§ 71-1709. Formal hearings; notice and procedure.

1. The commissioner, or any person designated by him for this purpose, may issue subpoenas and administer oaths in connection with any hearing or investigation under or pursuant to the provisions of this chapter listed in sections 71-1701 and 71-2503, and of titles 17 through 21 inclusive and title 43 of this article, and it shall be the duty of the commissioner and any persons designated by him for such purpose to issue subpoenas at the request of and upon behalf of the respondent.

2. The commissioner and those designated by him shall not be bound by the laws of evidence in the conduct of hearing proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it.

3. Notice of hearing shall be served at least fifteen days prior to the date of the hearing, provided that, whenever because of danger to the public health it appears prejudicial to the interests of the people of the state to delay action for fifteen days, the commissioner may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than fifteen days and the commissioner shall provide an opportunity to be heard within fifteen days after the date the order is served.

4. Service of notice of hearing or order shall be made by personal service or by registered or certified mail. Where service, whether by personal service or by registered or certified mail, is made upon an infant, incompetent, partnership, corporation, governmental subdivision, board or commission, it shall be made upon the person or persons designated to receive personal service by article 3 of the Civil Practice Law and Rules.

5. The Attorney General may prefer charges, attend hearings, present the facts, and take any and all proceedings in connection therewith.

6. At a hearing, the respondent may appear personally, shall have the

right of counsel, and may cross-examine witnesses against him and produce evidence and witnesses in his behalf.

7. Following a hearing, the commissioner may make appropriate determinations and issue an order in accordance therewith.

8. The commissioner may adopt, amend and repeal administrative rules and regulations governing the procedures to be followed with respect to hearings, such rules to be consistent with the policy and purpose of the provisions of this chapter listed in section 71-1701, and of titles 17 through 21 inclusive and title 43 of this article and the effective and fair enforcement of their provisions.

9. The provisions of this section shall be applicable to all hearings held pursuant to the provisions of this chapter listed in section 71-1701, and of titles 17 through 21 inclusive and title 43 of this article, except where other provisions of such articles, titles, sections and subdivisions applicable thereto are inconsistent therewith, in which event such other provisions shall apply.