

PROTECT THE ADIRONDACKS!

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*Conservation Director
and Counsel*

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Via Email

January 20, 2026

Barbara Rice
Executive Director
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

**Re: In the Matter of the Application of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276**

Dear Executive Director Rice:

Protect the Adirondacks (PROTECT) is in receipt of the letter of today's date from Matthew Norfolk, Esq., counsel for the applicants in the above-referenced proceeding, purporting to challenge the qualifications of Administrative Law Judge (ALJ) David N. Greenwood and demanding that the pre-hearing issues conference scheduled by ALJ Greenwood for tomorrow, January 21, at 1:00 p.m. be adjourned without date.

Both requests must be denied because Mr. Norfolk's purported qualification challenge fails to comply with the APA regulations governing such challenges, and Mr. Norfolk thus has no ground demanding that tomorrow's pretrial issues conference be adjourned without date.

Mr. Norfolk states that his challenge to the qualifications of ALJ Greenwood is submitted pursuant to 9 NYCRR § 580.8(b). That regulation specifies that a challenge to an ALJ's qualifications can only be made "by filing the affidavit referred to in section 303 of the State Administrative Procedure Act." Section 303 of the State Administrative Procedure Act, in turn, provides that a challenge to designation of an ALJ requires "the filing in good faith by a party of *a timely and sufficient affidavit of personal bias or disqualification of a presiding officer.*" (Emphasis added).

Protect the Adirondacks

PO Box 48, North Creek, NY 12853 518.251.2700

www.protectadks.org info@protectadks.org

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Mr. Norfolk has failed to submit the affidavit required by the Agency's regulations and the State Administrative Procedure Act. His purported challenge is therefore fatally defective and must be denied. There is thus no basis for adjourning tomorrow's pretrial issues conference pending resolution of Mr. Norfolk's procedurally improper challenge.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Hon. David N. Greenwood
Matthew Norfolk, Esq.
Shane Kelly, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.
Paul Van Cott, Esq.
Todd Ommen, Esq.
Roger Downs
David Gibson