



January 14, 2026

Via Email

Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.
Second Request for Voluntary Recusal as Hearing Officer

Dear Judge Greenwood:

From the date the Adirondack Park Agency Board voted to hold an adjudicatory hearing, the instant administrative proceeding has progressed in disorderly fashion. My firm cannot continue to represent and further the interests of the Sponsor in a competent and effective manner with the proceeding being mismanaged the way it has been and is presently by the Adirondack Park Agency (hereinafter referred to as the "APA").

With respect to the administrative proceeding record as it relates to the adjudicatory hearing (hereinafter referred to as the "Record"), it is not identifiable and its location is unknown. I acknowledge that *some* documents and things submitted to the APA in connection with the application leading up to it being deemed complete are available at the APA's website, as well as *some* documents related to the administrative proceeding as it involves the public hearing, such as your orders, the petitions to intervene, and letters sent to and from you. However, the Sponsor's opposition to Adirondack Wild: Friends of the Forest Preserve's intervention petition, a record of which Board members voted and how, and most, if not all, the communications sent to you by the APA and the parties are nowhere to be found. There is no information on the APA's website that allows the public and the parties to locate the Record. The public and the parties are left guessing whether that which is available on the APA's website is, indeed, the Record. The Record must be identified, easily accessible and regularly updated in a timely manner.

Rules or standards also must be put in place to govern what is and what is not to be included in the Record and how. Each and every business day I receive a high volume of emails collectively from you, APA counsel, and counsel for Adirondack Wild: Friends of the Forest Preserve, Adirondack Council and Protect the Adirondacks!, as the case may be. It is a burdensome, arduous task to

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keep track of the many emails exchanged daily – especially for a small law firm such as Norfolk Beier. The use of emails is inefficient and unreliable and forces the parties to independently maintain their own record. In short, submissions to be included in the Record should not be served and stored via email exclusively. A cloud-based file hosting and synchronization service, such as Dropbox, that lets you, the APA and the parties submit and store documents or files online, access them from any device (computer, phone, tablet), and share them easily with each other must be implemented and utilized.

Until a Record is identified and readily accessible, rules or standards implemented to govern what shall be included in the Record, and a reliable method to serve and submit documents and things are established, my firm, as counsel to the Sponsor, is at a disadvantage and cannot represent the Sponsor to the best of its ability. Indeed, the Sponsor is being prejudiced by the disorganization and mismanagement of this administrative proceeding.

Finally, commencement of the hearing should not be scheduled at this stage of the administrative proceeding. Discovery must be completed well in advance of the commencement of the hearing. The outcome of this proceeding will rely heavily on expert witness testimony. No party can adequately and thoroughly prepare for the hearing without expert witness disclosure. The same may be said about fact-witness disclosure. Such disclosure must be made in advance of the commencement of the hearing.

I acknowledge that at our last conference, with you, Attorney Sullivan and I in attendance, suggestions were made that the hearing could be opened on February 4, 2026, and a schedule agreed upon for the parties to do that what is necessary to further prepare for the hearing, and then the hearing would be adjourned without further action. However, respectfully, I am of the opinion that the hearing commencement date of February 4, 2026, should be adjourned now. To keep the hearing on for February 4, 2026, to then only adjourn it so the parties may pursue discovery or otherwise continue to prepare for the hearing is inefficient and will unnecessarily cause the parties to expend monetary resources. Furthermore, I am sure the public will be in an uproar to have put time aside to attend the first day of the hearing, only to have it adjourned and little accomplished.

I request that you put the issues I raise above on the agenda to be discussed at next week's pre-hearing conference. Thank you for your attention to this matter.

Respectfully,

Norfolk Beier PLLC

A handwritten signature in blue ink, appearing to read 'Matthew D. Norfolk', with a stylized flourish at the end.

By:

Matthew D. Norfolk, Esq.

cc: Barbara Rice, APA Executive Director
Grace Sullivan, Esq.
Attorneys of Record