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OF

THE CITY OF NEW YORK

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May 7, 2024

Hon. Asim Rehman  
Commissioner and Chief Administrative Law Judge  
Office of Administrative Trials and Hearings  
100 Church Street, 12th Floor  
New York, New York 10007

Dear Judge Rehman,

I write to express my concerns about the Office of Administrative Trials and Hearings' capacity to manage thousands of hearings brought on by the City's new strategy to close unlicensed cannabis businesses, Operation Padlock to Protect, which started yesterday. As you know, State and City law requires the Hearings Division to adjudicate civil summonses issued to operators of unlicensed cannabis business within five days.

There are an estimated 2,800 unlicensed cannabis businesses in New York City, and Mayor Adams vowed to close all of them within 30 days. While I believe his timeline is hyperbole, 20 unlicensed cannabis businesses citywide were targeted by the New York City Sheriff's Office in the first day of enforcement. There is an expectation that unlicensed cannabis enforcement will be a daily occurrence and that the quantity of daily actions will increase to as many as 100.

According to the Mayor's Management Report, the OATH Hearings Division received more than 280,000 summonses from issuing agencies in the first four months of Fiscal 2024, 26 percent more than in the same period in Fiscal 2023, resulting in 19 percent more summonses being processed. Nearly 70,000 summonses had a hearing and decision, a 20 percent increase. This led to an increase in the average decision time from 9 days in Fiscal 2023 to 12 days in the current year.

How will OATH manage the influx of Operation Padlock to Protect cases within five days? How will this impact the calendaring and decision times for all other hearings? What additional resources does OATH need to be successful?

Thank you for your attention to this matter.

Sincerely,

Gale A. Brewer



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**ASIM REHMAN**  
COMMISSIONER & CHIEF  
ADMINISTRATIVE LAW JUDGE

May 14, 2024

*Via Hand Deliver & Electronic Mail*

New York City Council Member Gale A. Brewer  
6<sup>th</sup> District Manhattan  
563 Columbus Avenue  
New York, NY 10024

Dear Council Member Brewer,

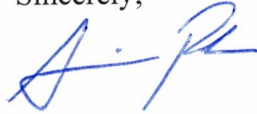
Thank you for your letter of May 7, 2024. You have always been a strong advocate for the New York City Office of Administrative Trials and Hearings (OATH), and we appreciate that you understand the unique and important role that OATH plays in city government. Our dedicated staff of public servants work tirelessly to ensure that everyone who comes before OATH is given access to justice and receives a fair and impartial hearing.

Pursuant to recently enacted state legislation, when the New York City Sheriff issues a summons and sealing order alleging legal violations regarding the sale of cannabis, the matter shall be heard at OATH. Accordingly, at a very early stage, OATH began planning internally and engaging externally to prepare for this new workflow. That external engagement included regular discussions with the administration regarding the types of resources OATH required to meet this need. Internally, we have developed the appropriate processes, conducted the requisite trainings for staff, and taken other steps to support these efforts, and we are actively working to hire additional staff.

OATH began hearing these new matters on Friday, May 10, 2024. At this stage, it is too early to assess the impact that cannabis-related cases will have on other work at OATH. As this work proceeds, we will continue to review internally and engage externally if there are resource or logistical issues.

Over OATH's long history, our agency has demonstrated a strong track record with taking on new types of matters while maintaining the highest standards of service. We intend to do the same here.

Sincerely,



Asim Rehman  
Commissioner &  
Chief Administrative Law Judge