



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Help Center

What To Know If You Were Issued A Summons Alleging Violations of the New York State Cannabis Law

What Does The New York State Cannabis Law Say?

Any individual or business engaging in the sale, distribution, giving away of cannabis and cannabis products without a license is subject to a penalty. The NYC Sheriff can order a person violating the law to cease the conduct. The Sheriff may also issue orders to seal a premises where persons are violating the cannabis law in ways that pose “an imminent threat” (e.g., operating close to a school, selling to minors, unlicensed processing at the premises, remaining open after an initial order to close, etc.).

What Can I Do If I Have Been Issued A Summons?

You may review the front and the back of the summons for instructions about your options. If you would like to dispute the summons, you are entitled to have a hearing at OATH within five business days of when the summons was issued. OATH is authorized by law to conduct hearings on these summonses, to issue decisions on these summonses, and to make recommendations to the Sheriff on sealing orders. You have a right to obtain your own legal representation, but it is not required. At your hearing, you may ask for a free interpreter in the language of your choice. You have the right to present your evidence and to call your witnesses. If you are not prepared to dispute the summons on or before the hearing date listed on the summons, then you may request that the hearing be rescheduled one time at nyc.gov/oath/reschedule or by visiting any OATH hearing location.

Can I Pay The Summons Instead Of Attending A Hearing?

If you would rather pay the summons and not attend a hearing, you may do so on or before your scheduled hearing date. You may pay online, by mail or in-person at any Department of Finance business center. If you pay before your hearing date, you are admitting to the charge.

However, if the Sheriff also issued a sealing order, your payment on the summons will not affect the sealing order and will not result in an unsealing of the location. To challenge the sealing order, you can attend the scheduled hearing at OATH.

How Do I Respond To A Summons Alleging Violations Of The New York State Cannabis Law?

You must contact OATH as soon as possible after receiving the summons and before the hearing date on the summons. You can request a hearing by emailing the borough where the alleged violation took place: Bronx: RemoteBronx@oath.nyc.gov; Staten Island: RemoteSI@oath.nyc.gov; Brooklyn: RemoteBKLYN@oath.nyc.gov; Manhattan: RemoteManhattan@oath.nyc.gov; Queens: RemoteLIC@oath.nyc.gov. Please be sure to list all summons numbers in your emailed request.

While you are entitled to have an expedited OATH hearing (within 5 business days of when the summons was issued), you are no longer entitled to an expedited hearing if you reschedule the case, adjourn the case, or do not respond to the summons on or before the hearing date that is printed on your summons.

What If I Do Not Respond To The Summons And Do Not Appear For A Hearing (Default)?

If you do not pay the summons before the hearing date and you or your representative do not contest your summons by participating in a hearing, then you will be found in violation of the charge by default and a penalty of \$10,000 will be imposed for each summons in default and the sealing order may be kept in place for up to one year.

OATH rules allow defaulting parties the opportunity to make a motion to vacate the default and to have a new hearing on the summons and the sealing order. Visit nyc.gov/hearings to learn more about defaults and to find the necessary form for requesting a new hearing.

Bronx
260 E. 161st Street
Bronx, NY 10451

Brooklyn
9 Bond Street, 6th Floor
Brooklyn, NY 11201

Manhattan
66 John Street, 11th Floor
New York, NY 10038

Queens
31-00 47th Avenue
Long Island City, NY 11101

Staten Island
350 St. Marks Place
Staten Island, NY 10301



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What Happens At The Hearing?

At the Hearing, the Hearing Officer will review the summons and will give both the NYC Sheriff (petitioner) and you (respondent) the opportunity to present evidence and arguments. You can appear on your own or have an authorized representative appear for you or with you. The Hearing Officer will be determining whether to dismiss the summons or to uphold the summons and issue a violation. If the summons references a sealing order, the Hearing Officer will also be reviewing if the sealing order was properly issued.

What Happens After The Hearing?

After the hearing is over, OATH will send a written decision to the parties. OATH's decision regarding the summons is a final administrative determination and cannot be appealed at OATH or to the NYC Sheriff. OATH's recommendation regarding any sealing order is subject to a final determination by the NYC Sheriff within four (4) business days after the conclusion of the hearing. You may contact the NYC Sheriff at (718) 707-2100 to make any submission with respect to the sealing order.

What Is The Penalty If I Am Found In Violation After The Hearing?

The penalty, if you are found in violation, is \$10,000 per day while the violation continues, with a maximum penalty of \$25,000. The penalties are set by statute and cannot be reduced, waived or otherwise negotiated. If the Hearing Officer makes a recommendation to the NYC Sheriff to maintain the sealing order, then the NYC Sheriff will make a final determination on the sealing order within four (4) business days after the conclusion of the hearing.

What If I Have Questions About A Sealing Order?

Please contact the NYC Sheriff at (718) 707-2100.

For Further Assistance, Please Contact The OATH Help Center In Person At Any OATH Location, Monday To Friday, From 8am-5pm, Via Telephone At (212) 436-0845, Or Via Email At Manhelpcenter@oath.nyc.gov.

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