§ 3511. Proceedings for suspension or revocation. 1. Proceedings against any licensee under this section shall be begun by filing with the department a written charge or charges in the form of a petition under oath against such licensee. The charges may be preferred by any person, corporation, association or public officer, or by the department in the first instance.

2. If the commissioner decides that the charges should be heard, the commissioner shall appoint a hearing officer to hear and report on the charges and shall set a time and place for the hearing. A copy of the charges, together with a notice of the time and place of hearing, shall be served on the accused at least fifteen days before the date fixed for the hearing.

3. The respondent in all such cases brought under this section shall, at least five days before the return date of the petition containing the charges, file with the department a verified answer, in duplicate, to the allegations set forth in such petition. The accused shall have the opportunity at such hearing to appear either personally or by counsel, to cross-examine witnesses and to produce evidence and witnesses in his or her defense.

4. Upon the conclusion of the hearing, the hearing officer shall make a written report of findings and conclusions and shall transmit them, together with a recommendation, to the commissioner. If the accused is found not guilty by the commissioner, the commissioner shall order a dismissal of the charges and an exoneration. If the accused is found guilty of the charges, or any of them, the commissioner shall, in his or her discretion, issue an order suspending, revoking or annulling the license registration or certificate of the accused, or otherwise disciplining him or her.

5. Where the license registration or certificate of any person has been revoked or annulled, as provided in this title, the department may, after the expiration of two years, entertain an application for restoration of such license or registration.

6. A licensee whose license registration or certificate has been suspended, revoked or annulled, or who is otherwise disciplined under this article, may commence a proceeding under article seventy-eight of the civil practice law and rules in the supreme court, Albany county, for the purpose of reviewing such determination, but no such determination shall be stayed or enjoined except after notice to the attorney general of the commencement of the proceeding.