



November 26, 2025

(By E-Mail: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Re: APA Project 2021-0276
Recusal Request

Dear Mr. Norfolk,

I am in receipt of your letter dated November 24, 2024 to Administrative Law Judge David Greenwood requesting his voluntary recusal for the above project.

While your letter does not follow the requirements set out in section 508.8 of the Agency's regulations, including the form and standard required under Section 303 of the State Administrative Procedure Act, I am deeming your November 24th letter as a challenge under section 580.8 to my decision to appoint Judge Greenwood as hearing officer. As set out below, please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

I note that your letter suggests Judge Greenwood be disqualified because he was employed with the Adirondack Council from 1993 to 2000, and that the Adirondack Council has taken public positions on your client's proposed project. Further, you state that "applicable judicial ethical standards" require his disqualification, however, none of those standards are cited.

Even accepting your unsworn statements as true, they do not appear to identify a disqualifying connection or relationship to the Adirondack Council's public comments on the project, nor any fact upon which to suggest that Judge Greenwood was involved in the Council's submissions to the Agency about the project. Without more, prior employment with an organization that has taken a position – one way or the other – on an adjudicatory hearing would appear insufficient to create an appearance of bias. Your

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letter also does not seem to include any specific information that challenges Judge Greenwood's impartiality.

Accordingly, as noted above, I am providing you with additional time to submit any information you believe might address these deficiencies, or to raise any other issues you wish to address, so I have a complete record upon which to render my decision. Please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

Sincerely,



Barbara Rice

Executive Director

cc: Hon. David Greenwood (By E-Mail)
Chief Administrative Law Judge Michele M. Stefanucci (By E-Mail)
Damion K. L. Stodola, Counsel (By E-Mail)