

# 1 RCNY §104-07

## CHAPTER 100

### Subchapter D Licensing and Registration of Businesses, Trades and Occupations Engaged in Building Work

#### §104-07 Suspension or revocation.

- (a) Hearings concerning disciplinary proceedings pursuant to Administrative Code §28-401.19 seeking suspension or revocation, with or without penalties, against any licensee or holder of a certificates of competence issued by the Department shall be held before the Office of Administrative Trials and Hearings pursuant to 1 RCNY 105-05 and shall be governed by the rules of procedure utilized at that tribunal.
- (b) Stop work and suspension of permits. Upon any suspension or revocation of a license, certificate of competence, approval or authorization, unless replaced by another licensee, certificate holder, approved agency, special inspector, or registered design professional within five (5) business days of such suspension or revocation, all open jobs on which the licensee, certificate holder, approved agency, special inspector, or registered design professional is designated shall be stopped and the permits shall be suspended until such time as another licensee, certificate holder, approved agency, special inspector, or registered design professional is designated or such permits expire. Where the Commissioner has summarily suspended a license or certificate of competence pursuant to Administrative Code §28-401.19.1, all open jobs on which the licensee, certificate holder, approved agency, special inspector, or registered design professional is designated shall be stopped immediately and the permits shall be suspended immediately for the earlier of the duration of the suspension or until such time as another licensee, certificate holder, approved agency, special inspector, or registered design professional is designated or until such permits expire.
- (c) Conduct of hearing by office of administrative trials and hearings. The administrative law judge assigned to hear any matter specified in this rule shall submit his or her proposed findings of fact and recommended decision to the Commissioner. Where the Commissioner has summarily suspended a license or certificate of competence pursuant to Administrative Code §28-401.19.1, at the conclusion of the hearing on the first return date, the administrative law judge may lift the suspension, finally determine the matter, or, if the administrative law judge finds that the summary suspension was appropriate, but that further hearings are necessary to make a final determination of the charges, the administrative law judge may make a finding as to the need for further hearings and continue the suspension pending such further hearings without need for issuance of a Commissioner's order.