§ 4615. Revocation, suspension or annulment of certificate of authority. 1. The commissioner may revoke, suspend, limit or annul the certificate of authority of an operator upon proof that:

a. The operator failed to continue to meet the requirements for the authority originally granted;

b. The operator lacked one or more of the qualifications for the certificate of authority as specified by this article;

c. The operator made a material misstatement, misrepresentation, or committed fraud in obtaining the certificate of authority, or in attempting to obtain the same;

d. The operator lacked fitness or was untrustworthy;

e. The operator engaged in fraudulent or dishonest practices of management in the conduct of business under the certificate of authority;

f. The operator converted or withheld funds;

g. The operator failed to comply with any provision of this article;

h. The unsound business practices of the operator renders its further transactions in this state hazardous or injurious to the public;

i. The operator has refused to be examined or to produce its accounts, records, and files for examination, or its officers, employees, or controlling persons have refused to give information with respect to the affairs of the community or to perform any other legal obligation as to such examination;

j. The superintendent of financial services has made a determination that the operator is insolvent within the meaning of section one thousand three hundred nine of the insurance law; or

k. The commissioner has found violations of applicable statutes, rules or regulations which threaten to affect directly the health, safety, or welfare of a resident.

2. No certificate of authority shall be revoked, suspended, limited or annulled without a hearing, except that a certificate of authority may be temporarily suspended or limited prior to a hearing for a period not in excess of sixty days upon written notice to the operator following a finding by the commissioner that the public health or safety is in imminent danger or there exists any condition or practice or a continuing pattern of conditions or practices that pose an imminent danger to the health or safety of any resident. Any delay in the hearing process occasioned by the operator shall toll the running of said suspension or limitation and shall not abridge the full time provided in this subdivision.

3. Any state agency which seeks to revoke, suspend, limit or annul the certificate of authority or any other license or certificate required to be obtained by an operator of a continuing care retirement community pursuant to law, shall request the commissioner to commence a hearing pursuant to this section.

4. The commissioner shall fix a time and place for the hearing. The commissioner shall cause to be served in person or mailed by registered or certified mail to the operator at least ten days before the date fixed for the hearing a copy of the charges, together with the notice of the time and place of the hearing. The operator shall file with the commissioner not less than three days prior to the hearing a written answer to the charges. The agency which initiated the proceeding shall be responsible for providing evidence in support of the charges to the commissioner in order to prepare a statement of charges and shall provide evidence in support of the charges at the hearing.

5. All orders hereunder shall be subject to review as provided in article seventy-eight of the civil practice law and rules. Application for such review must be made within sixty days after service in person or by registered or certified mail of a copy of the order upon the

operator.