

1 RCNY §9-04

CHAPTER 9 RIGGING OPERATIONS

§9-04 Revocation, Suspension or Refusal to Renew License of Special or Master Rigger or Special or Master Sign Hanger.

(a) The license of a special or master rigger or of a special or master sign hanger may be suspended, revoked or not renewed and/or a fine of not more than five thousand dollars may be imposed for each instance of the following:

- (1) Fraud, deceit, collusion or misrepresentation by the licensee in obtaining or renewing such license.
- (2) Poor moral character that adversely impacts upon the licensee's fitness to perform his or her duties and responsibilities as a licensee.
- (3) Negligence, incompetence, lack of knowledge of the Building Code and applicable rules of the Department or disregard of the Building Code and applicable rules of the Department as demonstrated in the performance of the duties and responsibilities of a licensee.
- (4) Failure to comply with an order of the Commissioner or his or her designee in connection with the business or duties and responsibilities of the licensee.
- (5) Making a false or misleading statement to the Department or other government agency on any form or report filed with the Department or records required to be kept by the department in relation to the business or duties and responsibilities of the licensee.
- (6) Failure to file a form, report or statement or to keep records required by the Department or other government agency in connection with the business or duties and responsibilities of the licensee.
- (7) Failure to comply with any of the provisions of sections 9-01, 9-02 or 9-03 of this chapter.
- (8) Impeding or obstructing an investigation of the Commissioner or his or her designee relating to the business or duties and responsibilities of the licensee.
- (9) Conviction of a criminal offense where the underlying act arises out of the business or duties and responsibilities of the licensee.
- (10) The making, completing or altering of a written instrument of the type issued by the Department with respect to the business or duties and responsibilities of the licensee with the intent to defraud or deceive another person.
- (11) Violation of or failure to comply with the provisions of the Building Code and other applicable laws and rules relating to the business or duties and responsibilities of the licensee.
- (12) Failure to pay a fine or penalty imposed by the Department under this section or in any civil or criminal proceeding in a court or in a proceeding before the environmental control board arising out of the business or duties and responsibilities of the licensee.
- (13) Failing to safeguard the public or property during the performance of the business or duties and responsibilities of the licensee in accordance with applicable safety standards.

(b) Except as otherwise provided in subdivision (c) of this section, no license shall be suspended or revoked or fine imposed unless prior thereto the licensee has been afforded the opportunity for a hearing on the charges before the Office of Administrative Trials and Hearings (OATH). The hearing shall be governed by the rules of procedure of OATH. A proceeding shall be commenced by the service of charges by the Department's IAD Unit by mail on the licensee.

The Administrative Law Judge at OATH shall issue recommended findings of fact and a recommended decision and shall forward such findings and recommended decision and the record of the proceedings to the Commissioner who shall make a final determination on the charges and penalty as per this section.

(c) Notwithstanding any inconsistent provision of subdivision b of this section, where the Commissioner finds that the public safety may be imminently jeopardized or that there is reasonable cause to believe that the continued use of a special or master rigger or special or master sign hanger license will create a condition of imminent peril to public safety, he or she may forthwith suspend any license pending a hearing, to be held as soon as practicable in light of the circumstances before OATH, and, determination of charges.