

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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ACTUALIZE DISPENSARY INC., ASTRO MANAGEMENT,
INC., L.O.R.D.S. LLC, and R&R REMEDIES LLC,

Petitioners,

**AFFIRMATION IN
SUPPORT**

For a Judgment pursuant to Article 78 of the New York Civil
Practice Law and Rules

-against-

NEW YORK STATE OFFICE OF CANNABIS
MANAGEMENT, NEW YORK STATE CANNABIS
CONTROL BOARD, TREMAINE WRIGHT, in their official
capacity as Chair of the New York State Cannabis Control
Board, and FELICIA A.B. REID, in their official capacity as
Acting Executive Director of the New York State Office of
Cannabis Management,

Respondents.

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STATE OF NEW YORK)
) s.s.:
COUNTY OF NEW YORK)

_____ hereby affirms and declares under the penalty of perjury
as follows:

1. I am the owner of _____, a duly licensed retail cannabis dispensary located
at _____, which is Proximity
Protected under the laws and regulations of the State, City, and County of New York. I
submit this affirmation in support of the Petition submitted by the above-captioned
Petitioners, which seeks, *inter alia*, to annul the approval of certain retail cannabis
dispensary locations situated within 1,000 feet of Petitioners' proximity-protected
locations.

2. Based on my own experience, navigating the application and approval processes and obtaining all required licenses, permits, and authorizations to establish a legal retail cannabis dispensary in Manhattan is an incredibly challenging endeavor. It is a lengthy, expensive full-time commitment. Those of us who undertake this arduous process expect that our efforts will culminate in the establishment of a profitable business.
3. For this reason, the Proximity Protection issued by the Office of Cannabis Management (OCM) is critically important to retail operators like me. Without the safeguard of a buffer zone, a retailer's ability to effectively market and sell cannabis would be significantly undermined by an oversaturation of competitors selling the same or similar products in close proximity.
4. I would even say that the concept of proximity protection is what induced many people like myself to apply for retail licenses and subsequently open our businesses. Having seen the challenges faced by cannabis businesses across the United States, we felt more confident in opening our retail operations by being granted proximity protection.
5. In fact, I believe it is fair to say—on behalf of myself and other retailers—that if Proximity Protection were reduced to nothing more than holding symbolic value rather than actual force, subject to arbitrary and capricious disregard by the OCM and Cannabis Control Board (CCB), the viability of legal cannabis dispensaries would be fundamentally undermined. No rational person would invest the considerable time, money, and effort required to navigate the legal process if the outcome left them with little more than an unsustainable business and a hefty rent bill. The appeal of operating a legal dispensary would dissipate if prospective owners could not rely on the protections afforded by established laws and regulations.

6. Furthermore, cannabis dispensary owners, as a group, are responsible and law-abiding individuals. None of us wish to be associated with activities or operations that could negatively impact the neighborhoods that have, thus far, welcomed us in good faith. An oversaturation of dispensaries in a particular area would create unnecessary tension with the community and disrupt the positive and productive relationships we worked hard to create for our businesses and the industry.
7. I also understand that inducing financial harm through reliance on statutory or regulatory misrepresentations is a well-established basis for legal action. Accordingly, it is imperative for the OCM and CCB to strictly adhere to the letter of the law when evaluating and approving dispensary locations.
8. As a member of New York City’s growing community of retail cannabis dispensary operators, I fully and unequivocally support the Petition at hand. I join in seeking to reverse the arbitrary and capricious resolutions of the OCM and CCB which disregard Petitioners’ due process rights. More importantly, I endorse the message this Petition sends: State and local laws, regulations, and ordinances must be followed—not only by those subject to oversight, but also by the agencies responsible for enforcement.

I affirm this ___ day of _____, 20___, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.
