§ 19-0509. Order or determination; burdens of proof.

1. After due consideration of the written and oral statements, the testimony and arguments that shall be submitted under the provisions of section 19-0507 or, upon default in appearance of the respondent on the return day which shall be specified in the notice given as provided in section 19-0505 the commissioner may issue and enter such final order, or make such final determination as he shall deem appropriate under the circumstances, and he shall notify the respondent thereof in writing by registered mail.

2. Any such order may require immediate cessation of any activity in contravention of such codes, rules and regulations.

3. In connection with determining the appropriate remedy, the commissioner shall consider evidence received at such hearing relating to the adequacy and practicability of various means of complying with such codes, rules and regulations and the financial ability of the respondent so to comply. If the commissioner finds that immediate compliance would be impossible or impracticable either because no adequate or practical means of compliance is known or because of financial inability, his order shall establish the reasonable time or times within which the required steps, both intermediate and final, are to be taken. The burden of proving impossibility, impracticability or financial inability shall be upon the person claiming the same.

4. As to all other issues in proceedings before the commissioner or his designee with respect to any alleged violation of any code, rule or regulation which shall have been promulgated by the department pursuant to this article, the burden of proof shall be upon the commissioner.