and some of these samples may

1496

01:19:42.455 --> 01:19:44.835

or may not be, uh, actually implemented

1497

01:19:44.835 --> 01:19:48.645

and used as a sale for items that aren't gonna be sold.

1498

01:19:49.025 --> 01:19:52.245

It makes no sense to have my staff take hours

1499

01:19:52.345 --> 01:19:53.845

to put these samples in throughout the week.

1500

01:19:54.345 --> 01:19:55.645

And we, we don't sell it.

1501

01:19:55.745 --> 01:19:58.325

No, it doesn't meet certain criteria as far

1502

01:19:58.325 --> 01:19:59.845

as mold counts and other counts.

1503

01:20:00.385 --> 01:20:03.365

So the sampling should just be based off of the manifest.

1504

01:20:03.785 --> 01:20:06.725

If it's manifested that we have received it,

1505

01:20:07.195 --> 01:20:09.485

that should be more than enough to say, Hey,

1506

01:20:09.545 --> 01:20:10.845

we know where this product went.

1507

01:20:11.065 --> 01:20:12.245

We know who has this product.

1508

01:20:12.795 --> 01:20:15.165

Sometimes just, you know, overreaching

1509

01:20:15.165 --> 01:20:17.685

or overstepping can happen, and it's not intentional.

1510

01:20:17.995 --> 01:20:19.285

It's just an unknown thing.

1511

01:20:19.745 --> 01:20:21.965

And this is what I'm just bringing, um, a voice to it.

1512

01:20:22.305 --> 01:20:26.045

Oh, okay. Thank you. Also, I am the director of cranny.

1513

01:20:26.065 --> 01:20:28.205

We are accepting members as cranny.

1514

01:20:28.215 --> 01:20:30.765

We'll be at the OCM New Newport meeting on

1515

01:20:30.765 --> 01:20:33.045

August 5th and August 12th. Thank you very much.

1516

01:20:33.255 --> 01:20:37.165

Thank you. Jake Ani, followed by Ankit Patel.

1517

01:20:39.985 --> 01:20:41.965

How you doing? Um, I'm Jake Ani.

1518

01:20:41.965 --> 01:20:43.765

I'm representing Create Kindness, uh,

1519

01:20:44.285 --> 01:20:47.765

OCM Retail 20 23 2 0 9 6.

1520

01:20:48.875 --> 01:20:52.095

Um, I, I've had an ongoing issue where March 11th,

1521

01:20:52.535 --> 01:20:55.895

I was notified that I was a upper final licenser

1522

01:20:56.035 --> 01:20:57.095

and a board approval.

1523

01:20:57.955 --> 01:20:59.255

And, um, when the meeting came in

1524

01:20:59.255 --> 01:21:00.695

March, I wasn't on the board.

1525

01:21:01.335 --> 01:21:05.235

I wasn't on the agenda. Um, there, there was an issue

1526

01:21:05.235 --> 01:21:07.635

with the application, um, and, uh,

1527

01:21:07.635 --> 01:21:09.115

and I came to the May meeting and,

1528

01:21:09.115 --> 01:21:10.835

and, uh, the members of OCM helped me a lot,

1529

01:21:11.135 --> 01:21:12.795

and the communication was really good.

1530

01:21:12.815 --> 01:21:15.195

But now, now my, um, application is done.

1531

01:21:15.645 --> 01:21:17.755

Everything OCM is deemed deemed a done

1532

01:21:17.755 --> 01:21:19.115

and ready to go to board review in July.

1533

01:21:20.075 --> 01:21:21.895

And, um, it's still not on the agenda.

1534

01:21:22.965 --> 01:21:24.385

And I, I took this information that,

1535

01:21:24.385 --> 01:21:25.825

that it was gonna be on the agenda,

1536

01:21:26.045 --> 01:21:27.705

and I evicted my tenants from my building.

1537

01:21:28.485 --> 01:21:30.625

My wife has a, a interest in the license.

1538

01:21:30.765 --> 01:21:34.095

I'm the property owner, so I'm losing about \$10,000 a

1539

01:21:34.095 --> 01:21:35.575

month that it doesn't get approved.

1540

01:21:35.655 --> 01:21:37.905

I have no tenant in the building. Um,

1541

01:21:38.685 --> 01:21:39.865

you know, the issue's resolved.

1542

01:21:40.285 --> 01:21:42.305

And I would just, I would just ask that, that, that this,

1543

01:21:42.305 --> 01:21:45.105

this, uh, license gets on the agenda as soon as possible,

1544

01:21:45.105 --> 01:21:46.265

because it's costing me money.

1545

01:21:46.885 --> 01:21:48.305

I'm not asking for any special treatment.

1546

01:21:48.305 --> 01:21:50.145

I'm just asking you to honor the email that was sent,

1547

01:21:51.045 --> 01:21:52.225

and, uh, that, that's all I'm asking

1548

01:21:52.225 --> 01:21:53.425

for, and I appreciate it.

1549

01:21:53.595 --> 01:21:57.525

Thank you. Ankit Patel, followed by ES Sabbat.

1550

01:22:01.395 --> 01:22:03.125

Good afternoon. My name is Anka Patel.

1551

01:22:03.625 --> 01:22:08.565

I'm here on behalf of slo td, a licensed dispensary

1552

01:22:08.565 --> 01:22:11.445

that just opened three months ago at 3 81 Fifth Ave.

1553

01:22:12.095 --> 01:22:14.565

We're asking you today to keep your word on the

1554

01:22:14.565 --> 01:22:15.685

1000 foot rule.

1555

01:22:16.345 --> 01:22:18.005

We signed our lease long before opening.

1556

01:22:18.265 --> 01:22:21.245

We paid rents, and we paid rents for months, years

1557

01:22:21.815 --> 01:22:23.245

while we waited for the green light.

1558

01:22:23.265 --> 01:22:27.245

We followed every step, trusted the process, believed

1559

01:22:27.245 --> 01:22:28.805

that the rules around spacing

1560

01:22:28.805 --> 01:22:30.525

between dispensaries would be honored.

1561

01:22:32.035 --> 01:22:35.045

That was the understanding. 1000 feet between licensees

1562

01:22:35.065 --> 01:22:37.085

so the equity operators could have a fighting

1563

01:22:37.085 --> 01:22:38.125
chance in the early months.

1564

01:22:38.705 --> 01:22:41.805
Now, just three months into operations, we're being told

1565

01:22:41.805 --> 01:22:45.005
that another dispensary could be approved 786

1566

01:22:45.005 --> 01:22:46.365
feet from our door.

1567

01:22:46.505 --> 01:22:47.965
That's not what we were promised,

1568

01:22:48.785 --> 01:22:50.045
and that's not what we planned for.

1569

01:22:51.225 --> 01:22:52.705
Although the waiver discussion will

1570

01:22:52.705 --> 01:22:53.745
take place in the next meeting.

1571

01:22:53.945 --> 01:22:55.945
I wanna express that we're, we're not even,

1572

01:22:56.315 --> 01:22:57.625
we're not even close to breaking even.

1573

01:22:58.355 --> 01:23:00.225
Based on our current projections,

1574

01:23:00.715 --> 01:23:02.585
we're at least seven to eight months away.

1575

01:23:02.675 --> 01:23:04.905

We're covering payroll, taxes, commercial rent,

1576

01:23:04.905 --> 01:23:08.245

and Midtown Manhattan every month while still trying

1577

01:23:08.245 --> 01:23:09.765

to build a customer bids.

1578

01:23:10.655 --> 01:23:12.685

We're doing it the right way above board

1579

01:23:14.035 --> 01:23:15.675

compliant and fully licensed.

1580

01:23:16.065 --> 01:23:20.155

Meanwhile, five smoke shops within 1000 feet radius are

1581

01:23:20.155 --> 01:23:21.595

either still selling illegally

1582

01:23:21.595 --> 01:23:23.275

or have recently gone back to it.

1583

01:23:23.765 --> 01:23:26.035

We're navigating those challenges while trying

1584

01:23:26.035 --> 01:23:28.115

to educate customers and build legitimacy.

1585

01:23:28.735 --> 01:23:30.035

And now we're facing the threat

1586

01:23:30.035 --> 01:23:32.955

of another legal dispensary being allowed right on top of us

1587

01:23:33.455 --> 01:23:35.675

before we've had a fair chance to get on our fee.

1588

01:23:36.575 --> 01:23:38.155

The buffer zone exists for a reason.

1589

01:23:38.215 --> 01:23:40.395

The nine month protection window exists for a reason.

1590

01:23:40.575 --> 01:23:43.875

Please respect it. I'm a c applicant.

1591

01:23:44.395 --> 01:23:45.395

I desperately need your help.

1592

01:23:45.945 --> 01:23:48.275

Your own charts show that diminishing sales

1593

01:23:48.375 --> 01:23:49.635

as more stores open up.

1594

01:23:50.325 --> 01:23:52.595

We're not asking for special treatment, we're just asking

1595

01:23:52.705 --> 01:23:54.635

that for the rules to be applied fairly

1596

01:23:54.655 --> 01:23:56.435

and consistently for all of us

1597

01:23:56.455 --> 01:23:58.915

who built our businesses based on those rules. Thank you.

1598

01:23:59.445 --> 01:24:03.345

Thank you. Bures Sabbat, followed by Sam f

1599

01:24:05.685 --> 01:24:06.685

Uh, hello. Uh,

1600

01:24:06.685 --> 01:24:08.505

good afternoon, uh, chair Garcia.

1601

01:24:08.505 --> 01:24:10.425

Congratulations on your recent appointment.

1602

01:24:10.765 --> 01:24:12.185

And thank you to other members of the board

1603

01:24:12.185 --> 01:24:13.225

for being here with us today.

1604

01:24:13.725 --> 01:24:14.905

My name is Burque Sabbat.

1605

01:24:15.045 --> 01:24:18.105

I'm the proud owner of the flowery, uh, we are one

1606

01:24:18.105 --> 01:24:19.705

of the first operating licensed

1607

01:24:19.705 --> 01:24:21.105

dispensaries in New York State.

1608

01:24:21.455 --> 01:24:24.105

Were opened as a part of the state's, uh, DS e program,

1609

01:24:24.685 --> 01:24:25.865

the Social Equity Fund.

1610

01:24:26.655 --> 01:24:29.915

Um, when I received my first license approval, uh,

1611

01:24:30.095 --> 01:24:31.755

it felt like history in the making.

1612

01:24:31.815 --> 01:24:33.875

In fact, that's what was told to us by multiple people.

1613

01:24:33.905 --> 01:24:35.115

This was going to be the first state

1614

01:24:35.115 --> 01:24:38.035

that had justice impacted individuals, the card licensees

1615

01:24:38.255 --> 01:24:40.035

as the center of the State's cannabis program.

1616

01:24:41.235 --> 01:24:45.085

Unfortunately, instead of, uh, support, uh, we faced,

1617

01:24:45.225 --> 01:24:46.445

uh, a lot of challenges.

1618

01:24:46.745 --> 01:24:49.205

And these are the challenges that we continue to face today.

1619

01:24:49.705 --> 01:24:51.885

We have a extremely large buildout cost,

1620

01:24:51.945 --> 01:24:53.525

as you know, a part of the SD program.

1621

01:24:53.665 --> 01:24:56.405

All the buildouts were way over the allocated budget.

1622

01:24:57.385 --> 01:25:00.165

Um, I'm in contact with a lot of the DA stores.

1623

01:25:00.635 --> 01:25:04.045

Many of them are paying over \$30,000 a month back

1624

01:25:04.065 --> 01:25:07.085

to the state for insane build out costs.

1625

01:25:07.235 --> 01:25:09.365

Over \$2 million for some stores.

1626

01:25:10.805 --> 01:25:14.535

Um, and yes, yes, the, the, the, the loans are for 10,

1627

01:25:14.535 --> 01:25:16.695

for 10 years, as somebody has mentioned.

1628

01:25:16.995 --> 01:25:21.325

Um, sorry, I just, uh, got lost, uh, real quick. Okay.

1629

01:25:22.185 --> 01:25:24.125

Um, so I don't wanna just come here

1630

01:25:24.125 --> 01:25:25.125

and talk about financials.

1631

01:25:25.125 --> 01:25:28.655

I wanted to talk about the original, uh, goal

1632

01:25:28.655 --> 01:25:29.935

of this entire cannabis program.

1633

01:25:30.375 --> 01:25:32.655

A lot of this legislation was passed on the fact

1634

01:25:32.655 --> 01:25:34.135

that it was going to be given opportunities

1635

01:25:34.235 --> 01:25:37.375

to see equity people and also card licensees.

1636

01:25:38.285 --> 01:25:40.655

They told us that, you know, they told the state

1637

01:25:40.655 --> 01:25:43.295

and the voters that, that they were going

1638
01:25:43.295 --> 01:25:44.815
to be empowering people like us.

1639
01:25:45.075 --> 01:25:47.855
And I feel like the current program, the way it's structured

1640
01:25:47.855 --> 01:25:49.615
with the loans, how expensive everything is,

1641
01:25:50.285 --> 01:25:51.895
it's not helping in any way.

1642
01:25:52.435 --> 01:25:55.015
And a lot of the original Disney stores are, are,

1643
01:25:55.195 --> 01:25:56.535
uh, severely struggling.

1644
01:25:57.075 --> 01:26:00.135
Uh, we're asking for some sort of relief from you guys.

1645
01:26:00.995 --> 01:26:05.725
Uh, anything we could, uh, get in order to, uh, you know,

1646
01:26:05.755 --> 01:26:08.965
help with the current, uh, uh, build, build out costs,

1647
01:26:09.105 --> 01:26:12.685
leases, uh, any, any sort of help with the capitalization?

1648
01:26:13.425 --> 01:26:15.805
Um, I'm doing good, thank God.

1649
01:26:15.865 --> 01:26:16.965
But there's a lot of, uh,

1650
01:26:16.965 --> 01:26:18.245

the Dazz new stores are struggling,

1651

01:26:18.245 --> 01:26:20.045

so I'd really appreciate your help

1652

01:26:20.045 --> 01:26:21.085

in this matter. Thank you.

1653

01:26:21.415 --> 01:26:25.315

Thank you. Sam f followed by Jason Friedman.

1654

01:26:30.285 --> 01:26:33.235

Hello, my name's Sammy Fota.

1655

01:26:34.905 --> 01:26:36.235

I've maintained multiple,

1656

01:26:36.595 --> 01:26:39.555

multiple hemp licenses from New York State since the

1657

01:26:39.585 --> 01:26:42.075

inception of the Cannabinoid Hemp Program.

1658

01:26:43.835 --> 01:26:46.395

I submitted a card application on

1659

01:26:46.415 --> 01:26:49.115

August 25th, 2022.

1660

01:26:49.615 --> 01:26:51.395

The first day the portal opened.

1661

01:26:52.495 --> 01:26:56.195

I'm applicant number 21 out of 903.

1662

01:26:57.275 --> 01:27:00.965

Application number, OCM card 2022 dash

1663

01:27:01.355 --> 01:27:04.325
0 0 0 0 2 1.

1664

01:27:05.665 --> 01:27:08.185
I met every eligibility requirement.

1665

01:27:09.095 --> 01:27:10.495
I have a cannabis conviction.

1666

01:27:11.165 --> 01:27:14.935
I've operated a successful, profitable tax paying business

1667

01:27:15.805 --> 01:27:17.785
in New York State for multiple years

1668

01:27:17.845 --> 01:27:21.145
before I submitted my application as required,

1669

01:27:22.315 --> 01:27:23.775
nearly three years later,

1670

01:27:24.435 --> 01:27:28.055
my application still says in process in the portal.

1671

01:27:29.235 --> 01:27:30.645
I've never received a score.

1672

01:27:31.615 --> 01:27:33.665
I've never received a deficiency notice.

1673

01:27:34.575 --> 01:27:36.025
I've never received a denial.

1674

01:27:37.115 --> 01:27:39.985
After numerous attempts at communication over the years

1675

01:27:40.325 --> 01:27:43.825

and out of respect for the process, we retain legal counsel

1676

01:27:44.005 --> 01:27:47.505

to seek clarification without resolution.

1677

01:27:48.705 --> 01:27:52.955

We sent letters, we filed the foil requests,

1678

01:27:53.025 --> 01:27:54.795

nothing, no response.

1679

01:27:55.665 --> 01:27:58.235

Meanwhile, close to 2000 applicants, all

1680

01:27:58.235 --> 01:28:02.475

behind me in line have been reviewed, scored, and licensed.

1681

01:28:03.535 --> 01:28:06.835

The only communication I ever received from the OCM was in

1682

01:28:07.035 --> 01:28:09.435

September of last year, asking me to correct

1683

01:28:10.055 --> 01:28:11.795

an N-A-I-C-S code.

1684

01:28:12.595 --> 01:28:14.915

I did, and the portal reverted back

1685

01:28:14.915 --> 01:28:17.075

to InProcess, and that was it.

1686

01:28:17.975 --> 01:28:22.155

So we waited. We even gave up an opportunity

1687

01:28:22.255 --> 01:28:24.075

for an adult use processing license,

1688

01:28:24.365 --> 01:28:26.315

which I submitted an application for,

1689

01:28:26.315 --> 01:28:29.435

because we were told our card application was

1690

01:28:29.435 --> 01:28:30.835

still in review.

1691

01:28:31.815 --> 01:28:35.235

In our FO requests, we requested the full list

1692

01:28:35.235 --> 01:28:37.475

of all the scores for the card applications,

1693

01:28:38.495 --> 01:28:40.835

any internal documents relating to

1694

01:28:40.855 --> 01:28:44.005

how the order was determined, um,

1695

01:28:45.185 --> 01:28:49.525

and a breakdown of how location at time of arrest, uh,

1696

01:28:49.585 --> 01:28:51.805

was counted as it accounted for 40 out

1697

01:28:51.805 --> 01:28:53.645

of 100 possible points. Sir,

1698

01:28:53.865 --> 01:28:55.285

I'm gonna ask that you submit your comments

1699

01:28:55.305 --> 01:28:56.805

to us via email, if you can

1700

01:28:57.865 --> 01:28:59.625

Question for you what, how do you spell your last name?

1701

01:28:59.625 --> 01:29:00.745

Because all I have on she's

1702

01:29:00.785 --> 01:29:04.605

F-F-O-D-A, I did submit this last month too.

1703

01:29:04.785 --> 01:29:06.845

Uh, okay. Okay. Thank you. Thank you.

1704

01:29:08.975 --> 01:29:11.685

Jason Friedman, followed by Ricky Su, uh, Sue.

1705

01:29:13.575 --> 01:29:16.115

Oh, okay. You're Jason. Okay. Thank you.

1706

01:29:16.615 --> 01:29:18.995

Uh, Ricky Sue, followed by Shlomo Winestock.

1707

01:29:22.475 --> 01:29:24.215

Hi. Good afternoon everyone.

1708

01:29:24.635 --> 01:29:26.015

I'm Ricky from r

1709

01:29:26.015 --> 01:29:30.255

and r Dispensary, uh, call license two oh four.

1710

01:29:31.115 --> 01:29:35.905

I'm here today for protect

1711

01:29:36.045 --> 01:29:38.025

the, I'm sorry, I'm just a little nervous.

1712

01:29:38.335 --> 01:29:41.665

Okay. Thousand feet protection.

1713

01:29:42.635 --> 01:29:45.555

We only opened up for five months. Okay.

1714

01:29:45.655 --> 01:29:48.595

We already, this is like the second time we have someone

1715

01:29:48.625 --> 01:29:52.755

that coming in and open up or trying to open up near us.

1716

01:29:53.735 --> 01:29:58.155

And then also within one mile of radius from us,

1717

01:29:58.185 --> 01:30:00.915

from our store, there's a lot of black markets.

1718

01:30:01.505 --> 01:30:04.395

There's already 10 licensed dispensaries near us,

1719

01:30:05.255 --> 01:30:06.915

and we are barely surviving

1720

01:30:07.015 --> 01:30:08.875

as a dispensary, as a business right now.

1721

01:30:09.335 --> 01:30:11.435

We are struggl, we are struggling.

1722

01:30:13.295 --> 01:30:16.715

So please, you know, give us the chance to survive.

1723

01:30:19.315 --> 01:30:20.895

That's all I gotta say. Thank you.

1724

01:30:20.905 --> 01:30:22.135

Thank you so much. Thank you,

1725

01:30:22.295 --> 01:30:23.295

Ravi. Um,

1726

01:30:23.295 --> 01:30:26.385

and last comment, Shlomo. Winestock. Thank you.

1727

01:30:27.605 --> 01:30:30.185

You're done. Oh, okay. Great.

1728

01:30:30.565 --> 01:30:33.265

So this concludes the, uh, public commenting period,

1729

01:30:33.645 --> 01:30:34.665

uh, for today.

1730

01:30:35.565 --> 01:30:38.225

Um, I think I just have some reminders to share with you.

1731

01:30:39.545 --> 01:30:42.865

I believe part of the reminders are, um,

1732

01:30:43.605 --> 01:30:45.145

the next scheduled meeting, uh,

1733

01:30:45.165 --> 01:30:46.585

is tentatively scheduled actually

1734

01:30:46.585 --> 01:30:47.985

for Tuesday, September 9th.

1735

01:30:48.245 --> 01:30:51.145

Um, and currently it will, it's going to be New York City.

1736

01:30:51.765 --> 01:30:53.065

Uh, note that the time, location,

1737

01:30:53.065 --> 01:30:54.705

and livestream of this meeting

1738

01:30:54.705 --> 01:30:57.825

and future meetings will be on the website, cannabis.ny.gov.

1739

01:30:57.925 --> 01:31:01.025

Um, and, uh, a recording of today's meeting

1740

01:31:01.285 --> 01:31:03.465

and minute meeting, meeting minutes, um,

1741

01:31:03.465 --> 01:31:05.665

and the transcript transcription will also be posted.

1742

01:31:06.325 --> 01:31:09.025

Um, so with all that, this concludes the business for today.

1743

01:31:09.125 --> 01:31:12.945

Can I have a motion to adjourn? Thank you. Um, all in favor?

1744

01:31:13.365 --> 01:31:15.495

Aye. Aye. All right. Meeting is adjourned.

1745

01:31:15.495 --> 01:31:15.935

Thank you everyone.

1746

01:31:20.345 --> 01:31:21.345

That's the host.

1747

01:31:28.275 --> 01:31:29.705

Thank you for, I saw the.