§ 322. Failure to obtain or maintain certification. 1. The commissioner shall conduct a hearing upon notice to the assessor and the clerk of the local government for which the assessor serves, such hearing to be conducted within the county where the assessing unit is located no later than thirty days after delivery of such notice, where it appears that an assessor has failed:

(a) within the applicable period to file, with the clerk of the local government for which the assessor serves, a certificate of the commissioner stating that he or she has fulfilled the requirements of section three hundred eighteen of this title; or

(b) to file, with the clerk of the local government for which the assessor serves, a temporary certificate as provided in subdivision four of this section; or

(c) to meet the standards required by subdivision four of section three hundred ten of this title for appointive assessors; or

(d) to file, with the clerk of the local government for which the assessor serves, a certificate issued by the commissioner that he or she has completed the one day orientation course; or

(e) to maintain the continuity of any interim certification issued by the commissioner; or

(f) to complete continuing education as prescribed by the commissioner, pursuant to subdivision five of section three hundred ten of this title, for appointive assessors.

2. If, after such hearing, the commissioner finds that an assessor has failed to comply with any applicable requirements as stated in subdivision one of this section, the appointment of that assessor shall be revoked if appointive, or the office of that assessor shall become vacant if elective.

3. No assessor, once having been so removed from office, shall be appointed to the unexpired term of the office from which he or she has been removed.

4. In the event that an assessor shall have been unable to enroll in or complete any course of training and education for reasons beyond his or her control and as a result thereof, is not certified, the

commissioner may issue a temporary certificate which will enable the assessor to continue in office pending completion of such course at the earliest date when such course is next available as specified by the commissioner. Such temporary certificate shall be filed with the clerk of the local government for which the assessor serves and shall permit the assessor to continue in office for the period set forth therein. Upon the expiration of such temporary certificate and after a hearing as hereinabove provided, the appointment of an assessor shall be revoked in the case of an appointive assessor or such office shall become vacant in the case of an elective assessor unless the assessor has filed a certificate as hereinabove provided.

5. In any hearing conducted pursuant to this section, a statement signed by the secretary of the commissioner or other state office employee as designated by rule of the commissioner stating that he or she has made a diligent search of the records of the department and has found no record, entry or filing of a specified nature, shall be prima facie evidence that the records of the department contain no such record, entry or filing.