**§ 860-f. Powers of the commissioner.** 1. The commissioner shall prescribe such rules as may be necessary to carry out this article. The rules shall, at a minimum, include provisions that allow the parties access to administrative hearings for any actions of the department under this article.

2. In any investigation or proceeding under this article, the commissioner has, in addition to all other powers granted by law, the authority to examine any information of an employer necessary to determine whether a violation of this article has occurred, including to determine the validity of any defense.

3. Except as provided in this section, information obtained through administration of this article from an employer subject to this article and which is not otherwise obtainable by the commissioner under this chapter shall: (a) be confidential; and (b) not be published or open to public inspection. Prior to public disclosure of any such information in connection with any court action or proceeding, the employer shall be given a reasonable opportunity to make application to protect the information's confidentiality.

4. No decision or order issued pursuant to this article shall be admissible or used in evidence in any subsequent court proceeding except in an action by the commissioner or the employer to implement, enforce, or challenge a determination made by the commissioner pursuant to this article.

5. Any officer or employer of the state, any officer or employee of any entity authorized to obtain information pursuant to this section, and any agent to this state or of such entity who, except with authority of the commissioner under this section, discloses information is guilty of a misdemeanor.

6. If, after an administrative hearing, the commissioner shall determine that an employer has violated any of the requirements of this article or any rules or regulations promulgated hereunder, the commissioner shall issue an order which shall include any penalties

assessed by the commissioner under sections eight hundred sixty-g and eight hundred sixty-h of this article. Upon the entry of such order, any party aggrieved thereby may commence a proceeding for the review thereof pursuant to article seventy-eight of the civil practice law and rules within thirty days from the notice of the filing of the said order in the office of the commissioner. Such proceeding shall be commenced directly in the appellate division of the supreme court. If such order is not reviewed, or is so reviewed and the final decision is in favor of the commissioner, the commissioner may file with the county clerk of the county where the employer resides or has a place of business the order of the commissioner containing the amount found to be due. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the commissioner in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

7. The commissioner shall distribute any back pay and the value of any benefits recovered to any employees subject to the violation.