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In the matter of the application of

**ORDER PURSUANT TO
9 NYCRR 580.8**

**Unconventional Concepts, Inc., and
Michael Hopmeier**

APA Project Order 2021-0276

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Facts and Background

This proceeding concerns the issuance of a permit to develop a weapons range for testing the internal ballistics of 155 mm howitzer cannon barrels over a 5-year period in the Town of Lewis, Essex County (Project).

On November 14, 2025, the Adirondack Park Agency (APA or Agency) ordered the Project to public hearing. The APA later designated Administrative Law Judge David Greenwood (ALJ Greenwood) to act as hearing officer. Unconventional Concepts, Inc. and Michael Hopmeier (Applicant) subsequently requested ALJ Greenwood recuse himself based on prior employment with the Adirondack Council. On December 1, 2025, ALJ Greenwood indicated that he did not have any current or recent professional or financial connections that might raise an issue of bias or other disqualification. ALJ Greenwood also stated that the purpose of this hearing is to develop an evidentiary record, rather than make findings of fact or law, and that he is confident he is able to fulfil the duties of hearing officer in this matter impartially and without any bias to any current or future party with respect to any determination he may make during the hearing.

On January 20, 2026, the Applicant submitted a challenge to ALJ Greenwood's appointment. On January 21, 2026, I advised all parties that any concerns regarding disqualification should be raised at the previously scheduled pre-hearing conference.

The matter was not resolved during the pre-hearing conference, and a briefing schedule was established for further submissions. In considering the materials before me, I am unable to identify a direct, personal, substantial or pecuniary interest sufficient to disqualify ALJ Greenwood.

Relevant Laws and Regulations

Agency Regulations section 580.8 establishes the process by which any party may challenge the designation of a hearing officer. As discussed, section 580.8(b) states that any issue concerning the qualification of the hearing officer shall be resolved in a pre-hearing conference if possible. Further, all parties shall be given sufficient opportunity to challenge such 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.

Section 580.8(d) requires that the Executive Director shall decide the challenge within two business days of receipt of the affidavit and any responding affidavits. If the Executive Director deems the

challenging affidavit insufficient, he or she may either allow the party filing it to submit further written evidence, or may order that the proceedings continue.

Discussion

The Applicant requests disqualification because ALJ Greenwood was previously employed by the Adirondack Council for seven years and that the organization has taken a public position in opposition to the project and is now a party to the administrative hearing. The Applicant alleges that there is “an undeniable appearance of impropriety and ALJ Greenwood’s impartiality is reasonably being questioned.”

Protect the Adirondacks!, also a party to this matter, filed an affidavit in opposition to the Applicant’s request arguing that the issue of disqualification was previously addressed and that the challenge is untimely and unsupported by any evidence of bias.

A review of the materials before me shows an absence of facts demonstrating bias or prejudgment by ALJ Greenwood. I do not find any specific, current or recent disqualifying relationship, whether personal, professional, or pecuniary. The Applicant has identified a prior employment connection with the Adirondack Council. It is undisputed, however, that that relationship ended 26 years ago and 22 years before comments were issued on the Project by the Adirondack Council. No facts have been alleged that support that ALJ Greenwood’s prior employment would have informed the comments submitted by the Adirondack Council 22 years later; nor any facts concerning current membership, an ongoing employment relationship, or any other personal, professional or pecuniary relationship with the Adirondack Council or any other party. No specific evidence was offered to show that ALJ Greenwood has or had any relationship with the Adirondack Council outside of this proceeding, or that ALJ Greenwood’s conduct or actions was in any way biased.

The Applicant states that disqualification is required because there is an “appearance of bias.” ALJ Greenwood has previously stated that he believes that he is able to conduct this proceeding in a fair and impartial manner. There is an insufficient basis to disqualify ALJ Greenwood, especially where the relationship which allegedly creates an appearance of bias is now decades removed and where the Agency Board has reserved to itself the exclusive right to make its own findings of fact and conclusions of law as part of its final Agency determination and order.

NOW, THEREFORE, based upon the foregoing and the materials before me, it is

ORDERED that, pursuant to Agency Regulations section 508.8(b), the above-described application to disqualify ALJ Greenwood is denied, and it is

FURTHER ORDERED that this proceeding be remanded for further proceedings consistent with this ruling.



Barbara Rice, Executive Director

TO: See Attached Service List



**Public Hearing Service List
P2021-0276**

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC Authorized Representatives: Matthew D. Norfolk Shane Kelly	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com Shane Kelly, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 skelly@norfolkbeier.com
Administrative Law Judge: David Greenwood	New York State Department of Environmental Conservation Office of Hearing and Mediation Services 625 Broadway, First Floor Albany, NY 12233-1550 david.greenwood@dec.ny.gov
Agency Hearing Staff: Grace Sullivan	Adirondack Park Agency P.O. Box 99 1133 NYS Route 86 Ray Brook, NY 12977 grace.sullivan@apa.ny.gov
Protect the Adirondacks!	Christopher A. Amato, Esq. conservationdirector@protectadks.org P.O. Box 48 North Creek, NY 12853 Claudia Braymer, Esq. executivedirector@protectadks.org P.O. Box 48 North Creek, NY 12853
Adirondack Wild: Friends of the Forrest Preserve	David Gibson dgibson@adirondackwild.org P.O. Box 9247 Niskayuna, NY 12309



Recipient	Address
Sierra Club Atlantic Chapter	<p>Todd Ommen tommen@law.pace.edu 78 North Broadway, White Plains, NY 10603</p> <p>David Ramirez Dramirez2@law.pace.edu 78 North Broadway, White Plains, NY 10603</p>
Adirondack Council	<p>Philip H. Gitlen, Esq. pgitlen@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260</p> <p>Paul Van Cott PVanCott@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260</p> <p>Anna V. Seitelman, Esq. ASEitelman@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260</p>

This service list includes all parties to the abovementioned proceeding as of January 21, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.