



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

FRANK TAMBERINO, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0215099950 et al. (1 Summons) DEPT OF FINANCE, -against- ZAID CANDY AND GROCERY INC Hearing Date: 09/30/2025 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
0215099950	Sustained	07/29/2025	1646 Madison Ave Manhattan

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

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.

Respondent's e-mail address for receipt of the decision is ftamberino@nacmiaslaw.com

The summons alleges that respondent committed a violation of the New York City Administrative code section 7-551(a) by

having cannabis and cannabis marketed products observed for sale without a valid retail license. It further states that a sealing order was issued.

Frank Tamberino, attorney, appeared on behalf of Respondent. Nicholas Rogers-Dillon appeared on behalf of the Department of Finance.

Mr. Rogers-Dillon submitted several documents in support of the allegations of the summons, including photographs taken by the issuing officer. Mr. Rogers-Dillon argued that respondent was selling cannabis products without a license, and that respondent's conduct posed an imminent threat as there was unlicensed processing, the products were not properly tested/labelled, and because respondent's business was close to several schools. As to the processing he pointed to photographs showing a scale and cup with alleged flower residue. As to testing/labeling, he pointed to photographs showing products with no NYS labelling. As to the proximity to schools, Mr. Rogers-Dillon pointed to several schools, including PS 108 and Central Park East High School.

Mr. Rogers-Dillon also submitted, among other documents, an Order of Closure and an Order to Cease and a list of licensed cannabis dispensaries; as well as Seizure receipts listing 5.4 lbs of THC flower products.

Mr. Tamberino moved to dismiss, arguing that petitioner failed to establish that respondent was marketing or selling the cited products, there is no evidence of how the products were arranged at the store, and that there was no real evidence of processing.

I credit the allegations contained in the summons as well as petitioner's evidence. Based on the amount of cannabis products found at the premises, as well as other evidence of marketing and processing, I find that petitioner has credibly established that respondent was marketing cannabis products without the required registration, license or permit. Respondent failed to credibly rebut said allegations or argue a valid defense thereto. Respondent is found in violation, and a penalty of \$ 10,000 shall be imposed.

As to the order of closure, I find that petitioner has established an imminent threat with regards to the sale of such cannabis. First, petitioner's evidence of a scale with cannabis residue indicates the processing of cannabis on the premises. Secondly, petitioner's evidence shows cannabis products that do not comply with packaging guidelines, labeling requirements, or testing requirements. Lastly, respondent's store is within 1000 feet from several schools. As such, I find that petitioner has established an imminent threat with regards to respondent's marketing of cannabis products.

As to the Order of Closure, I recommend that the order remain in place.

Ricardo Luigi

09/30/2025

09/30/2025

Ricardo Luiggi, Hearing Officer

Date