§ 160-oo. Violations; penalties; appeals. 1. (a) If the secretary believes a violation of this article by a fund member may have occurred, the secretary shall notify the local licensing authority of such fact and, upon notice to the fund member, a hearing shall be held by such local licensing authority to determine whether such violation occurred. In the absence of a local licensing authority, or if the local licensing authority chooses not to hold such hearing, the hearing shall be held by the secretary.

(b) If the fund believes that a central dispatch facility has failed to pay the fund the assessments due pursuant to this article, or has failed to pay the reimbursement due pursuant to paragraph (g) of subdivision two of section one hundred sixty-gg of this article, it shall make a referral to the a local licensing authority, or, in the absence of a local licensing authority, to the department. Upon receipt of such a referral, the local licensing authority or the department shall be required to hold a hearing pursuant to paragraph (a) of this subdivision.

2. Except as otherwise provided in this section, a fund member that is found, after a hearing held pursuant to subdivision one of this section, to have violated a provision of this article, or a rule promulgated by the department pursuant to this article, shall be liable for a fine in an amount not to exceed ten thousand dollars per violation. Notwithstanding the foregoing, a fund member that fails to bill or that collects and fails to submit to the fund the required surcharges shall be subject, in addition to payment to the fund of the amount overdue plus interest on such amount as herein provided, to a penalty, at the discretion of the local licensing authority, if any, or, in the absence of such authority, of the department, of (a) up to five thousand dollars for each twenty days the payment is overdue, or (b) revocation of its membership in the fund and of its certificate of registration, or (c) both a monetary penalty and revocation of its membership in the fund and of its certificate of registration. The rate of interest applicable pursuant to this section shall be twelve percent per annum. Any monetary penalty imposed pursuant to this subdivision shall be retained by the department or the local licensing authority and be used to defray the costs of administering this article. The responsible persons, of a

central dispatch facility that are found, after a hearing held pursuant to subdivision one of this section, to be in default to the fund for assessments owed pursuant to this article, shall be personally liable for the amount of such assessments determined to be then due and outstanding, including interest on such assessments awarded pursuant to this subdivision, and for all monetary penalties imposed pursuant to this subdivision.

"Responsible persons," for purposes of this subdivision, include: (i) the directors of a central dispatch facility that is a corporation; (ii) the managers of a central dispatch facility that is a limited liability company or its members if management of the central dispatch facility is vested in its members; (iii) the general partner or partners of a central dispatch facility that is a partnership; (iv) all individuals who directly or indirectly own, control or hold the power to vote ten percent or more of the voting interests of any corporation, joint stock company, partnership, association, trust, limited liability company or similar entity that manages a central dispatch facility; and (v) the president, secretary and treasurer of a central dispatch facility, regardless of its form of organization.

Failure of the central dispatch facility, or of its responsible persons to pay any assessments or penalties awarded pursuant to this subdivision within twenty days of issuance of a valid order so to do, or in the event an appeal has been taken from the determination of the department or the local licensing authority, to deposit with the secretary or the local licensing authority within twenty days of the issuance of the determination from which the appeal is taken the total amount of the award as security for its payment, shall entitle the secretary or the local licensing authority to file with the clerk of Albany county a certified copy of the determination of the department or local licensing authority, and thereupon judgment shall be entered in the supreme court by the clerk of Albany county in conformity therewith immediately upon such filing. Such judgment shall be entered in the same manner, have the same effect and be subject to the same proceedings as though rendered in a suit duly heard and determined by the supreme court, except that no appeal may be taken therefrom.

3. Within twenty days after issuance by the department or local licensing authority of a determination adverse to a central dispatch facility following a hearing held pursuant to subdivision one of this section, an appeal may be taken therefrom to the appellate division of the supreme court, third department, by the aggrieved central dispatch facility. The attorney general shall represent the department or the local licensing authority thereon.