§ 938. Denial of license; complaints; notice of hearing. 1. The commissioner shall, before making a determination to deny an application for a license, notify the applicant in writing of the reasons for such proposed denial and afford the applicant an opportunity to be heard in person or by counsel prior to denial of the application. Such notice shall notify the applicant that a request for a hearing must be made within thirty days after issuance of such notification. If a hearing is requested, such hearing shall be held at such time and place as the commissioner shall prescribe.

2. If the applicant fails to make a written request for a hearing within thirty days after issuance of such notification, then the notification of denial shall become the final determination of the commissioner. The commissioner shall have subpoena powers regulated by the civil practice law and rules. If, after such hearing, the application is denied, written notice of such denial shall be served upon the applicant.

3. The commissioner shall, before revoking or suspending any license or imposing any fine as authorized by this article or reprimand on the holder thereof and at least ten days prior to the date set for the hearing, notify in writing the holder of such license, of any charges made and shall afford such person an opportunity to be heard in person or by counsel in reference thereto. No prior notice and hearing is required before the commissioner issues an order directing the cessation of unlicensed activities.

4. Written notice must be served to the licensee or person charged.

5. The hearing on such charges shall be at such time and place as the commissioner shall prescribe.