



OFFICE OF ADMINISTRATIVE TRIAL ; AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0219469920 et al. (1 Summons) DEPT OF FINANCE, -against- TO THE BUSINESS OPERATING AT 9 Hearing Date: 08/06/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$10,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0219469920	Sustained	07/01/2026	992 Winthrop Street Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ABE1	AC 7-551(A)	Sustained	\$10,000.00

Findings of Fact & Conclusions of Law

Petitioner appeared by attorney Seema Ramdat. Inspector Xavier Vega testified for Petitioner. Respondent appeared at the hearing by their attorney Frank Tamborino.

The summons alleges respondent violated NYC Administrative Code 7-551(a) on July 1, 2026 at 992 Winthrop St. Specifically it is alleged that the issuing officer observed cannabis and cannabis marketed products for sale without a valid retail license. A sealing order is also referenced. Petitioner alleged the sale of cannabis was within 1,000 feet of a school and that there was cannabis processing at the cited location.

Petitioner submitted the following into evidence: Exhibit 1 OATH Summons; Exhibit 2 Sheriff's Immediate Order of Closure; Exhibit 3 Order to Cease Unlicensed Activity and Seizure Notice; Exhibit 4 Seizure Receipts; Exhibit 5 Property Clerk Invoices; Exhibit 6 Photographs; Exhibit 7 NYS Office of Cannabis Management Directory of Licensed Adult-Use Cannabis Dispensaries; Exhibit 8 School Proximity Map; Exhibit 9 Table of Authorities; Exhibit 10 Sheriff's Inspection Summary; Exhibit 11 Petitioner's Memorandum of Law; Certification of Service #1; Certification of Service #2.

Investigator Vega testified to the following: they observed a customer enter and then exit the store and determined the location was open prior to beginning the inspection; the spoke to a store employee, Windsor Oscar, who was outside the location; there was cannabis advertising in the front window of the premises (Petitioner's Exhibit 6, photo #55); cannabis packages were on display from behind the counter (Petitioner's Exhibit 6, photos #65, #72, #73) as well vial and pre-rolls (Petitioner's Exhibit 6 #74, 76); there was a locked door barring access to the area behind the display counter however Windsor Oscar unlocked it; in the rear area behind the display counter additional cannabis packages, and scales with residue were found (Petitioner's Exhibit 6, photos #78 thru 100).

On cross examination, Inspector Vega again acknowledged that access to the rear area behind the counter required keys and all cannabis products had been found behind the counter.

Decision

I credit the testimony of Inspector Vega and the other evidence submitted by Petitioner and find that Respondent was selling cannabis and cannabis related products as described in the summons. Respondent did not dispute that cannabis was advertised in the front window of the store nor did they rebut Petitioner's evidence that some cannabis products were on display from behind the store's counter. While Respondent raises claims that the search of the premises was beyond the legitimate scope of the inspection, none of the areas they most objected to (a refrigerator, a side/back room) contained cannabis or cannabis related products. The summons is sustained.

Order to seal

No evidence was submitted by Respondent rebutting Petitioner's allegation that Respondent engaged in the processing of cannabis or that the premises was within 1000 feet of a school. I credit the evidence presented by Petitioner and find that Respondent both sold cannabis and cannabis related products within close proximity of a school and engaged in the unlicensed processing of cannabis as described in the Order of Closure. I recommend the sealing order remain in place.

OATH's decision regarding the SUMMONS is a final administrative determination and cannot be appealed at OATH or to the NYC Sheriff (See Administrative Code section 7-552(b)(2)). OATH's recommendation regarding the SEALING ORDER is subject to a final determination by the NYC Sheriff within four business days after the conclusion of the hearing in this case . Respondent may contact the NYC Sheriff to make any submission with respect to the SEALING ORDER

Email for Respondent's attorney is michael@nacmiaslaw.com

David Pantaleoni

08/06/2026

08/06/2026

David Pantaleoni, Judicial Hearing Officer

Date