§ 33-0901. Commercial permits.

1. A commercial permit is required for the distribution, sale, offer for sale, purchase for the purpose of re-sale or possession for the purpose of re-sale of a restricted use pesticide.

2. Any person desiring such a permit shall file an application containing such information required by the commissioner and in a form prescribed by the commissioner. The commissioner shall examine the application and shall issue or refuse to issue the permit requested therein. The commissioner shall impose whatever restrictions or conditions on the permit he deems appropriate in order to fully protect the public interest. Such a permit shall not be valid for more than two years as determined by the commissioner. A separate permit is required for each location in the state, and a fee for each location in the state of six hundred dollars is required.

3. Upon the sale by a commercial permit holder of a restricted use pesticide to a purchase permit holder, the commercial permit holder shall cancel the permit in a manner to be prescribed by the commissioner.

4. The holder of a commercial permit may purchase restricted use pesticides for re-sale without being required to obtain and present a purchase permit, as provided for in section 33-0903.

5. The holder of a commercial permit must maintain and make available to the commissioner or his agents, for at least two years, accurate and detailed records accounting for all restricted use pesticides acquired by him and disposed of by him, including, but not limited to dates, names and addresses of all suppliers and the quantities acquired from each, and the names, addresses, permit numbers or certification identification card numbers of all purchasers, and the quantities purchased by each.

6. The reasons for the denial of an application or revocation of a commercial permit may include, but not be limited to, the commissioner

being satisfied of one or more of the following:

a. That any statement in the application or upon which the permit was issued is or was false or misleading;

b. That the applicant or permit holder does not have adequate facilities for the storage and distribution of restricted use pesticides;

c. That the applicant or permit holder has engaged in fraudulent business practices relating to the sale and distribution of pesticides;

d. That the applicant or permit holder has failed to comply with any provision of subdivisions 1 through 5 inclusive of section 33-0303 and titles 5, 7, 11, 13 and 15 of this article or rules and regulations of the department made pursuant thereto; or

e. That the applicant or permit holder has failed to demonstrate that he has sufficient knowledge and experience concerning the proper use and application of pesticides.

7. A formal hearing shall not be required and the commissioner's decision in denying or revoking a permit shall be final unless the applicant or permit holder institutes a review within the time and in the manner prescribed by article 78 of the Civil Practice Law and Rules.