



December 5, 2025

Via Email Only

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

Re: Disqualification of ALJ David N. Greenwood
APA Project 2021-0276 (the “Project”)
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc. (collectively, the
“Applicant”)

Dear Executive Director Rice:

As stated in my letter to ALJ David N. Greenwood requesting he recuse himself, dated November 24, 2025, based upon his Linked-In profile (see <https://www.linkedin.com/in/david-greenwood-5a71979/> (last visited December 5, 2025)), for seven years ALJ Greenwood was employed by The Adirondack Council as its Policy Analyst. As you know, The Adirondack Council has taken an official position against approval of the Project. It filed with the Adirondack Park Agency letters of opposition and has publicly lobbied against the Project.

A judge is to act at all times in a manner that promotes public confidence in the integrity and impartiality of judges, to refrain from allowing family, social, political or other relationships to influence his or her judicial conduct or judgment and to avoid even the appearance of impropriety. “[D]oubts as to the existence of a conflict of interest are resolved in favor of disqualification in order to avoid even the appearance of impropriety.” *Janczewski v. Janczewski*, 2019 NY Slip Op 01062, 2, 169 A.D.3d 773, 774 (2nd Dept. 2019) (citations omitted). Judges must recuse themselves “in cases where their impartiality ‘might be reasonably questioned.’” See Advisory Comm on Jud Ethics Op 19-76 (2019) quoting Rules Governing Jud Conduct (22 NYCRR §100.3(E)(1)).

The appearance of justice would be better served by ALJ Greenwood’s voluntary recusal. I am confident that ALJ Greenwood recognizes that an adjudicatory hearing should never be conducted save in a manner and under circumstances that reflect complete impartiality. “Not only must there be no partiality, in fact, even the appearance of partiality is to be avoided.” See *Johnson v. Hornblass*, 93 A.D.2d 732, 733 (1st Dept. 1983). ALJ Greenwood’s impartiality is reasonably questioned by the Applicant and his presiding over the adjudicatory hearing herein creates an appearance of partiality or impropriety.

When you offered ALJ Greenwood to submit an *affidavit* to respond to the Applicant's request for recusal, ALJ Greenwood failed to do so. Rather, he submitted an unsworn overly broad boilerplate statement, dated December 1, 2025, wherein he asserts that he had "no *current* or *recent* professional or financial connections that might raise an issue of bias or other disqualification." (Emphasis added.) He does not state that he had no *past* or *former* professional or financial connections that might raise an issue of bias or other disqualification. In fact, he utterly fails to mention in his unsworn statement The Adirondack Council, let alone provide reasons to support his apparent belief that his past employment, specifically with The Adirondack Council, is not grounds for disqualification. The Applicant and the public at large are left guessing what ALJ Greenwood's position is on the issue of whether his former employment with The Adirondack Council is relevant to the issue of bias or other disqualification.

Moreover, it is reasonable to presume that given the Applicant's request for recusal ALJ Greenwood would have also disclosed whether or not he is or was a member of The Adirondack Council, and if he *was* a member of the environmental group, provide the date his membership terminated. This information must be disclosed by ALJ Greenwood.

Pursuant to 9 NYCRR §580.8(b):

Any issue concerning the qualification of the hearing officer *shall be resolved in a pre-hearing conference if possible*. All parties shall be given sufficient opportunity to challenge his designation by 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 the other parties.

(Emphasis added.)

As plainly stated in §580.8(b), issues concerning ALJ Greenwood's qualification shall be resolved in a pre-hearing conference if possible. Having such a conference is certainly possible as is resolving the issue of ALJ Greenwood's qualification raised by the Applicant. If the issues of qualification cannot be resolved at such a conference, the parties are to be "given sufficient opportunity to challenge his designation."

As a consequence of ALJ Greenwood's refusal to recuse himself and in light of the provisions of §580.8(b), the Applicant reserves its right to file a challenge of ALJ Greenwood's designation as the presiding administrative law judge. Any such challenge by the Applicant will be submitted to you after the pre-hearing conference if the issue of ALJ Greenwood's qualification is not resolved thereat, as contemplated by §580.8(b).

[Signature on Following Page]

Ms. Barbara Rice, Executive Director
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Respectfully,

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: Hon. David N. Greenwood, ALJ
Hon. Michele M. Stefanucci, CALJ
Grace Sullivan, Esq., APA Senior Attorney