



# Conditional Adult-Use Retail Dispensary (CAURD)

## *Frequently Asked Questions*

### Completing Your Application

#### **Application**

##### **1. Where can I apply for a CAURD license?**

When it is live, the online application will be located within [New York Business Express \(NYBE\)](#). Any business—regardless of its organizational structure—can apply for a license. For purposes of this FAQ and your application, this business—which will operate your dispensary if you are selected for licensure—is the “applicant.”

If you already have a NYBE Business Profile linked to the applicant, then you will need to apply using the NY.GOV login that is linked to the existing NYBE profile.

If you do not have a NYBE Business Profile linked to the applicant, then you will need to create a NYBE Business Profile using a NY.GOV login to start your application.

##### **2. Who should submit the CAURD application?**

The online application must be submitted by you, the applicant, (if an individual); by a managing member (if a limited liability company); by an officer (if a corporation, including a nonprofit); or by all partners (if a partnership).

You will also be asked to designate an individual as the primary contact for your application as part of the application form. The primary contact will serve as the recipient of official communications from the Office related to your application. Your applicant’s primary contact is not required to be the individual who fills out the application.

##### **3. Can I apply for CAURD as a sole proprietor and figure out my business structure later?**

This can be possible, but it might be difficult or time-consuming. The Office highly recommends you apply as the entity that you wish to hold the license. If an application is selected for final licensure, the license will be awarded to the applying entity.

Applicants that are selected for licensure will be permitted to change their business structure; this will be considered as a material change to the licensee that may require you to resubmit application forms or other compliance materials to the



Office. There also may be financial or tax repercussions associated with this change of business structure, depending on the specifics of your business. Furthermore, the CAURD regulations outline minimum requirements relating to the ownership of CAURD applicants and licensees; you must comply with these minimum requirements before, during, and after the business structure change.

Please note, a change to the applicant's organizational chart will also be permitted as a material change, provided the applicant maintains the ownership and control minimums outlined in the CAURD FAQs and the individual with sole control of the applicant does not change. This type of change may be less difficult or time-consuming than a change in business structure.

**4. Will the Office review applications in the order they are received?**

No. The Office will not consider applications in the order they are received or on any "first come, first served" basis. Application review will not begin until the application window closes.

**5. I'm creating an NYBE Business Profile for the CAURD applicant, and I'm being asked to provide an address for the applicant. I don't have an address for the applicant at this point in time because I anticipate the applicant's address will be the location provided by the New York Social Equity Cannabis Investment Fund if my application is successful. What address do I enter in NYBE at this point in time?**

As stated in NYBE, if you do not have a permanent place of business, you must enter the home address of the owner or one of the partners, members, or officers of the business. Please note, the Office will not send official communications related to your application to this address. All official communications from the Office related to your application will be sent to the individual listed as the primary contact for the application. You will identify your application's primary contact when completing your application, not in your NYBE Business Profile.

**6. I'm creating an NYBE Business Profile for the CAURD applicant, and I'm being asked to provide a North American Industry Classification System (NAICS) code for the applicant. What code do I use?**

As stated by the U.S. Census Bureau, "Marijuana stores, medical or recreational" is an index entry for NAICS code 453998 in the 2017 NAICS database.

If you do not feel that code best describes the applicant, or to view a full list of all NAICS codes, view the [U.S. Census Bureau's website](#).

**7. Will I need to pay a lawyer or other professional to help me complete the CAURD application?**



You are not required to work with anyone who is not an owner or true party of interest to the applicant to complete your application. The Office intends for the application to be completable without outside assistance. However, there is nothing prohibiting you from getting help from any source in completing your application. If you obtain help in completing your application, please note that this may require additional reporting on your application if the individual providing assistance becomes a true party of interest to the applicant as a result of providing assistance.

**8. Can I save my partially completed CAURD application to continue later?**

Yes, applications can be completed over multiple sessions. Be sure to save your progress as you go along and pay close attention to submission deadlines outlined by the Office.

**9. What languages is the CAURD application available in?**

The application will only be available in English.

**10. How is the application fee paid? If my application is unsuccessful, can the fee be credited towards a future cannabis license application?**

The office will not begin to review your application until it has received the application and licensing fee via check. The \$2,000 nonrefundable application and licensing fee must be paid by check, mailed to the Office via USPS, and postmarked no later than September 30. The Office will accept payment via a personal check, business check, cashier's check, or money order. To ensure your payment is received, the Office highly recommends you send your payment via USPS. Other mail carriers may not deliver to the Office's P.O. Box.

After completing the final page of the application, you will receive a confirmation email that contains your application number. You must print the confirmation email and include a copy with your payment. You should also write your application number in the notes portion of the submitted check, in case the receipt inadvertently is separated from the payment.

Checks can be sent to the Office at:

Attn: Licensing Division  
New York State Office of Cannabis Management  
P.O. Box 2071  
Albany, NY 12210



If your application is not selected, you should not expect a refund or credit in lieu of a refund. Each application has its own application and licensing fee, and it cannot be assumed they are interchangeable.

#### **11. If I need help completing the CAURD application, who can I contact?**

Questions about CAURD eligibility, the license's authorizations and conditions, the application process, and the application itself may be sent to [licensing@ocm.ny.gov](mailto:licensing@ocm.ny.gov).

Please note, the Office is not able to provide business or legal advice to applicants regarding your eligibility. While the Office can confirm whether certain types of documents are examples of acceptable documentation, the Office is unable to determine whether an applicant is eligible or whether specific documents are acceptable proof of a specific individual's eligibility. If you believe you require business or legal advice, you may need to consult a professional to advise you personally.

### **Documentation**

#### **12. What documents will I need to apply for a CAURD license?**

The application will ask for information about the applicant and all "true parties of interest" in the applicant.

*True parties of interest* include persons:

- that are sole proprietors, partners, LLC members, LLC managers, shareholders, and their spouses;
- with control over a licensee;
- holding an actual or future right to ownership, investment or compensation, including by stock, convertible bond, note, warrant, option, SAFE, equity swap agreements over a licensee;
- serving in a leadership, senior, or control position, such as a member, manager, president, vice president, secretary, treasurer, officer, board member, trustee, director, or a person with equivalent title or position in a licensee, and their spouses;
- holding a revenue sharing agreement or a right to gross profit or net profit;
- that guarantee the debts of the licensee; or
- making up the ownership structure of each level of ownership of a licensee that has a multilevel ownership structure, and their spouses.



Unless you are eligible under the qualifying nonprofit criteria, you will also be asked for information about the justice involved individual who is the sole control owner of the applicant and their qualifying business experience. You'll be required to submit documents to prove your eligibility.

Examples of documents you may need include:

- tax documents showing the qualifying business' profit;
- a record of the conviction of the justice involved individual or their family member;
- documents proving where the justice involved individual, or their convicted family member, lived at the time of their conviction;
- and proof of the applicant's New York State presence or other satisfaction of the definition of applicant in the Cannabis Law.

If you are eligible under the qualifying nonprofit criteria, you will be asked about the qualifying nonprofit's social enterprise, as well as about the qualifying nonprofit organization itself.

[For more information on qualifying nonprofit eligibility please review the Qualifying Nonprofit FAQs here.](#)

### **13. How can I request a Certificate of Incorporation, Certificate of Status, Certificate of Assumed Name, Certificate of Authority, or other relevant certificate for the applicant from the New York State Department of State (DoS)?**

If you are forming a new business in New York State, visit the DoS landing page [here](#). If you are forming a new business in another state, you must file with that state.

If you are requesting a certificate for an existing business, visit the DoS landing page [here](#).

Please note: Due to the large number of requests the Department anticipates receiving, OCM and DoS highly recommend that all CAURD applicants use "[Expedited Handling Services](#)" when requesting certificates from DoS to ensure that such requests are filled before the application deadline.

### **14. What documentation can I provide to prove someone's conviction of a marijuana-related offense?**

Documentation can be obtained from many sources. For more detailed information on how to obtain documents from the list below, see the Office's guidance [here](#).



- A Certificate of Disposition;

Contact the court where the person convicted was sentenced and request a “Certificate of Disposition”. You will need a government-issued photo ID and may have to pay a fee. You can request a Certificate of Disposition for another person, but the court may require you to provide their date of birth or other information.

- Results from a criminal history background check (rap sheet)
- DMV Driving Abstract;
- Record of judgment and conviction;
- Record of plea, verdict, and sentence;
- Acknowledgement of Application to Destroy Expunged Marijuana Conviction Record (DCJS);
- A docket entry from court records that indicates the existence of a conviction;
- Minutes of a court proceeding or a transcript of a hearing that indicates the existence of a conviction;
- An abstract of a record of conviction prepared by the court in which the conviction was entered, or by a state official associated with the state's repository of criminal justice records, that indicates the following: The charge or section of law violated, the disposition of the case, the existence and date of conviction, and the sentence;
- Any document or record prepared by, or under the direction of, the court in which the conviction was entered that indicates the existence of a conviction;
- Affirmation from an attorney that indicates the existence of a conviction;
- A post-conviction Criminal Procedure Law (CPL) Article 440 Post-Judgment Motion, including, but not limited to a motion to vacate a criminal conviction or to re-open a criminal case;
- A Governor’s Commutation letter;
- Records that may be maintained by local or state correctional facilities (e.g., DOCCS inmate or parolee files);
- Health Records that indicate the existence of a conviction;
- An arrest record that indicates the existence of a conviction;
- A police file that indicates the existence of a conviction;



Any justice involved individual, or their convicted family member, can have multiple convictions, but at least one (1) conviction must be a marijuana-related offense.

If you have questions about a specific document that is not on the above list, please contact the Office of Cannabis Management at [licensing@ocm.ny.gov](mailto:licensing@ocm.ny.gov)

**15. What documents can I provide to prove a justice involved individual's relationship to their convicted family member?**

Acceptable documentation will depend on the nature of the relationship you are trying to prove. The justice involved individual's name and their convicted family member's name must be on the document you provide.

If the individual's parent or child was the convicted family member, a birth certificate is the most common document the Office will accept. A paternity or maternity test would also prove the relationship.

If the individual's spouse was the convicted family member, a marriage certificate is the most common document the Office will accept.

If the individual's spouse was the convicted family member, but they were in a domestic partnership at the time of their arrest or conviction and the person is now the individual's spouse because Marriage Equality made the marriage legal, the Office will require proof of the marriage. A marriage certificate is the most common document the Office will accept.

If the individual's legal guardian was the convicted family member, the Office will accept documentation evidencing the guardianship, such as an authorization letter or court records.

If the individual's dependent was the convicted family member, or if the individual was the dependent of the convicted family member, the Office will accept tax returns evidencing the dependent relationship or other financial paperwork evidencing the dependent relationship.

**16. What documents can I provide to prove someone's residence when they were convicted of a marijuana-related offense?**

The document you provide must include the individual's name and residential address. If you provide documentation that was issued more than 180 days before or after the date of the arrest or conviction, the Office may request additional information. For more detailed information on how to request documents on the list below, see the Office's guidance [here](#).

- Physical ID: Driver License, Non-Driver ID Card, Government-issued ID Card or Learner Permit;



- DMV Address History/Abstract;
- State or federal tax filing, return, refund check, or other tax documentation;
- Document addressed to the individual by a local, state, or federal government;
- Credit report from a nationwide credit bureau;
- Utility bill(s) (gas, electric, water);
- Bank or credit card statement;
- Pay stub;
- Statement, bill, or record from a health institution or insurance company;
- Certificate of Marriage Registration or Certificate of Divorce;
- High School or College Transcripts;
- Jury summons, court order, or other document from a court;
- Lease agreement, mortgage payment, or property tax statement;
- Letter from a public housing authority addressed to the individual;
- Letter addressed to the individual from a homeless shelter indicating the individual resided at the homeless shelter;
- Letter addressed to the individual from a nonprofit organization or religious institution that provides services to homeless individuals;
- Letter from a domestic violence residential care program or organization that serves domestic violence survivors;
- Letter from a charitable organization registered with a state or federal government agency that provided services to the individual in the ordinary course of operations; or
- Any other proof of residence as determined by the Office

If you have questions about a document that is not on the above list, please contact the Office of Cannabis Management at [licensing@ocm.ny.gov](mailto:licensing@ocm.ny.gov)

**17. I have appropriate documentation, but an individual's name has changed since the documentation was issued. Do I need to provide evidence of the name change?**





If the change in name is not evidenced in your application, the Office may request additional information to substantiate the name change, such as a marriage certificate, divorce documents, or other appropriate documentation.

**18. What documents can I provide to prove a qualifying business (or social enterprise) was profitable?**

You will be asked to submit tax documents which show that the qualifying business (or social enterprise) was profitable for two (2) years. The Office will also accept audited financial documents or business bank account statements. Non-tax documents evidencing the profitability of a business may be subject to additional review by the Office and you may be asked to provide additional information. Documentation that cannot be verified may be rejected.

**19. What documents can I provide to prove a significant New York State presence?**

Applicants are required to have a significant New York State presence or to otherwise satisfy the definition of applicant in the Cannabis Law and may be asked to submit documentation to prove such.

If you are asked to submit documentation, acceptable documentation includes:

- Proof of the individual with sole control's residency in New York State (any residency document listed in Question 10);
- Checking, savings, retirement, or brokerage statements showing assets in New York State;
- Tax filings showing assets, accounts, or property in New York State;
- Deeds, titles, mortgage documents, or homeowner warranties showing property ownership in New York State; or
- Any other proof of New York State presence as determined by the Office.

If requested of a qualifying nonprofit, acceptable documentation includes:

- a Certificate of Incorporation or other documentation that the entity has been incorporated in New York State;
- a New York State address of the entity's principal location; or
- documentation that the majority of the entity's members, in terms of proportions of shares held, was in New York State no less than 180 days during the current year or 540 days over the course of three years.

## **20. Where do I provide information about True Parties of Interest in the applicant? What are the required TPI disclosure forms?**

All TPIs in an applicant and the applicant entity itself can begin completing the required True Party of Interest Disclosure forms now, although you will only be able to upload them to your CAURD application when the application portal opens. These forms are available at the bottom of this page.

If the TPI in the applicant is an entity and for the applicant itself, you must include in your application:

- a CAURD True Party of Interest Entity History Disclosure (OCM-06003) for that entity and for any entities that are TPIs within that entity's ownership structure based on the definition of TPI at the top of this page (with the applicable entity substituted in place of references to applicant or licensee within such definition);
- a CAURD True Party of Interest Personal History Disclosure (OCM-06004) for all individual TPIs in that entity and for all individuals that are TPIs of all entities that are within the ownership structure of such entities based on the definition of TPI at the top of this page (with each applicable entity substituted in place of references to applicant or licensee within the TPI definition); and
- a NYS Department of Tax and Finance Clearance Form (OCM-06002) for each individual and entity for which you must submit a disclosure form.

If the TPI in the applicant is an individual, then you must include in your application:

- a CAURD True Party of Interest Personal History Disclosure (OCM-06003) for that individual, and
- a NYS Department of Tax and Finance Clearance Form (OCM-06002) for that individual

For more information on the required disclosure forms for True Parties of Interest, and copies of the forms to begin completing, click [here](#).

## **21. I'm having trouble completing or printing a required TPI disclosure form. Why won't it work?**

Please ensure you are completing the form in the [desktop version of Adobe Acrobat](#). You will not be able to digitally sign the form unless it is completed in the desktop version of Adobe Acrobat. Additionally, certain questions on these forms (such as question 2a) have logic coded that ensures only relevant fields will be available to the individual completing the form. This logic will only function if the



form is completed in the desktop version of Adobe Acrobat. If the form is not allowing you to complete a field, then you may have incorrectly answered a previous question on the form, or you may be trying to complete the form in the web version of Adobe Acrobat.

These forms are designed not to be printed. If you would like to save the completed form, you can click the “save” icon to save the form to your computer.

### **Requirements**

**22. The regulations state I will need to provide fingerprints for the CAURD applicant’s owners and all true parties of interest. How do I provide that on the application?**

You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.

**23. The regulations state I will need to provide a business continuity plan. How do I provide that on the CAURD application?**

You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.

**24. The regulations state I will need to provide audited or certified financial statements for the CAURD applicant. How do I provide that on the application?**

You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.

**25. The regulations state I will need to provide documentation that the CAURD applicant will be able to obtain sufficient indemnification insurance. How do I provide that on the application?**

You will not be required to provide this until the final stages of the application process, which will be made clear as you go through the online application. Selected applicants will be notified by the Office when they must submit this as part of their application.



**26. What is a labor peace agreement and when must a CAURD applicant complete one?**

A labor peace agreement (LPA) is an agreement between an employer and a union where the employer agrees not to oppose unionization and the union (that is attempting to organize the workforce) agrees to not strike or otherwise stop work. An LPA is not a collective bargaining agreement (union contract).

An LPA is not required to apply for a CAURD license, but selected applicants will be required to enter into an LPA with a bona fide labor organization prior to final license award.

As stated in the CAURD regulations, a “bona fide labor organization” is a local labor union:

- that represents employees in this state with regard to wages, hours, and working conditions;
- in which officers have been elected by secret ballot or otherwise in a manner consistent with federal law; and
- that is free of domination or interference by any employer and has received no improper assistance or support from any employer.

The New York State School of Industrial and Labor Relations provides more information about LPAs [here](#).

**After Submitting**

**27. Can I view or print the CAURD application after I submit it for review?**

You can view and print the completed form in the “*Recent Activity*” screen in New York Business Express by clicking the “*View Summary*” button. You can then print the completed form by using the print function in your web browser.

**28. I’ve submitted my application to the Office for review, but I want to change something. Can I do that?**

Minor corrections, such as submitting missing documentation or updating an individual’s contact information, may be permitted. Contact [licensing@ocm.ny.gov](mailto:licensing@ocm.ny.gov) if you need to make a minor correction to your application.

Making major changes may require you to start a new application from the beginning and enter the correct information.

Making such corrections is only permitted while the application window is still open and the correction must be submitted before the application window closes.



Please note, applicants that are selected for provisional licensure will have an opportunity later in the application process to update the submitted information related to the true parties of interest in the applicant, except certain information related to the individual or entity with sole control. Applicants do not need to make minor corrections related to True Parties of Interest in the applicant prior to selection; applicants may choose to instead make such corrections later in the application process if selected.

**29. After I submit my CAURD application, is there any additional documentation that I will need to submit or fill out?**

Yes. If you are to move forward in the selection process for a license, you will be required to fill out a part two (2) of the application for final licensure. This part two (2) of the application focuses solely on compliance related materials required under the Cannabis Law. The Office will have more information available on the final application over the summer.

**30. How do I know if my CAURD application is incomplete or missing something?**

Any missing or incomplete paperwork will change your “Application Status” in New York Business Express to “*ADDITIONAL INFORMATION REQUIRED*,” and you will receive an email from the Office specifying what information is needed. You will have thirty (30) days to submit the necessary additional information so your application can be completed.

**31. Cannabis Law states I am required to notify a municipality of my intent before filing an application to open a dispensary in that municipality. How do I do that?**

If you are to move forward in the selection process for a license, you will be required to fill out a part two (2) of the application for final licensure. More information about notification to municipalities will be available for selected applicants in part two (2) of the application.

Applicants should not notify any municipality of their intention to open an adult-use retail dispensary until they have been selected. The Office will have available resources to help applicants make such notification before final licensing takes place.

**32. If my application would be denied due to a conviction or other characteristic of a True Party of Interest in my application, will I be given a chance to cure this by removing the TPI?**

Yes. The Office will provide applicants that would be denied solely due to the conduct of a TPI in the applicant an opportunity to cure this deficiency by removing



the TPI from their application, if such removal is possible. Removing some TPIs, such as the individual or entity with sole control of the applicant, will not be possible. Such removal may have other impacts on the applicant's ownership, depending on the TPI in question.

**33. I applied for a CAURD license but wasn't selected – what can I do to review this decision?**

There will be an administrative process for applicants that were denied or not selected for licensure to review the reason(s) why they were denied or not selected.

**Contact the Office**

**34. I have a question about completing my application that is not answered here. Who can I contact?**

If your question is not answered here, view the CAURD FAQ or—if your question is not answered there—contact the Office at [licensing@ocm.ny.gov](mailto:licensing@ocm.ny.gov) or call 1-888-OCM-5151 (1-888-626-5151).