



ANDREW M. CUOMO

STATE OF NEW YORK
DEPARTMENT OF STATE
OFFICE OF ADMINISTRATIVE HEARINGS

CESAR A. PERALES

Honorable: **NAME**
Administrative Law Judge, Presiding

-----X

DIVISION OF LICENSING SERVICES,
Complainant,

- against -

NOTICE OF HEARING

NAME
DISCIPLINE

Respondent (s)

-----X

PLEASE TAKE NOTICE that the complaint in this proceeding contains allegations charging the respondent (s) with a violation of law.

The allegations and violations of law contained in the attached complaint are deemed denied and the interposition of an answer is option.

Under the provisions of the applicable law, a hearing on this complaint will be held:

BEFORE: Administrative Law Judge, **NAME:**

AT: **New York State, Department of State**
Administrative Law Tribunal
ADDRESS

DATE:

TIME:

At this hearing, the New York State, Department of State will be represented by:

NAME, TITLE

NOTICE OF HEARING

This notice informs you of your upcoming hearing before an Administrative Law Judge (ALJ). If you applied for a license and received a denial letter, you **must show up** to the hearing prepared to prove you are qualified for the license *or your license will be denied*.

If you are already licensed and received a COMPLAINT, you will have the opportunity to defend yourself against the allegations stated in the complaint.

If you do not appear, the case will proceed without you. Any documents you have submitted may receive little or no weight if you do not appear to testify about them under oath. If you do not appear, you will also lose the opportunity to object to evidence and question witnesses. The following is a description of some of your rights, obligations and options at your hearing.

READ CAREFULLY:

Representation

You have a right to be represented at this hearing. You may choose to be represented by an attorney, or you may choose to be represented by someone who is not an attorney. You may also choose to represent yourself. ***The Department of State does not pay for your representation.*** In certain types of cases there may be free resources offered by organizations not related to, or endorsed by, the Department of State.

Under New York State Executive Law §166, any attorney or non-attorney representing a party before this hearing is required to fill out the enclosed Notice of Appearance and mail a copy to the assigned Hearing Presenter and the assigned Administrative Law Judge (ALJ) or bring copies with you to the hearing. The Hearing Presenter is the person who represents the Division of Licensing Services against you. The ALJ is the person who will decide your case if you do not reach a settlement agreement with the Hearing Presenter. The names of the Hearing Presenter and the ALJ are on the first page of this notice.

Settlement

If you are a current license holder and you are interested in discussing a settlement, contact the Hearing Presenter listed on the first page of this notice. The Hearing Presenter has the authority to accept, reject and negotiate settlements. In some cases, a settlement may not be possible. Even after your hearing begins, the ALJ may suggest settlement discussions between the parties, or, upon request, may provide an opportunity during the hearing for such discussions.

Evidence

You must come to your hearing prepared. You should bring evidence you believe will be helpful and relevant to your case. Evidence includes, but is not limited to, court documents, certificates showing rehabilitation, education or training, letters of recommendation, receipts, pictures, and any other relevant documents that will be helpful to prove your case. In addition to bringing original documents for the ALJ to consider, you must bring copies of any documents *to leave with the ALJ. Any evidence that you give to the ALJ will not be returned to you.* It is your responsibility to make copies before the hearing begins.

Witnesses

You may bring to your hearing any witnesses you believe will be helpful and relevant to your case, and who are

willing and able to testify. Your witnesses will be subject to cross examination by the Division of Licensing Services. You will also have the opportunity to cross examine witnesses presented by the Division of Licensing Services.

Subpoenas

A subpoena is an official document that *requires a witness to appear and testify at your hearing*. Documents not in your possession can also be subpoenaed. An attorney appearing for you may issue and serve subpoenas in accordance with the provisions of 19 NYCRR §400.5. ***If your witness is willing to testify, or if you are able to find and submit documents on your own, a subpoena is not necessary.*** If you are appearing without an attorney, you may make application to the ALJ for the issuance of subpoenas. Any application for issuance of a subpoena must include, 1) with regard to each witness requested: the witness's name, address, telephone number, and reason that information possessed by the witness is relevant and probative to your case; and 2) with regard to all documents requested: the type of documents requested, the person or entity that possesses those documents, the address and telephone number of that person or entity, and the reason that these documents are relevant and probative to your case. If a requested subpoena is signed by the ALJ, ***the service of that subpoena must be paid for and arranged by you.***

Failure to Attend

Your hearing will be held on its scheduled day even if you fail to attend. Only the ALJ can change the date and time of the hearing. The date, time, and location of your hearing are indicated on the first page of this Notice of Hearing.

Postponing Your Hearing (Adjournments)

If you need to postpone your hearing, you can request an adjournment. Only the ALJ can grant an adjournment, and will only do so for good cause. You can request an adjournment no later than **three (3) days before your hearing date**. The ALJ will not grant more than two (2) adjournments.

To request an adjournment, you must: 1) notify the ALJ *in writing* (New York State Department of State, Office of Administrative Hearings, 6th Floor, One Commerce Plaza, Albany, New York 12231-0001 or fax (518) 473-7182); 2) include the *reasons* for the request; 3) include dates or time periods you are available for a hearing; and 4) inform the Hearing Presenter and all other parties/witnesses immediately.

Interpreter

If you are deaf, the Department of State must provide an interpreter for you. Notify the Hearing Presenter assigned to your case as soon as possible so an interpreter can be scheduled for your hearing.

If you do not speak English or have difficulty understanding English, you may request an interpreter to assist you at the hearing by contacting the Hearing Presenter assigned to your case. **You must request an interpreter before your hearing.**