

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 2: CONTRABAND OFFENSES

§ 2135. Registration: Revocation or Suspension; Notice and Hearing.

(a) Before denying, suspending or revoking a registration, or refusing a renewal of registration, the director shall serve upon the applicant or registrant in accordance with the Administrative Procedure Act (chapter 1 of division 9 of title 1 [1 CMC § 9101 et seq.]), notice to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The notice to show cause shall contain a statement of the basis for it and shall call upon the applicant or registrant to appear before the director at a time and place not less than 30 days after the date of service of the notice, but in the case of a denial or renewal of registration the show cause notice shall be served not later than 30 days before the expiration of the registration. These proceedings shall be conducted in accordance with the Administrative Procedure Act (chapter 1 of division 9 of this code, [1 CMC § 9101 et seq.]), without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(b) The director may suspend, without a notice to show cause, any registration simultaneously with the institution of proceedings under 6 CMC § 2134 or where renewal of registration is refused, if the director finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the director or dissolved by a court of competent jurisdiction.

Source: 63 TTC § 275.

Commission Comment: With respect to the references to the “director” of the Department of Public Health and Environmental Services, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.