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Document Type: **ORDER - FINAL**

Receipt Number: 770542

Plaintiff

NYS CANNABIS MANAGEMENT

Defendant

WEST, GEORGE F

Fees

Total Fees Paid: \$0.00

Control #: 202410220225

Index #: 137574-2023

State of New York
County of Ontario

Efiling through NYSCEF with a total page count of
5.

Ontario County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Ontario, at 27 North Main Street, City of Canandaigua, State of New York, upon the 30th day of September, 2024

PRESENT: Hon. Frederick G. Reed, A.J.S.C.
Justice Presiding

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONTARIO

NEW YORK STATE OFFICE OF
CANNABIS MANAGEMENT,

Petitioner,

ORDER AND JUDGMENT

-against-

Index No. 137574-2023

GEORGE F. WEST, individually and d/b/a “Jaydega 7.0”; et al,

Respondents.

The Court having issued a Judgment and Order dated June 24, 2024 (NYSCEF Doc. No. 47), that, *inter alia*, directed Petitioner the New York State Office of Cannabis Management (“OCM”) to make a submission to the Court specifying the amount of penalties, disgorgement, and other financial relief sought against West under the Cannabis Law, and permitted West to rebut and contest the Petitioner’s evidence to that effect; and

NOW, upon the reading and filing of Petitioner’s Memorandum of Law in Support of Its Request for Equitable Disgorgement and Civil Penalties, dated September 17, 2024 (NYSCEF Doc. No. 87), and the accompanying affidavit of Joseph Barill, with attached exhibits, sworn to on September 17, 2024 (NYSCEF Doc Nos. 88-94), in support of OCM’s Request for Penalties; and Respondent West’s Response to Petitioner’s Claim Regarding Account Freeze filed

September 17, 2024 (NYSCEF Doc. No. 95), Respondent West's Exhibit filed September 17, 2024 (NYSCEF Doc. No. 96), Respondent West's Formal Response filed September 26, 2024 (NYSCEF Doc. No. 98), and Respondent West's Exhibit(s) filed September 26, 2024 (NYSCEF Doc. No. 99) in opposition;

And after hearing Assistant Attorney General Joel J. Terragnoli in support of OCM's Request for Penalties on September 30, 2024, on which date Respondent West, *pro se*, failed to appear despite being duly noticed by the Court, and after due deliberation, it is hereby:

ORDERED AND ADJUDGED THAT pursuant to Cannabis Law § 16(4), as to Respondent West, for disgorgement as to sales of cannabis at 236 S. Main Street, Canandaigua, New York (the "Store") prior to May 3, 2023, these funds are hereby disgorged and payable to the State of New York in the aggregate amount of **\$1,059,004.00**; and it is further

ORDERED AND ADJUDGED THAT Respondent West shall pay a penalty to the State of New York of \$35,000, with respect to the civil penalty imposed on West by an administrative law judge on September 27, 2023, following an administrative hearing conducted by Petitioner concerning West's prior unlicensed activities at the Store on September 1, 2023; and it is further

ORDERED AND ADJUDGED THAT pursuant to Cannabis Law § 132(1), Respondent West pay a civil penalty to the State of New York of \$20,000 per day for each day that Respondent West continued to operate a retail business to sell cannabis, cannabis products and/or any products marketed or labeled as such without a license after receiving a Notice of Violation and Order to Cease from OCM at the Store on June 28, 2023 (the "NOV"), following the September 1, 2023 administrative hearing on the NOV, or from September 2, 2023 through November 30, 2023 (89 days total), in the aggregate amount of **\$1,780,000.00**; and it is further

ORDERED AND ADJUDGED THAT pursuant the Cannabis Law § 132(1), Respondent West pay an additional penalty to the State of New York of five times the revenue of Respondent West's prohibited sales at the Store after May 3, 2023, in the total aggregate amount of **\$6,656,785.00**; and it is further

ORDERED AND ADJUDGED THAT the total amount of disgorgement and penalties in the amount of **\$9,530,789.00** is hereby entered as a money judgment against Respondent West, plus applicable interest; and it is further

ORDERED AND ADJUDGED THAT this Order and Judgment may be docketed by Petitioner as a money judgment in the sum of **\$9,530,789.00**, plus interest, as against Respondent George F. West, 93 Tillotson Street, Canandaigua, NY 14424, pursuant to New York Civil Practice Law and Rules § 2222 and, upon docketing this money judgment, Petitioner shall have execution thereon; and it is further

ORDERED AND ADJUDGED THAT the restraint on the account in the name of Respondent George F. West at the Lyons National Bank ("LNB"), through which \$63,849.43 was frozen on November 30, 2023, pursuant to the Court's Temporary Restraining Order dated November 29, 2023 (NYSECF Doc. No. 19), as extended by the Court's orders granting OCM a preliminary and later a permanent injunction on February 21, 2024 and June 26, 2024, respectively (NYSCEF Doc. Nos. 25, 47), shall be released solely such that the monies in that account (\$63,849.43) shall be turned over to Petitioner to be applied to this judgment;

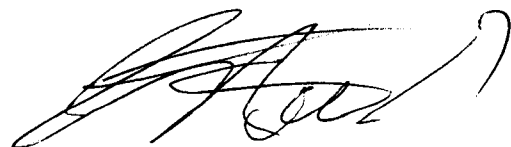
ORDERED AND ADJUDGED THAT any other funds seized by OCM from the Store during this proceeding, including the \$16,224.51 of cash seized by Petitioner on July 29, 2023, shall be turned over to Petitioner to be applied to this judgment; and it is further

ORDERED AND ADJUDGED THAT the disposition of the personal property of Respondent West that was seized from the Store shall be maintained in storage pursuant to this Court's prior order dated July 17, 2024 (NYSCEF Doc. No. 53), pending the outcome of Respondent West's appeal of the Court's June 26, 2024 decision and order (*see* Notice of Appeal and Notice of Appeal (Amended), NYSCEF Doc. Nos. (49, 51) or further order of this Court; and it is further

ORDERED AND ADJUDGED THAT, in the event that such appeal is unsuccessful, unless otherwise directed by the Court or pursuant to some other agreement of the parties, the Ontario County Sheriff shall be authorized to dispose of such property through a sale of personal property under execution pursuant to the provisions of the civil practice law and rules, if the estimated value of the property exceeds the estimated lawful expenses of such sale, or the disposal of the property if the estimated value of the property does not exceed the estimated lawful expenses of such sale, with the decision of whether to hold the same being determined by the Sheriff in its discretion, and with the proceeds of any such sale, after deduction of the lawful expenses involved, being payable to the general fund of the state; and it is further

ORDERED AND ADJUDGED that this Court hereby retains jurisdiction to enforce this Order and Judgment and all disputes arising under this Order and Judgment shall be submitted to the Court, and the Court retains authority to decide all such disputes.

Dated: 10/22/24



HON. FREDERICK G. REED