§ 71-3305. Administrative procedures.

1. In any proceeding initiated by the Lake George park commission pursuant to this title, the commission or any person designated by the commission 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, and it shall be the duty of the Lake George park commission and any persons designated by it for such purpose to issue such subpoenas at the request of and on behalf of any respondent.

2. The Lake George park commission and those persons designated by it 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. All proceedings where the administrative penalties sought by the Lake George park commission exceeds five thousand dollars, shall be referred to the commissioner for processing in accordance with the procedures specified in section 71-1709 of this chapter, except that, following the processing of such proceedings, the Lake George park commission shall make appropriate determinations and issue an order in accordance therewith in lieu of such action by the commissioner. All proceedings where the administrative penalties sought are less than or equal to five thousand dollars, may either be referred to the commissioner as provided herein, or the Lake George park commission may appoint a hearing officer who must be an attorney admitted to practice law in the state of New York, who shall preside over such hearing and report to the Lake George park commission regarding the hearing. The commission shall establish by rules and regulations regarding qualifications of such hearing officers and appointment procedures, including per diem fees not to exceed two hundred fifty dollars.