§ 534-n. Hearings, determinations and review. 1. The commission shall not deny any application for a license or registration without giving the applicant or prospective licensee reasonable prior notice and an opportunity to be heard by the commission.

2. Any application for a license or for inclusion in the longshore workers' register, and any license issued or registration made, may be denied, revoked, or suspended only in the manner prescribed in this section.

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or registration after a hearing at which the licensee or registrant and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking or suspending any license or registration shall not become effective until fifteen days subsequent to the serving of notice thereof upon the licensee or registrant unless in the opinion of the commission the continuance of the license or registration for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than ten days and shall state the nature of the complaint.

4. Pending the determination of such hearing pursuant to subdivision three of this section, the commission may temporarily suspend a permit, license or registration until further order of the commission if in the opinion of the commission the continuance of the permit, license or registration for such period is inimical to the public peace or safety.

(a) The commission may temporarily suspend a permit, license or registration pursuant to the provisions of this subdivision until further order of the commission or final disposition of the underlying case, where the permittee, licensee or registrant has been indicted for, or otherwise charged with, a crime which is equivalent to a felony in the state of New York or any crime punishable by death or imprisonment for a term exceeding three hundred sixty-four days or where the permittee or licensee is a security officer who is charged by the

commission pursuant to this section with misappropriating any other person's property at or on a pier or other waterfront terminal.

(b) In the case of a permittee, licensee or registrant who has been indicted for, or otherwise charged with, a crime, the temporary suspension shall terminate immediately upon acquittal or upon dismissal of the criminal charge, unless in the opinion of the commission the continuance of any such permit, license or registration is inimical to the public peace or safety.

(c) A person whose permit, license or registration has been temporarily suspended may, at any time, demand that the commission conduct a hearing as provided for in this section. Within sixty days of such demand, the commission shall commence the hearing and, within thirty days of receipt of the administrative judge's report and recommendation, the commission shall render a final determination thereon; provided, however, that these time requirements, shall not apply for any period of delay caused or requested by the permittee, licensee or registrant. Upon failure of the commission to commence a hearing or render a determination within the time limits prescribed herein, the temporary suspension of the licensee or registrant shall immediately terminate. Notwithstanding any other provision of this subdivision, if a federal, state, or local law enforcement agency or prosecutor's office shall request the suspension or deferment of any hearing on the ground that such a hearing would obstruct or prejudice an investigation or prosecution, the commission may in its discretion, postpone or defer such hearing for a time certain or indefinitely. Any action by the commission to postpone a hearing shall be subject to immediate judicial review as provided in subdivision seven of this section.

(d) The commission may in addition, within its discretion, bar any permittee, licensee or registrant whose license or registration has been suspended pursuant to this section, from any employment by a licensed stevedore or a carrier of freight by water during the period of such suspension, if the alleged crime that forms the basis of such suspension involves the possession with intent to distribute, sale, or distribution of a controlled dangerous substance (controlled substance), or controlled dangerous substance analog (controlled substance analog), racketeering or theft from a pier or waterfront terminal.

5. The commission, or such officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpoenas to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any officer, employee or agent of the commission designated by the commission for such purpose to issue subpoenas at the request of and upon behalf of the licensee, registrant or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearing.

6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determination as it deems proper and shall execute an order carrying such findings into effect. The action in the case of an application for a license or registration shall be the granting or denial thereof. The action in the case of a licensee shall be revocation of the license or suspension thereof for a fixed period or reprimand or a dismissal of the charges. The action in the case of a registered longshore worker shall be dismissal of the charges, reprimand or removal from the longshore workers' register for a fixed period or permanently.

7. The action of the commission in denying any application for a license or in refusing to include any person in the longshore workers' register under this act or in suspending or revoking such license or removing any person from the longshore workers' register or in reprimanding a licensee or registrant shall be subject to judicial review by a proceeding instituted in this state at the instance of the applicant, licensee or registrant in the manner provided by state law for review of the final decision or action of an agency of this state provided, however, that notwithstanding any other provision of law the court shall have power to stay for not more than thirty days an order of the commission suspending or revoking a license or removing a longshore worker from the longshore workers' register.

8. At hearings conducted by the commission pursuant to this section, applicants, prospective licensees, licensees and registrants shall have the right to be accompanied and represented by counsel.

9. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the hearing officer, be reopened for the presentation of additional evidence. Such petition to reopen the hearing shall state in detail the nature of the additional evidence, together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence. Upon petition, after the making of an order of the commission, rehearing may be granted in the discretion of the commission. Such a petition for rehearing shall state in detail the grounds upon which the petition is based and shall separately set forth each error of law and fact alleged to have been made by the commission in its determination, together with the facts and arguments in support thereof. Such petition shall be filed with the commission not later than thirty days after service of such order, unless the commission for good cause shown shall otherwise direct. The commission may upon its own motion grant a rehearing after the making of an order.