



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 want to admit to the violation, pay the penalty, 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.

However, if the Sheriff also issued a sealing order, your payment of the penalty 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 the date the summons was issued, the right to an expedited hearing is no longer available if the hearing is rescheduled, adjourned, or if you do not respond to the summons on or before the hearing date 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 by default and a penalty of \$10,000 will be imposed **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.

What Happens At The Hearing?

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

If you are found in violation, the penalty 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 8 AM-5 PM, Via Telephone At (212) 436-0845, Or Via Email At Manhelpcenter@oath.nyc.gov.

Bronx
260 E.161st Street, 6th FL
Bronx, NY 10451

Brooklyn
9 Bond Street, 7th FL
Brooklyn, NY 11201

Manhattan
66 John Street, 10th FL
New York, NY 10038

Queens
31-00 47th Avenue, 3rd FL
Long Island City, NY 11101

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