**§ 382. Administrative law judges.** a. The director shall appoint administrative law judges who shall be attorneys admitted to practice in the state of New York for at least three years and shall have such other qualifications as may be prescribed by the director. The director may prescribe qualifications for administrative law judges which may vary based on the type or kind of adjudicatory hearing to which such administrative law judge may be assigned.

b. The director may pursuant to rule establish such special units within the bureau as are appropriate to the matters before the bureau for adjudication.

c. An administrative law judge shall not participate in any proceeding to which he or she is a party, in which he or she has been attorney, counsel or representative, if he or she is related by consanguinity or affinity to any party to the controversy within the sixth degree or where such participation is otherwise prohibited by law. Administrative law judges shall ensure that all hearings are conducted in a fair and impartial manner.

d. Except as otherwise provided by law, in the conduct of an adjudication, an administrative law judge may:

(1) hold conferences for the settlement or simplification of the issues, provided that the settlement and dismissal of proceedings shall be in accordance with the rules of the director;

(2) administer oaths and affirmations, examine witnesses, rule upon offers of proof, receive evidence, and oversee, regulate, order and enforce such discovery as is appropriate under the circumstances;

(3) upon motion of any party including an agency, or upon the administrative law judge's own motion with consent of the respondent, subpoena the attendance of witnesses and the production of books, records, or other information;

(4) regulate the course of the hearing in accordance with the rules of the bureau or other applicable law;

(5) rule on procedural requests or similar matters;

(6) make final findings of fact and final decisions, determinations or orders;

(7) where the bureau is authorized to render a final decision, determination or order imposing civil penalties, impose such civil penalties. No such civil penalty shall exceed the maximum provided under law for the violation; and

(8) take any other action authorized by law.

e. Unless inconsistent with this article, all hearings shall substantially comply with the requirements of article three of the state administrative procedure act.

f. An administrative law judge shall render all findings of fact, decisions, determinations and orders in an expeditious manner.

g. Unless otherwise authorized by law and except as provided in subdivision h of this section, an administrative law judge shall not communicate in connection with any issue that relates in any way to the merits of a proceeding pending before the administrative law judge with any person except upon notice and opportunity for all parties to participate.

h. An administrative law judge may consult on questions of law and ministerial matters with his or her supervisor, other administrative law judges, and support staff of the bureau, provided that such supervisors, administrative law judges or support staff have not been engaged in functions in connection with the adjudicatory proceeding under consideration or a factually related proceeding.