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January 29, 2024

Mr. Constantine H. Dellis
Kourkoumelis & Fotopoulos, PLLC
155 East 55 Street, Ste. 4F
New York, NY 10022

Dear Mr. Dellis,

It has come to my attention that you represent 493 Amsterdam Ave LLC, the commercial landlord for a cannabis/smoke shop that may be illegally operating in the district I represent in the New York City Council. I have received reports from concerned residents that Holiday Candy Convenience, operating at 493 Amsterdam Ave, is selling cannabis and/or hemp products without a license in violation of multiple state laws, including the state Cannabis Law. The building owner is potentially liable for legal and financial penalties for this conduct, including increased fines following the cannabis policy reform legislation that we enacted earlier this year, which included specific provisions to address the proliferation of illegal shops.

Specifically, the sale of cannabis and/or hemp products without a license carries penalties for both commercial tenants and landlords under Cannabis Law §138-a, Real Property Action and Proceedings Law §715-a(2), and New York City Local Law 107. Commercial landlords are prohibited from knowingly leasing retail space to commercial tenants that sell unlicensed cannabis, cigarette, or tobacco products, and they are advised to take action to investigate an incoming tenant and restrict improper use so as to avoid liability.

I plan to work in full coordination with the Manhattan District Attorney’s Office, New York City Police Department, New York City Sheriff’s Office, and New York State Office of Cannabis Management to remove unlicensed cannabis/smoke shops from my district and ensure all relevant legal and financial penalties are levied against commercial tenants and landlords alike. If you seek assistance in taking action against an unlawful commercial tenant, please contact Sam Goldsmith in my office at (212) 788-6975.

Sincerely,

Gale A. Brewer

cc:

Michael Meade, Senior Advisor, Manhattan District Attorney's Office
Deputy Inspector Candida Pun-Sullivan, Commanding Officer, NYPD 20 Precinct