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**DA KATZ CHARGES OPERATORS OF UNLICENSED
CANNABIS DISPENSARY IN ROCKAWAY PARK**

*Investigation and Charges Come After Community Complaints
Cannabis Products Sold Less Than Two Blocks from Local Schools*

Queens District Attorney Melinda Katz announced that two men were charged with unlawful sale and criminal possession of cannabis for allegedly operating an illegal marijuana dispensary from a converted school bus in Rockaway Park, across from the Rockaway Ferry Dock, less than two blocks from nearby schools. The seizure of the truck comes on the heels of an investigation by District Attorney Katz's office triggered by complaints about the illegal sales from members of the local community and amid growing health concerns about [contaminants in illicit cannabis products](#).

District Attorney Katz said: "Stores, trucks and other outlets currently selling recreational marijuana are doing so illegally. What consumers are buying from these sellers is not regulated and most certainly has not been tested by the state. Private testing has found that the cannabis products sold through these illegal operations often contain harmful contaminants. And the illegal dealers are undercutting the legal sellers before they are even able to get started, translating into lost tax revenue and lost funding for essential public services."

New York City Sheriff Anthony Miranda said: "The Sheriff's Office will continue to work collaboratively with all of our law enforcement partners to address this public safety crisis in order to protect all New Yorkers. While the city has an obligation to support legal dispensaries, many stores in each borough continue to break the law by selling unregulated products which are dangerous and often marketed to children. We will continue to work with our partners to take enforcement actions against those who sell this contraband and evade taxes. The Sheriff's Office thanks Queens District Attorney Katz and her staff for their diligent work on this joint investigation and we will continue to partner with her office to address these public safety issues."

Currently, legal cannabis sales in New York are only available to patients at 38 state-authorized medical dispensaries. State regulators recently awarded 36 of the state's first retail dispensary licenses last month, indicating that legal sales of recreational cannabis would begin this month.

Omar Herrera, 32, and David Reilly, 47, of Beach 105th Street in Rockaway Park, were charged on a 57-count complaint charging them with criminal sale of cannabis in the second and third degrees, criminal possession of cannabis in the third degree, unlawful sale of cannabis, and unlawful possession of cannabis.

Herrera and Reilly allegedly operated their business, Beach Boyz Budz, seven days a week, from 9 a.m. to 9 p.m., while parked across from the Rockaway Ferry dock—less than two blocks from two neighborhood schools—to attract business from passengers getting on and off the Rockaway Ferry. According to the complaint,

the operation of this business was conducted without required authorization from the New York State Office of Cannabis Management.

During an investigation by District Attorney Katz’s office in collaboration with the New York City Sheriff’s Office, undercover controlled purchases from Herrera and Reilly included more than a 2.5 pounds of cannabis plant; more than 40 pre-rolled cannabis cigarettes and cigars; nine THC vaporizer “pens;” cannabis edible gummy candies; and approximately two grams of raw concentrated cannabis oil.

On December 14, members of the Queens District Attorney’s Detective Bureau assisted by members of the New York City Sherriff’s Office, executed a Court-authorized search warrant of the dispensary, during which the following items were recovered:

- Over one pound of cannabis plant
- Approximately 274 pre-rolled cannabis cigarettes and cigars of an aggregate weight of more than three ounces
- Twenty-nine cannabis vaporizer “pens”
- Ten 1,000 milligram bottles containing cannabis syrup
- Two jars of cannabis crumble
- Forty-nine bags of assorted cannabis edible gummy candies and cookies

DA Katz said a recent investigative report issued by the New York Medical Cannabis Industry Association, which represents licensed dispensaries, revealed the presence of e. coli, lead, salmonella and other contaminants in pop-up and illegal dispensary products throughout the State. Furthermore, the report revealed that mislabeling and youth-targeted branding utilized by the illegal businesses have oftentimes placed consumers at risk, threatening the overall success of the State’s adult-use program.

Assisting in the investigation were members of the New York City Sheriff’s Office as well as members of the New York State Department of Corrections and Community Supervision.

The investigation was conducted by Assistant District Attorney Attaul Haq of the District Attorney’s Crime Strategies and Intelligence Unit, with assistance from Supervising Intelligence Analyst Jennifer Rudy, under the supervision of Assistant District Attorney Shanon LaCorte, Unit Director, along with members of the Queens District Attorney’s Detective Bureau under the supervision of Sergeant Joseph Oliver and Lieutenant Janet Helgeson, and under the overall supervision of the Chief of Detectives Thomas Conforti.

Assistant District Attorney Kieran Linehan, Supervisor, Major Narcotics in the District Attorney’s Major Economic Crimes Bureau, is prosecuting the case under the supervision of Assistant District Attorney Mary Lowenburg, Bureau Chief, Assistant District Attorney Catherine Kane, Senior Deputy Bureau Chief, Assistant District Attorney Jonathan Scharf, Deputy Bureau Chief, and under the overall supervision of Executive Assistant District Attorney of Investigations Gerard Brave.

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Criminal complaints and indictments are accusations. A defendant is presumed innocent until proven guilty.

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