

City of Syracuse v Herbal Ctr. LLC
2025 NY Slip Op 35581(U)
June 18, 2025
Supreme Court, Onondaga County
Docket Number: Index No. 005397/2024
Judge: James P. Murphy
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.
This opinion is uncorrected and not selected for official publication.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONONDAGA

CITY OF SYRACUSE,

Petitioner,

**DECISION, ORDER AND
JUDGMENT**

-against-

Index No. 005397/2024

THE HERBAL CENTER LLC (D/B/A “THC
HERBAL CENTER”), 916 NORTH SALINA, LLC,
JAMES SHATTELL, and JOHN VANFOSSSEN,

Respondents.

APPEARANCES:

CITY OF SYRACUSE,
SUSAN KATZOFF, ESQ, CORPORATION COUNSEL
By: Robert Carpenter, Esq., Todd Long, Esq. and
Danielle Pires, Esq.
Attorneys for Petitioner
233 East Washington St.
City Hall, Room 300
Syracuse, NY 13202

NAVE LAW FIRM
By: Brady O’Malley, Esq.
Attorneys for Respondents

MURPHY, J.

The following is the Decision and Judgment of this Court following a non-jury trial of this matter.

I. Procedural History

Petitioner the City of Syracuse, New York (“Petitioner” or “the City”) commenced this action by filing a verified petition on May 21, 2024 (the “Petition”) (*see* [NYSCEF Doc. 1](#)). In its Petition, the City alleged that the Respondents, the Herbal Center (d/b/a “THC Herbal

Center”)(referred to herein as the “Herbal Center”), 916 N. Salina, LLC (“916 N. Salina”), James Shattell (“Shattel”) and John Vanfossen (“Vanfossen”) violated the New York Cannabis Law and its regulations and the City of Syracuse Local Law § § 11-41 through 11-45 (the “Local Cannabis Law”) by allowing the real property located at 916-18 North Salina Street, Syracuse, New York 13208 (the “Premises”), which is zoned for retail use only, to remain open as a cannabis/cannabis product dispensary and on-site consumption lounge despite representing to the City that it was operating a retail-only store. The Petition further alleged that Respondent Herbal Center, its corporate members, principal, agents, contractors and/or employees were illegally selling cannabis and/or cannabis related products at the Premises and allowing the consumption of cannabis and/or cannabis related products at the Premises. Likewise, the Petition alleged Respondents Vanfossen, 916 N. Salina and Shattel¹ knew or should have known that Respondent Herbal Center, its corporate members, principal, agents, contractors and/or employees, were selling and allowing the consumption of cannabis and/or cannabis related products at the Premises. Lastly, the Petition alleged all Respondents were aware that they do not have a license from New York State allowing them to legally produce and sell cannabis products in the State of New York.

Along with the Petition (*see* [NYSCEF Doc. 1](#)), an Affirmation in Support (*see* [NYSCEF Doc 2](#)) and its accompanying exhibits, and the Affidavit of Doug Amann (*see* [NYSCEF Doc 21](#)) were filed with an Order to Show Cause. The Order to Show Cause was signed on May 23, 2024 (*see* [NYSCEF Doc. 32](#)).

Following the complete briefing and argument of the Order to Show Cause, the Court issued an Order on June 20, 2024 (*see* [NYSCEF Doc. 42](#)), which was amended on June 21, 2024

¹ Respondent James Shattell made a motion to dismiss the Petition against him, which was granted on February 19, 2025 during the non-jury trial of this matter. Thus, there are no pending claims against him in this special proceeding.

(see [NYSCEF Doc 43](#)), prohibiting Respondents from operating a “private club” pending determination of the application to the City of Syracuse to change their use and occupancy, prohibiting Respondents from allowing the on-site consumption of unlicensed cannabis products at Respondents place of business; prohibiting the sale, exchange, or gift of unlicensed cannabis products at Respondents place of business; reserving on all other issues presented to the Court; and allowing the parties to brief the issue of preemption, with the case to be heard on August 8, 2024.

Only July 23, 2024, Respondents filed a motion by Order to Show Cause to renew and reargue their opposition to the City’s Petition dated May 21, 2024 (see NYSCEF Doc. Nos. 1-31). In support, Respondents submitted the Attorney Affirmation of Brady O’Malley (see [NYSCEF Doc. 61](#)) and its accompanying exhibits in which Respondents disclosed that the Site Plan Review Application submitted to the Zoning Board was withdrawn by Respondents on June 12, 2024 (see [NYSCEF Doc. 62](#)). Respondents requested that the clause in the Court’s June 21, 2024 relating to the pending application for a new certificate of occupancy be stricken from the Amended Order. The Order to Show Cause was signed on July 24, 2024 and the motion to renew and reargue was made returnable on August 8, 2024.

On August 15, 2024, in response to the motion to renew and reargue and after each party had an opportunity to be heard, the Court issued an Order amending its June 21, 2024 Order (see [NYSCEF No. 76](#)), removing references to the “private club” and pending application to change the certificate of occupancy. The August 15, 2024 Order prohibited Respondents from allowing the on-site consumption of unlicensed cannabis products at Respondents place of business; prohibited the sale, exchange, or gift of unlicensed cannabis products at Respondents place of

business; set a deadline for Respondents to Answer the Petition; and set a status conference for October 10, 2024.

Respondents Answered the Petition on August 30, 2024 (*see* [NYSCEF Doc. 79](#)), denying the allegations in the Petition. Thereafter, following a briefing by all parties on the issue of preemption, the Court issued an Order on September 11, 2024 (*see* [NYSCEF 80](#)), holding that the Petition was not preempted by State Law.

Thereafter, the Court held multiple conferences with the parties on this matter and on consent of the parties, this matter was set down for a non-jury trial to commence on February 19, 2025.

II. Findings of Fact

The non-jury trial of this matter was held on February 19, 2025 and March 14, 2025. During the two days of trial, the Court had the opportunity to assess the credibility of the witnesses as they testified and answered questions. On February 19, 2025, the Court granted Respondent Shattell's motion to dismiss the Petition against him. Thus, as set forth further below, Shattell's testimony was taken into consideration as to the claims made against 916 N. Salina, as its sole member, and not as to Shattell in his individual capacity.

It is undisputed that Respondents do not possess a license issued by New York State to dispense, sell, allow on-site consumption, process or package cannabis at the Premises as required under the New York Cannabis Law (*see* NY Cannabis Law §§ 72 and 77). Thus, the question for this Court to decide is whether Petitioner's have met their burden by a preponderance of the evidence to establish that Respondents were dispensing, selling, allowing on-site consumption, processing or packaging cannabis or cannabis related products (collectively referred to as

“cannabis” hereafter) at the Premises, and whether a permanent injunction against Respondents should be granted.

On the issue of licensing and sale, Petitioner called Mack Hueber, the President of Gen V Labs, which operates as a licensed cannabis processor, manufacturer and cultivator. Mr. Hueber testified that licensed cannabis processors, manufacturers, and cultivators can only transport and sell cannabis to other businesses holding cannabis licenses, and that there was no licensed dispensary at the Premises, nor has the Office of Cannabis Management (“OCM”) issued any on-site consumption licenses to Respondents. Likewise, a list of the adult-use retail dispensary licenses provided by OCM clearly does not list the Premises as being a licensed cannabis establishment (*see* Ex. 7; *see also* NY Cannabis Law § 11[13][OCM must maintain a directory including all businesses “licensed or registered [by OCM] to engage in retail sales”).

Hueber testified credibly as to his significant credentials and experience working in the cannabis industry. Hueber reviewed the menu of the products offered for purchase at the Herbal Center, confirmed that those products contained cannabis, and explained that several of those cannabis products contained more THC than that which is allowed to be sold by a licensed cannabis establishment. For example, the legal THC limit per package of edible products is one hundred milligrams of total THC. Mr. Hueber confirmed that the “THC gummies 600 mg (hash rosin): 40” on the Herbal Center’s menu was above the legal limit for total THC content per package and for THC content per serving. Further, THC 2 -- 1200 mg (600 -- 60 mg per) hash rosin infused gummies was twelve (12) times the legal limit for THC per bag and six (6) times above the legal limit for THC per edible. The Court finds Mr. Hueber’s testimony to be credible and reliable as to Respondent’s lack of a license to operate as a cannabis retailer or adult on-site consumption facility and as to the cannabis sold by the Herbal Center.

Doug Amann, who was hired as a private investigator by the City to observe the Premises, also testified credibly. Amann went to the Premises on May 14, 2024 at approximately 2:00 p.m. Mr. Amann used an audio recording device and a video recording device while he was at the Premises on May 14, 2024. The audio and video recordings were combined into a single media file and received into evidence as Exhibit 40, which the Court reviewed and considered in rendering this Decision.

Mr. Amman's audio and visual recording of his investigation at the Premises on May 14, 2024 clearly shows a van near the Premises with the words "Got Green THC" on its exterior and signs on the exterior of the building with the words "THC" (*see* Ex. 20). The Premises appeared to be a commercial storefront and was open for business. Once he was inside the Herbal Center Premises, signs saying "Reefer Madness" and a poster of President Obama smoking what appears to be joint were visible on display at the Premises (*see* Ex. 40). Mr. Amann spoke with a man wearing a "THC" pullover, handed over his driver's license and was told to sign an Herbal Center membership agreement. Once he did so, Mr. Amman was told to look up the Herbal Center's "THC" website on this phone, which brought him to a "menu" (*see* Ex. 23).

While reviewing the menu, the person wearing a "THC" pullover standing behind the counter at the Herbal Center told Mr. Amann that the "dime bag" was 1.7 grams and that the price was displayed to the right of the screen. Although there remains a dispute as to whether the individual wearing the "THC" pullover was an employee of the Herbal Center, at a minimum, the Court finds the person to be the Herbal Center's agent for purposes of the interaction with Mr. Amann, as he was clearly wearing the "THC" logo on his clothing, standing behind a counter at the Premises, and holding himself out as someone with authority to act on behalf of the Herbal Center.

The Herbal Center agent told Mr. Amann that the levels “indicated the overall quality of the flower,” but not its “strength or potency” and the product descriptions would describe the “medicinal benefits.” The store employee further told Mr. Amann that the Herbal Center offered edibles, vapes and pre-rolls for sale, and that the Herbal Center had hosted a breakfast event where people “smoked the whole time.”

On May 14, 2024, Mr. Amann observed smoking paraphernalia and smelled cannabis while at the Premises. The Herbal Center agent explained that the Premises was like a smoke shop, but for “weed.” Mr. Amann also testified that the Herbal Center’s agent offered to give him cannabis to test out, as well as a smoking device to use.

Amman testified credibly as to his observations at the Premises on May 14, 2024. His testimony included a strong recollection of his interaction with the Herbal Center on May 14, 2024. Based on Amman’s testimony and the audio and visual recording he took on May 14, 2024, *see* Ex. 40, it is clear to the Court that the Herbal Center offered cannabis for sale at the Premises.

Kayla Hall also testified that she maintained the daily operations on site for the Herbal Center. During her testimony, Ms. Hall positively identified a copy of the menu which appears on the Herbal Center, LLC’s website and confirmed that the menu had multiple products that referenced cannabis. Ms. Hall also confirmed that the Herbal Center sells bowls and pipes, and has both Facebook and Instagram pages. Overall, Ms. Hall’s testimony was reluctant and evasive. When asked whether Respondent The Herbal Center, LLC sold cannabis, Ms. Hall stated “I’m not sure.” Despite Ms. Hall’s unwillingness to directly admit that the Herbal Center was selling cannabis, it is clear to the Court that the Herbal Center offered cannabis for sale at the Premises.

Although the Court dismissed the Petition against him, Shattell’s overall testimony was not credible. Shattell is the sole member of 916 N. Salina, the owner of the Premises. Despite having

been to the Premises on numerous occasions, Shattell could not recall the signs on the building containing the words “Reefer Madness” or a poster of President Obama smoking what appears to be joint (Ex. 39). Mr. Shattell also confirmed that the letters “THC” appeared on the front entrance to the Premises and that he knew that “THC” was an “abbreviation for the scientific name of the active ingredient of cannabis,” but feigned ignorance as to whether cannabis was being sold or consumed at the Premises. Based on the foregoing, Shattell knew or should have known that cannabis was being sold and smoked at the Premises. Shattell did not present as a credible or believable witness, so the Court has given little weight to his testimony.

Similarly, Vanfossen was not believable or credible. Vanfossen, admittedly the sole member of the Herbal Center, testified that he did not know who the Herbal Center’s employees were, did not know how much rent was paid to lease the Premises, did not know who ran the business at the Premises and did not know if the Herbal Center maintained a webpage. Mr. Vanfossen only expressed knowledge that the Herbal Center sold apparel and smoking paraphernalia that he received \$1000 per month in income from the business. He testified the “herbal” in the Herbal Center title refers to “herbs,” the type of which he does not know. It defies logic that the sole member of the Herbal Center would not know who its employees were, or anything about the business itself, when it was clearly selling, exchanging and distributing cannabis illegally. Therefore, the Court has given Vanfossen’s self-serving testimony no weight in rendering its Decision.

Based on the foregoing, Petitioner met its burden of proof to demonstrate that the Herbal Center sold cannabis and cannabis at the Premises without a license, and that 916 N. Salina and Vanfossen should have known that the same was occurring.

III. Permanent Injunction

Petitioner has requested that the Court issue a permanent injunction prohibiting the sale or exchange of cannabis or adult on-site consumption of cannabis at the Premises until such time as a proper license is obtained. It is well settled that, “[t]o sufficiently plead a cause of action for a permanent injunction, a plaintiff must allege that there was a violation of a right presently occurring, or threatened and imminent, that he or she has no adequate remedy at law, that serious and irreparable harm will result absent the injunction, and that the equities are balanced in his or her favor (*Fika Midwifery PLLC v Ind. Health Assn., Inc.*, 208 AD3d 1052, 1055 [4th Dept 2022]). “Although it is permissible to plead a cause of action for a permanent injunction ..., permanent injunctive relief is, at its core, a remedy that is dependent on the merits of the substantive claims asserted” (*Rock Star Enterprises, LLC v Vil. of Sylvan Beach*, 237 AD3d 1601, 1604 [4th Dept 2025]).

Petitioner has established its burden to demonstrate the need for a permanent injunction. Given that the Herbal Center knowingly and defiantly sold cannabis without a license, and 916 N. Salina and Vanfossen should have known the same was occurring, Petitioner established that Respondents violated the Local Cannabis Law. Without a permanent injunction prohibiting Respondents from selling, exchanging or distributing cannabis without a license, Petitioner may need to bring multiple special proceedings to stop Respondents from doing that which they are not licensed to do.

Further, the Herbal Center is selling cannabis with THC levels higher than the legal limit. Since the stated purpose of the Local Cannabis Law was to “ensure public safety and the general welfare of the city of Syracuse and its citizens by providing a local law granting the corporation counsel to take necessary action to enforce the prohibitions of the sale of cannabis and cannabis

products without a license from New York State,” the equities balance in Petitioner’s favor. As such, the Court grants Petitioner’s request for a permanent injunction.

IV. Constitutionality of the Local Cannabis Law and the Fourth Amendment

Respondents have argued that the Local Cannabis Law is unconstitutional on its face because it does not contain a provision concerning administrative inspections required under the New York Cannabis Law. When it comes to statutory construction in this context, the Third Department held in *McLean v City of Kingston*, 57 AD3d 1269, 1270-71 [3d Dept 2008] as follows:

While “[i]t is well established that the 4th Amendment protection against unreasonable searches and seizures extends to administrative inspections of private commercial premises” (*Stender v. City of Albany*, 188 A.D.2d 986, 987, 592 N.Y.S.2d 70 [1992], *appeal dismissed* 81 N.Y.2d 1006, 599 N.Y.S.2d 805, 616 N.E.2d 160 [1993]), “all legislative enactments [] enjoy [] an ‘exceedingly strong presumption of constitutionality’ ” (*Arrowsmith v. City of Rochester*, 309 A.D.2d 1201, 1201, 765 N.Y.S.2d 130 [2003], *quoting Lighthouse Shores v. Town of Islip*, 41 N.Y.2d 7, 11, 390 N.Y.S.2d 827, 359 N.E.2d 337 [1976]). Furthermore, “[a] fundamental rule of statutory construction is that the Legislature is presumed to mean what it says” (*Matter of Schmidt v. Roberts*, 74 N.Y.2d 513, 520, 549 N.Y.S.2d 633, 548 N.E.2d 1284 [1989], *quoting McKinney’s Cons. Laws of N.Y.*, Book 1, Statutes § 94). Therefore, “when a statute is free of ambiguity, a court should construe it so as to give effect to its plain meaning” (*Matter of Schmidt v. Roberts*, 74 N.Y.2d at 520, 549 N.Y.S.2d 633, 548 N.E.2d 1284; *see Matter of Amorosi v. South Colonie Ind. Cent. School Dist.*, 9 N.Y.3d 367, 372, 849 N.Y.S.2d 485, 880 N.E.2d 6 [2007]; *Matter of Raritan Dev. Corp. v. Silva*, 91 N.Y.2d 98, 106–107, 667 N.Y.S.2d 327, 689 N.E.2d 1373 [1997]).

As to the burden on the party challenging constitutionality, the Court of Appeals has determined:

“The exceedingly strong presumption of constitutionality applies not only to enactments of the Legislature but to ordinances of municipalities as well. While this presumption is rebuttable, **unconstitutionality must be demonstrated beyond a reasonable doubt and only as a last resort should courts strike down legislation on the ground of unconstitutionality.**

(*Lighthouse Shores, Inc. v Town of Islip*, 41 NY2d 7, 11 [1976][emphasis added]).

Contrary to Respondents arguments, state law does not require the City to adopt a law concerning administrative inspections. Rather, state law provides that if a municipality adopts a

local law governing regulatory inspection, the local law must meet certain requirements.

Specifically, the New York Cannabis Law provides:

(b) Any county or city **may** adopt a local law authorizing an officer or agency to conduct regulatory inspections of any place of business located within the county or city, including a vehicle used for such business, not listed on the directory maintained by the office pursuant to subdivision thirteen of section eleven of this chapter. Any such regulatory inspection shall only occur during the operating hours of a place of business and be conducted for purposes of civil administrative enforcement with respect to premises lacking applicable registrations, licenses or permits issued pursuant to this chapter, and in furtherance of its purposes, provided that **nothing herein shall limit any enforcement action under law when illegal activity is observed or occurs during such inspection.**

NY Cannabis Law § 131(3)(b) (emphasis added).

Section 131 of the NY Cannabis Law goes on to state that *if* such municipality adopts a local law authorizing regulatory inspections (which is permissible, not required by state law), *then* the local law must contain certain provisions limiting the time or scope of an administrative inspection by a governmental official (*see* NY Cannabis Law 131[[d] et seq.). Thus, contrary to Respondents arguments, state law clearly does not require the Local Cannabis Law to contain a provision regarding regulatory or administrative inspections. The City chose not to adopt a local law authorizing “regulatory” inspections.

Secondarily, Respondents argue that the Fourth Amendment requires the City to adopt a local law containing parameters for any administrative searches that occur as part of the enforcement of the Local Cannabis Law. This argument also fails, however, as Respondents are not entitled to Fourth Amendment protection under the third-party doctrine, nor is the undercover operation used by Petitioner to establish civil liability against Respondents prohibited in this case.

Whether the Fourth Amendment's protection applies depends on “whether the person invoking its protection can claim a justifiable, a reasonable, or a legitimate expectation of privacy that has been invaded by government action.” (*Smith v. Maryland*, 442 U.S. 735, 740 [1979]). This

expectation consists of two components: first, the subjective component centers on whether the individual has exhibited an actual expectation of privacy; and second, the objective component focuses on whether that expectation is one that society is prepared to recognize as reasonable. *Id.* Thus, defendant must establish that he exhibited a legitimate expectation of privacy in the area searched, or in the item seized, by taking steps to preserve the property in a private manner (*People v. Ramirez–Portoreal*, 88 N.Y.2d 99, 109 [1996]). In addition, the court must be satisfied that society would recognize the defendant's expectation of privacy as reasonable (*Id.* at 109).

Contrastingly, “a person has no legitimate expectation of privacy in information he voluntarily turns over to third parties.” *Smith*, 442 U.S. at 743-44. The third-party doctrine is premised upon the idea that, by revealing one's affairs to another, a person assumes the risk of disclosure by that person to the Government. *United States v. Miller*, 425 U.S. 435, 443 (1976). This remains true “even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed.” *Id.*

Here, the facts are clear that Respondent the Herbal Center asked its customers to sign a membership agreement before they were able to purchase cannabis. After signing the agreement, the Herbal Center's customers would be directed to a website containing the “menu” of illegal cannabis offered by the Herbal Center. By disclosing its menu of illegal cannabis to all third-party customers, the Herbal Center assumed the risk that such information would be conveyed to the City.

In fact, the audio and visual recording obtained by Doug Amman shows this exact scenario playing out – after Mr. Amman signed up for a membership, he was directed to the menu on the Herbal Center's website (*see* Ex. 40). Undercover investigations may be used to establish civil liability for a statutory violations or regulatory infractions (*see Matter of S & S Automotive Ctr.*,

Inc. v Adduci, 190 AD2d 803, 803 [2d Dept 1993][undercover DMV inspector established that Respondent violated a regulation of the New York State Department of Motor Vehicles in that it failed to provide a written appointment for a specific time when his automobile could be inspected]; *State v Terry Buick, Inc.*, 137 Misc.2d 290, 292 [Sup Ct 1987][State established violation of General Business Law and Truth in Lending act by relying on upon the testimony of an undercover agent, a woman in the employ of the Attorney General who went to the defendant's place of business under the guise of being a prospective purchaser and engaged a salesman in conversation about the cars. She recorded the conversation secretly and offered the tape, which the Court admitted into evidence].

Based on the foregoing, the Herbal Center has no reasonable expectation of privacy in its illegal cannabis operation, despite its attempts to conceal or keep its operations “private” by requiring customers to obtain a membership. Respondents have failed to meet their burden to establish beyond a reasonable doubt that the Local Cannabis Law is unconstitutional.

V. Conclusion

In summary, Petitioner has established by a preponderance of the evidence that Respondent the Herbal Center sold cannabis and/or cannabis products without an appropriate license at the Premises. Further, Petitioner has established by a preponderance of the evidence that Respondents 916 N. Salina and Vanfossen knew or should have known that Respondent the Herbal Center sold cannabis and/or cannabis products without an appropriate license at the Premises.

NOW, based on all the foregoing, it is hereby,

ORDERED AND ADJUDGED, that Respondent the Herbal Center sold cannabis and/or cannabis products without an appropriate license at the Premises; and it is further

ORDERED AND ADJUDGED, that Respondent 916 N. Salina should have known that the Herbal Center sold cannabis and/or cannabis products without an appropriate license at the Premises; and it is further

ORDERED AND ADJUDGED, that Respondent Vanfossen should have known that the Herbal Center sold cannabis and/or cannabis products without an appropriate license at the Premises; and it is further

ORDERED AND ADJUDGED, that Petitioner is entitled to an injunction permanently enjoining Respondents from selling cannabis and/or cannabis products at the Premises until such time as Respondents have obtained the proper licensing from the State of New York; and it is further

ORDERED AND ADJUDGED, that Petitioner is entitled to an injunction permanently enjoining Respondents from allowing on-site consumption of cannabis and/or cannabis products at the Premises until such time as Respondents have obtained the proper licensing from the State of New York; and it is further

ORDERED AND ADJUDGED, that Petitioner is entitled to an injunction permanently enjoining Respondents from advertising on a website or any other digital platform, or displaying signs regarding the sale of cannabis and/or cannabis products at the Premises until such time as Respondents have obtained the proper licensing from the State of New York; and it is further

ORDERED AND ADJUDGED, that Petitioner is entitled to an injunction permanently enjoining the sale, exchange, giving or disposing of cannabis and/or cannabis products at the Premises (or any offer to do so) until such time as Respondents have obtained the proper licensing from the State of New York; and it is further

ORDERED AND ADJUDGED, that Petitioners are awarded a fine payable by Respondent THE HERBAL CENTER LLC (D/B/A “THC HERBAL CENTER”) to Petitioner in the amount of ten thousand dollars (\$10,000) within thirty (30) days of this Court’s Decision, Order and Judgment pursuant to Section 11-43 of the Cannabis Local law and Section 8-118 of the Charter of the City of Syracuse; and it is further

ORDERED AND ADJUDGED, that Petitioners are awarded a fine payable by Respondent 916 NORTH SALINA, LLC to Petitioner in the amount of ten thousand dollars (\$10,000) within thirty (30) days of this Court’s Decision, Order and Judgment pursuant to Section 11-43 of the Cannabis Local law and Section 8-118 of the Charter of the City of Syracuse; and it is further

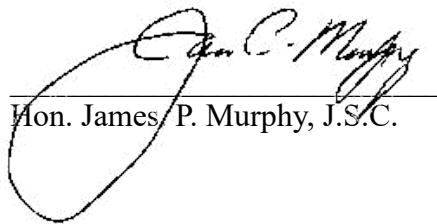
ORDERED AND ADJUDGED, that Petitioners are awarded a fine payable by Respondent JOHN VANFOSSSEN to Petitioner in the amount of ten thousand dollars (\$10,000) within thirty (30) days of this Court’s Decision, Order and Judgment pursuant to Section 11-43 of the Cannabis Local law and Section 8-118 of the Charter of the City of Syracuse; and it is further

ORDERED AND ADJUDGED, that Petitioners are entitled to costs from Respondents under the CPLR as taxed by the Onondaga County Clerk.

The above constitutes the Decision, Judgment and Order of this Court.

Dated: June 18, 2025

E N T E R:



Hon. James P. Murphy, J.S.C.