§ 459. Denial or revocation of license or certificate. 1. A license or certificate, or the renewal thereof may be denied where the commissioner has probable reason to believe, based on knowledge or reliable information, or finds, after investigation, that the applicant or any officer, servant, agent or employee of the applicant is not sufficiently reliable and experienced to be authorized to own, possess, store, transport, use, manufacture, deal in, sell, purchase or otherwise handle, as the case may be, explosives, lacks suitable facilities therefor, has been convicted of a felony, is disloyal or hostile to the United States, has been confined as a patient or incarcerated individual in a public or private institution for the treatment of mental diseases or has been convicted under section four hundred eighty-four of the general business law. Whenever the commissioner denies an application for a license or certificate or the renewal thereof, within five days of such denial, notice thereof and the reasons therefor shall be provided in writing to the applicant. Such denial may be appealed to the commissioner who shall follow the procedure provided by subdivision four of this section.

2. The commissioner may revoke any certificate or license on any ground or grounds authorized in subdivision one of this section for the denial of a license or certificate, or for a violation of the terms of such license or certificate, or for a violation of any provision of this article or regulations promulgated hereunder, or for non-compliance with any order issued by the commissioner within the time specified in such order.

The commissioner may, where he or she has probable reason to believe, based on knowledge or reliable information, that a licensee or certificate holder is disloyal to the United States, summarily revoke the license or certificate or may give such licensee or certificate holder notice and opportunity to be heard as provided in subdivision four of this section. Revocation of a license or certificate for any other ground may be ordered only after giving written notice and an opportunity to be heard to the holder thereof. Such notice shall specify the ground or grounds on which it is proposed to revoke the license or certificate. When a license or certificate is revoked, the commissioner

may direct the seizure and/or disposition of explosives held by such licensee or certificate holder. Upon revocation of a license or certificate by the commissioner, the holder thereof shall surrender the license or certificate to the commissioner at once.

3. The commissioner may summarily suspend the license or certificate pending proceedings for revocation or other action, where he or she has reason to believe, based on knowledge or reliable information, that the continued possession of a license or certificate poses a danger to public health, safety or welfare, and incorporates a finding to that effect in his or her order. These proceedings shall be promptly instituted and determined. Such suspension shall be effective on the date specified in the order or upon service of a certified copy of such order on the license or certificate holder, whichever shall be later.

4. Unless, within fifteen days from the date of notice, the applicant for a license or certificate or the recipient of a notice stating that the commissioner proposes to revoke a license or certificate held by him or her, shall file a written answer with the commissioner denying the ground or grounds on which a license or certificate has been denied or not renewed or ground or grounds on which revocation of a license or certificate is sought, and shall request a hearing, the commissioner may make a final determination respecting the application for a license or certificate, or may revoke a license or certificate forthwith. If, within such fifteen days, the applicant, licensee or certificate holder files such answer and request for hearing, the commissioner shall schedule a hearing. The notice of hearing shall state the time, place, and subject of the hearing, and shall be mailed to the applicant, certificate holder or licensee at his or her last known address at least five days before the date of hearing. Hearings shall be held by the commissioner or his or her representative, and the applicant, certificate holder or licensee may appear in person or may be represented by an agent. After such hearing, the commissioner shall render a decision in writing.