



November 26, 2025

Via Email Only

N.Y.S. Adirondack Park Agency
Attn: Ms. Barbara Rice, Executive Director
1133 NYS Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: APA Project 2021-0276
Request for Recusal of David Greenwood as Hearing Officer

Dear Ms. Rice:

I am in receipt of your letter of November 26, 2025, in response to mine of November 24, 2025, *which is addressed to Administrative Law Judge (“ALJ”) David Greenwood* wherein I request he voluntarily recuse himself as the hearing officer to preside over the public hearing to be scheduled in the above-referenced proceeding. I did not submit a request to you or anyone at the Adirondack Park Agency. I had no obligation to even copy you on the letter. ALJ Greenwood has been directly asked to recuse himself. He is the one that my clients and I expect to respond to the request for his recusal. ALJ Greenwood has an independent duty as an administrative law judge and attorney to assess whether he should recuse himself.¹ In light of the foregoing, I will not withdraw my request to ALJ Greenwood that he voluntarily recuse himself. If ALJ Greenwood voluntarily recuses himself, my clients will have no need to consider filing a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8.

Furthermore, I stated in my November 24, 2025, letter that the request sent to ALJ Greenwood seeking his voluntary recusal is not a challenge of ALJ Greenwood’s designation as the hearing officer pursuant to 9 NYCRR §580.8 or State Administrative Procedure Act (“SAPA”) §303. Indeed, I have not filed a challenge or application of any kind to date, nor do I wish to do so at the moment. You have no authority to convert my request to ALJ Greenwood to voluntarily recuse himself to a challenge pursuant to 9 NYCRR §580.8 or SAPA §303, or otherwise. You cannot compel me to file challenges and other applications of any kind. That would be unlawful, as is the case now. Accordingly, I object to your attempt to do so and repeat that I have not filed a challenge on my clients’ behalf.

Additionally, even if you had the authority to unilaterally convert my November 26, 2025, letter to ALJ Greenwood to a challenge under 9 NYCRR §580.8, to do so now would prejudice my

¹ I will not waste my clients’ financial resources citing to the ethical standards ALJ Greenwood must follow. I am sure he is well-aware of them, and the APA should have competent legal counsel that can provide you with the standards I reference above and in my letter of November 24, 2025.

clients and be contrary to the procedural structure for challenging a hearing officer's designation under 9 NYCRR §580.8. Pursuant to 9 NYCRR §580.8(a), ALJ Greenwood is required to "make full disclosure, as part of the record, of all information he deems relevant to the issue of bias or other disqualification." ALJ Greenwood has yet to make such disclosure. To file a challenge of his designation before he makes full disclosure of all information he deems relevant to the issue of bias or other disqualification, frankly, would be a stupid thing to do. Any challenge of ALJ Greenwood's designation will not be submitted until after ALJ Greenwood's disclosure of all information he deems relevant to the issue of bias or other disqualification; that is, if he does not recuse himself.

Also, pursuant to 9 NYCRR §580.8(b), "any issue concerning the disqualification of the hearing officer shall be resolved in a pre-hearing conference, if possible." Notably, the filing of a challenge is not needed to have a pre-hearing conference. Here, it is undoubtedly possible to have a pre-hearing conference to address issues concerning ALJ Greenwood's disqualification – if, of course, ALJ Greenwood does not voluntarily recuse himself as I have requested on behalf of my clients. Notwithstanding the foregoing, if ALJ Greenwood does not voluntarily recuse himself, a conference should not be had until he complies with 9 NYCRR §580.8(a) and makes "full disclosure, as a part of the record, of all information he deems relevant to the issue of bias or other disqualification."

Finally, 9 NYCRR §580.8(b) states, in pertinent part, "[a]ll parties *shall be given sufficient opportunity to challenge* his [the hearing officer's] designation by the filing the affidavit referred to in section 303 of the State Administrative Procedure Act with the executive director, on notice to the hearing officer and other parties." (Emphasis added.) For you to direct me to submit papers in support of a challenge, notably which I did not file, in just two days, one of which is Thanksgiving, is absurd. It is an abuse of discretion, seriously prejudices my clients, demonstrates a bias in general, and gives the appearance that you are punishing my clients for requesting ALJ Greenwood voluntarily recuse himself, or, perhaps for filing the application for an APA permit in the first place. I am certain the NYS Supreme Court would agree with me on all fronts.

In closing, I will not be filing papers at this time to challenge ALJ Greenwood's designation as the hearing officer and I object to and reject your unauthorized, extra-jurisdictional attempt to convert my letter of November 24, 2025, to ALJ Greenwood to a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8. If and when I file such a challenge, I will follow the rules and regulations governing such an application, and I expect you, as the Executor Director, to do the same.

Kindly include this letter in the official record of the above-referenced project application.

Nothing in this letter is intended to waive any claim or defense Mr. Hopmeier and Unconventional Concepts, Inc. possess or may possess in the future.

[SIGNATURE ON FOLLOWING PAGE]

Ms. Barbara Rice
November 26, 2025
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Sincerely,

Norfolk Beier PLLC

A handwritten signature in blue ink, appearing to read "M. Norfolk", with a long horizontal flourish extending to the right.

By: Matthew D. Norfolk, Esq.

cc: Michael Hopmeier