

OFFICE OF ADMINISTRATIVE HEARINGS



FISCAL YEAR 2024 ANNUAL REPORT



About the Office of Administrative Hearings

The Office of Administrative Hearings (OAH) is an independent unit within the executive branch of State government created to centralize and improve Maryland's administrative hearing process at a reduced cost to its citizens.

Chung K. Pak serves as the Chief Administrative Law Judge (CALJ). A ten-member State Advisory Council on Administrative Hearings (Council) meets regularly and advises the CALJ.

Section 9-1604(c) of the State Government Article requires the CALJ to submit an annual report to the Governor and, subject to Section 2-1312 of the State Government Article, to the General Assembly. Section 9-1604(c) also permits OAH to prepare and submit its report in conjunction with the Council. In the interest of government efficiency and economy, OAH and the Council submit their Fiscal Year 2024 (FY 24) annual reports jointly.

In FY 24 OAH:

- Received 33,011 new cases
- Accomplished a timeliness rate of approximately 99.91% for the issuance of written decisions
- Conducted 926 mediations and settlement conferences
- Successfully resolved 41% of the special education cases during mediation sessions
- Had a customer service satisfaction rating of 87.8%.
- Conducted in-depth ALJ Training Sessions
- Appointed and trained five new Administrative Law Judges
- Hosted its first Open House
- Ensured that no backlog of cases developed
- Enhanced cybersecurity

I. EXECUTIVE SUMMARY

The following are some highlights from FY 24:

A. OAH's Management Team

The following were members of OAH's management team in FY 24:

Chief Administrative Law Judge (CALJ) Chung K. Pak
Director of Operations, EALJ¹ John J. Leidig
Director of Quality Assurance, EALJ Latonya B. Dargan
Deputy Director of Operations, EALJ Syeetah Hampton-EL
Deputy Director of Quality Assurance, EALJ Emily A. Daneker
Director of Finance and Administration, Danara L. Harvell
Director of Information Technology (IT), Tareq Ibrahim

In FY 24, OAH's Management Team continued to focus on the following key goals:

OAH's Key Goals:

- Improve OAH's Continuity of Operations Plan
- Modernize OAH to improve efficiency and access
- Promote aggressive recruiting efforts to attract the best and brightest from all communities in Maryland
- Increase Accessibility
- Enhance staff expertise
- Improve agency-wide communication
- Stay ahead of Artificial Intelligence

¹ Executive Administrative Law Judge.

OAH's Management Team developed the following Value Statement and Core Values:

Value Statement:

At the Office of Administrative Hearings, we are committed to upholding the highest standards of justice, fairness, and impartiality. Our goal is to provide a transparent and efficient platform for resolving administrative disputes, ensuring that all parties are heard and treated with respect. We strive to foster a culture of integrity and excellence, guided by the principles of due process and the rule of law.

Our Core Values:

Integrity: We are dedicated to act in a manner that merits the trust of Maryland citizens, stakeholders, and fellow employees.

Fairness: We are committed to providing fair and unbiased hearings.

Access to Justice: We are dedicated to providing accessible and timely resolution of cases.

Efficiency: We strive to enhance the efficiency of the administrative hearing process, without compromising the quality of justice.

Accountability: We hold ourselves accountable to the highest ethical standards, ensuring that our actions and decisions are transparent and legally sound.

B. Open House

On Monday, May 20, 2024, OAH hosted its first Open House to provide attorneys and representatives who practice before the OAH with the opportunity to learn more about the agency's history and purpose, the contested case hearing process, and best practices for presenting a case before the OAH. The local affiliate of the National Association of Administrative Law Judiciary, the Maryland Association of Administrative Law Judiciary, co-sponsored the Open House.

The Open House, planned and executed by EALJs Dargan and Daneker,

was a huge success. OAH received an overwhelming number of responses, and the Ceremonial Courtroom was filled to capacity. The ALJ Training Room was used as an overflow space and the event was simulcast in that room. There were many Assistant Attorneys General and local department of social services representatives in attendance. The Chair of the State Advisory Council on Administrative Hearings, Leroy Maddox, Esquire, attended the Open House as well as Council members M. Natalie McSherry, Esquire, and Bruce P. Martin, Esquire. There was a wait list of individuals who wanted to attend the second Open House, which was held in the fall of 2024.

C. New Administrative Law Judges

In September 2022, OAH conducted a recruitment for hiring new ALJs. OAH's five-member Hiring Committee reviewed eighty-one resumes and writing samples of candidates and participated in five days of interviews. OAH's Hiring Committee consisted of: EALJ Hampton-EL; EALJ Daneker; ALJ John Henderson, a more experienced ALJ; ALJ Sun Choi, one of OAH's newest ALJs; and one of OAH's Deputy Chief Clerks, Cheryl Henson. The Committee provided the CALJ with a short list of twenty excellent candidates. CALJ Pak and EALJs Leidig and Dargan conducted second round interviews and CALJ Pak appointed six new ALJs who began in March 2023. In June 2023, using the same short list of candidates developed in FY 23, CALJ Pak and EALJs Leidig, Dargan, Hampton-El, Daneker, and Tareq Ibrahim conducted third round interviews and CALJ Pak appointed four new ALJs who began in October 2023:

- Tyrone Crosby – ALJ Crosby graduated from Florida A & M University with a B.S. in Architectural Studies. After practicing in the architectural field for nearly a decade, he enrolled in University of Maryland Francis King Carey School of Law. He has practiced in a variety of areas but mostly working with children and families in Child In Need of Assistance proceedings representing children in Baltimore City Department of Social Services.
- Gwenlynn D'Souza – ALJ D'Souza is a 1994 graduate of The Catholic University of America and the Columbus School of Law in Washington, D.C. She came to the OAH after a lengthy career as an ALJ and as a private sector attorney. In 2014, ALJ D'Souza was appointed as an ALJ at the District of Columbia Office of Employment Services. While working in the private sector, she focused on employment law matters.
- Katlyn Hodges – ALJ Hodges is a graduate of McDaniel College and University of Baltimore School of Law. She has worked at various organizations over the years including: the Law Office of Thomas S. Hood, P.A. as an Owner/Principal; Hood and Hodges, P.A. as a Partner; and Offices of the Public Defender in Harford County as a Rule 16 Student Attorney.
- Michael Jacko – ALJ Jacko pursued his undergraduate education at Saint Joseph's University and, in 2016, graduated from the University of Maryland Francis King Carey School of Law. Prior to joining the OAH, he

worked as an Assistant Public Defender where he represented clients first in the District Court and later in the Circuit Court of Baltimore County.

On October 30, 2023, a Swearing In Ceremony was held for the eleven ALJs who were appointed in 2022 and 2023. Attachment A is a photograph of the new ALJs who were sworn in on October 30, 2023.

In addition, CALJ Pak appointed another ALJ from that short list who began in March 2024:

- Teresa Cummings – ALJ Cummings is a graduate of Stevenson University and the University of Baltimore School of Law. During her career, she has worked as a mass tort litigation attorney at the Law Offices of Peter T. Nicholl. Prior to joining the OAH, ALJ Cummings was an assistant solicitor with the Baltimore City Department of Law in both the Litigation and Advice and Opinions practice groups. She also served as the Law Department's Equity Coordinator.

D. Administrative Law Judge Appointed to the Judiciary

In December 2023, Governor Moore appointed ALJ Patricia M. DeMaio as an Associate Judge of the Circuit Court for Baltimore County.

There have now been thirteen former ALJs appointed to the Judiciary and OAH is extremely proud to report on this most recent judicial appointment.

E. Legislation

SB 763 - Public Safety and Criminal Justice - Transparency and Accountability (MPAA) (Passed in 2021 and revised in 2022)

In 2021, the General Assembly passed the Maryland Police Accountability Act (MPAA). The MPAA (SB 763) was revised in the 2022 session. Pursuant to the MPAA, all ALJs are required to undergo training to serve on three-member police accountability trial boards (the other two members are a civilian and an officer of equal rank) to decide police misconduct cases. During FY 23, all ALJs were trained by the Maryland Police Training and Standards Commission (the Commission). Three members of the Commission came to OAH's Hunt Valley office and provided two-day training sessions for groups of eight ALJs at a time. OAH's ALJs were the first group in the State to receive the training. The Commission advised OAH that the civilian board members would begin training in October 2023.

The MPAA is notable, not only for its scope in reforming the way certain

matters involving alleged police misconduct are addressed, but also because it adds another case type to OAH's jurisdiction. Under the MPAA, ALJs of the OAH may serve as the chair of the trial board tasked with deciding whether disciplinary action should be taken against a police officer accused of misconduct involving a member of the public.

There could be as many as 155 state, municipal, or other law enforcement agencies creating trial boards to comply with this statute, and OAH is investigating how many of these agencies will be requesting ALJs to serve on their trial boards. State-wide and bi-county law enforcement agencies, unlike other law enforcement agencies, are required to use OAH's ALJs as chairs of the Trial Board.

Throughout FY 24, counties continued to reach out to OAH and Memoranda of Understanding (MOUs) were drafted for these counties. MPAA cases were transmitted to the OAH at a faster pace starting in the summer of FY 24 and the first hearings were held on October 11, 2023.

F. OAH's Fiscal 24 Budget

OAH's appropriated budget for Fiscal Year 24 was \$17,756,652 – Reimbursable Funds and \$44,357 – Special Funds). Approximately 84% of OAH's appropriation is dedicated to salaries and benefits, contractual services and rent of facilities. The breakdown of OAH's budget is:

- 84% Salaries and benefits, including contractual employees
- 4% Contractual services, of which half is dedicated for legal services
- 6% Rent for three offices
- 6% Routine travel, utilities, supplies and materials, equipment, and motor vehicle operations

The majority of OAH funds are reimbursable, which is the transfer of funds from agencies for which hearings are held. An allocation of cost is prepared each year based upon caseload and the time required to adjudicate each type of case. The budgets for the agencies for which OAH holds hearings include an appropriation for "hearings" based on this allocation. By October 30th of every fiscal year, the majority of the agencies transfer the appropriated funds to OAH others transfer the funds quarterly throughout the fiscal year.

G. Customer Satisfaction

OAH continues to receive high marks in customer satisfaction, with an overall 87.8 % rating during FY 2024 for customers who rated the preparation and organization of the proceedings as satisfactory or excellent; customers who rated the fairness of the proceedings as satisfactory or excellent; and customers

who rated the decision as satisfactory or excellent. OAH is proud that even litigants who might not have prevailed at their hearings recognize and appreciate the fairness of the process and the hard work that goes into making the entire contested case process efficient, organized, and thoughtful.

H. Remote Hearings

In FY 24, the majority of OAH's cases were conducted remotely. When considering whether hearings should be conducted in person or remotely, OAH's management team continued to consider: the concerns of OAH's stakeholders; complexity of cases; the efficiency and effectiveness of providing due process; creating better accessibility to the public for hearings; and OAH's reputation. OAH found that the number of defaults has reduced by creating better accessibility to the public through remote hearings.

The following factors are always monitored:

Public confidence and trust/OAH's reputation

Quality of Proceedings

- Judging credibility
- Quality of recordings
- Level of Professionalism
- Amount of time allotted

Equal Access to Justice

- Stakeholders
- Internet Access for Hearing participants

Collegiality/morale of office

Environmental Concerns, including decreased traffic congestion and related emissions

Recruiting and retaining employees from across the State

Reduced cost and time of travel for OAH employees and the parties, including employees of other State agencies

Status of E-filing

It is important to emphasize that citizens can always request a change in their hearing format (from remote to in-person or from in-person to remote). ALJs also conduct hybrid hearings. In FY 24, OAH upgraded several hearing rooms to enhance hybrid hearings. OAH's website includes easy to follow instructions on how to submit a request to change a hearing format.

To make hearings accessible during the height of COVID-19, OAH transitioned many types of dockets to a remote format using Webex and Google Meet. While the mission of OAH is to provide flexible due process, professionalism and respect at our hearings remain paramount considerations.

To enhance the professionalism of remote hearings, in FY 24, OAH's IT

unit updated all ALJ laptops to support the use of virtual backgrounds showing the OAH seal, the U.S. Flag, and the Maryland State Flag.

I. Statewide Hybrid Telework Policy

In April 2024, the Department of Budget and Management (DBM) disseminated a New Hybrid Telework Policy to all State employees. OAH's management team, Director of Human Resources, Kelly Valentine, and Chief Clerk, Ashley Wolfe, worked to develop telework schedules for OAH's telework-eligible employees to be in compliance with DBM's New Hybrid Telework Policy which was implemented on May 15, 2024.

The new Policy provides that all Telework-eligible state employees are expected to work – at a minimum – two days per week in the office and two days at a remote work site. The location of the 5th workday – at a remote work site or on-site – will be determined by the employee's agency head or manager. All employees who telework were required to sign the updated State Telework Policy.

J. Senate Judicial Proceedings Committee

On July 20, 2023, OAH's management team participated in a site visit with Senator William Smith, Chair, Senate Judicial Proceedings Committee. The team provided the Senator with a PowerPoint overview of the OAH and a tour of the building. Senator Smith was impressed by the work of the OAH, the extensive scope of its work, and the diverse caseload that the agency handles.

At the time of the meeting, Senator Smith advised that he was interested in scheduling an OAH briefing before the Judicial Proceedings Committee and requested that OAH provide the same PowerPoint to his Committee. EALJs Leidig and Dargan provided the presentation on January 24, 2024. Committee members were complimentary of the work that OAH does and asked excellent questions.

K. Meetings with Agencies

Maintaining communication with the agencies for which OAH conducts hearings has always been vital to its ongoing operations. In FY 24, OAH continued this ongoing communication.

CALJ Pak and members of management staff met with personnel from the following Maryland State agencies:

- Office of the Attorney General
- Commission on Civil Rights
- Department of Budget and Management
- Department of General Services
- Department of Health
 - Board of Physicians
- Department of Human Services
 - Child Abuse and Neglect
- Department of Information Technology
- Department of Labor
 - Unemployment Insurance Division
 - Family and Medical Leave Insurance Division
- Department of Legislative Services
- Department of Natural Resources
- Department of Public Safety and Correctional Services
 - Inmate Grievance Office
 - Maryland Police Training and Standards Commission
- Department of Transportation
 - Motor Vehicle Administration
- Maryland Health Benefit Exchange
- Maryland Insurance Administration
- Maryland Public Employee Relations Board
- Maryland State Department of Education
- Maryland State Police
- Office of the Public Defender
- Office of State Procurement

L. Information Technology (IT)

E-Filing

The E-Filing project commenced on June 27, 2023, with the objective of developing a customized portal to support the unique operational needs of OAH. Throughout the project, OAH has maintained regular engagement with the development team to guide progress and ensure alignment with project goals.

Despite ongoing collaboration in FY 24, the vendor has not yet delivered a solution that meets OAH's expectations.

Cybersecurity

As reported in FY 23, OAH's IT Department worked with the Department of Information Technology (DoIT) to create a remediation plan designed to address all the issues identified in an Organization Security Maturity Assessment. This Assessment was focused on organizational compliance with the security controls described in the DoIT IT Security Manual, structured using the National Institute of Standards and Technology Cybersecurity Framework and the standards described in the Maryland IT Security Manual.

In FY 24, IT made significant improvements in its capacity to monitor and thwart network threats. OAH appointed a Deputy Director of IT, James Olaore, whose primary responsibility is to assist OAH in compliance, incident response planning, security policies and risk management.

Additionally, IT actively engaged in comprehensive cybersecurity training offered by DoIT which included Security+ and CISSP (Certified Information Systems Security Professional) certification courses.

M. Local and National Perspectives

Local

Maryland Judiciary

On September 15, 2023, the following Judges participated in the Judiciary's Annual Appellate Case Update on recent Maryland appellate administrative law decisions: Judges Brynja M. Booth, Supreme Court of Maryland, 1st Appellate Judicial Circuit; Kevin A. Arthur, Appellate Court of Maryland At Large; and Stacy A. Mayer, Circuit Court for Baltimore County, 3rd Judicial Circuit. This annual review has been presented to ALJs for thirty-one years.

On October 23, 2023, CALJ Pak attended the Maryland State Bar Association's (MSBA) Annual Judges and Deans Dinner. OAH considers this a feather in its cap as it speaks to a recognition of the hard work the OAH does in providing fair and flexible due process to the citizens and agencies of the State. CALJ Pak joined MSBA's leadership, the Deans of the University of Maryland and University of Baltimore Schools of Law, the Chief Judges of the Maryland Court of Appeals and Court of Special Appeals, the District Court of Maryland, the U.S. District Court for the District of Maryland, the Conference Chair of the Conference of Circuit Court Judges; and the head of the Access to Justice Commission. The dinner attendees discuss issues relating to court operations and, this year, attendees focused on the Report on "Mandatory Continuing Legal Education in Maryland." The meeting was very cordial and positive and CALJ Pak was honored to once again be included in the Annual event.

Maryland State Bar Association (MSBA)

CALJ Pak and EALJs Leidig, Hampton-EL and ALJ John Henderson attended the MSBA 2024 Legal Summit in Ocean City, Maryland on June 5 – 7, 2024. This year, EALJs Leidig and Hampton-EL were included in the program and gave a presentation entitled *So You Want to Present a Case Before the Maryland Office of Administrative Hearings*. The attendees asked good questions, and some were not aware of the breadth of work that OAH does. The MSBA Annual Legal Summit includes interesting educational sessions and is always a good opportunity for OAH to network with members of the legal community.

Maryland Association of Administrative Law Judiciary

Many of OAH's ALJs are members and officers of the Maryland Association of Administrative Law Judiciary, a local affiliate organization of the National Association of Administrative Law Judiciary.

National

Central Panel Directors

The central panel concept has been incorporated in varying degrees in 31 jurisdictions. Maryland's OAH remains one of the largest central panels in the country with the broadest jurisdiction.

The Central Panel Directors meet annually. On September 12 - 15, 2023, CALJ Pak, EALJs Leidig, Hampton-EL and Daneker and Tareq Ibrahim attended the 2023 Central Panel Directors' Conference which was held in Seattle, Washington. The program included individual state reports, plenary sessions on Hybrid Hearings, Central Panel Evolution and Innovation Closing as well as breakout sessions on various central panel topics.

At the 2023 Conference, EALJ Leidig and the California and Michigan Central Panel Directors gave a presentation on *Access to Justice*. Maryland's OAH also provided its annual State Report.

The Central Panel Directors' Conference provides a valuable forum for central panel states to share information and gain different perspectives on the many issues and challenges that they face.

National Association of Administrative Law Judiciary (NAALJ)

The NAALJ 2023 Annual Conference was held in Tampa, Florida on October 15 – 18, 2023 and Maryland's OAH had a strong presence at the Annual Conference:

- ALJ Kathleen Chapman not only joined the 2023-2024 NAALJ Board of Governors but served as the 2023 Annual Conference Chair. In her capacity as Chair, ALJ Chapman orchestrated an enriching and entertaining conference
- EALJ Dargan was a member of the conference faculty and presented on a panel dedicated to *Writing Strategies and Communicating Effectively*
- EALJs Leidig and Hampton-EL served as members of the conference faculty and participated in a thoughtful and engaging panel on *Managing Courtrooms: Pro Se Parties*
- ALJ Stephen Thibodeau was elected as NAALJ Treasurer for 2023-2024
- ALJs Leigh Walder and Brian Weeks joined the 2023 – 2024 NAALJ Board of Governors
- Former Maryland ALJ, James Murray, received the 2023 Victor J. Roskopf Achievement Award, which honors judges who embody the highest qualities of judicial professionalism and ethics.
- ALJ Angela Diehl was a 2023 Challenge Grant Recipient; the Challenge Grant is awarded to a newer member of the NAALJ affiliate to attend the annual conference
- CALJ Pak and the following Maryland OAH ALJs also attended the annual conference: ALJs Erin Cancienne, Sun Choi, Michelle Cole, and Michael Osborn
- The program included many interesting plenary and breakout sessions on some of the following topics: *Professionalism in Administrative Forums; Maintaining an Impartial Judiciary; A Comparative Analysis between the Central Panel Approach versus an Agency-Centric Approach; Managing Hearings – Managing Expectations and the Strong Side of Fair, Alternative Dispute Resolution; Individuals with Disabilities Education Act (IDEA): managing high volume dockets; and the Code of Judicial Conduct.*

On May 10, 2024, all ALJs participated in the NAALJ Mid-Year webinar with sessions on: *The Art of Judging; Effective Ways of Working with Interpreters; and Judicial Writing with Clarity and Velocity.*

N. Special Recognition

We are pleased to report that on Wednesday, May 8, 2024, Chief ALJ Pak received an award at the Asian Pacific American Bar Association of Maryland's Annual Gala. The theme of the Annual Gala was *Asian Trailblazers in the Maryland Judiciary*.

Also, on May 19, 2024, Chief ALJ Pak was an Honoree at the *49th Annual Freedom Fund Gala* at the Montgomery County Maryland Branch of the NAACP, for his previous significant contributions as Co-Chair of its Multicultural Partnership Committee.

In FY 24, OAH improved service to the citizens of Maryland and increased efficiency by:

- Providing citizens with options for remote, in-person and hybrid hearings
- Assisting various government entities as they prepare for Maryland Police Accountability Act hearings
- Providing monthly training to ALJs in all areas of the law
- Encouraging parties to view "Representing Yourself at an OAH Hearing" on OAH's website
- Making Alternative Dispute Resolution available to parties in as many case types as possible
- Continuing to add redacted decisions to OAH's keyword searchable Decision Portal and enhancing the portal to improve the user experience in finding decisions
- Appointing five highly qualified new ALJs
- Hosting an Open House to provide attorneys and representatives who practice before the OAH with the opportunity to learn more about the agency's history and purpose, the contested case hearing process, and best practices for presenting a case at the OAH
- Developing a Value Statement and Core Values
- Improving cybersecurity, and
- Redesigning the website to align with the most recent Maryland.gov template

III. Legislative History and Background

OAH was created by Chapter 788 (SB 658) of the Laws of 1989, codified in State Government Article, Title 9, Subtitle 16 of the Annotated Code of Maryland. Chapter 788 incorporated the recommendations of the Governor's Task Force on Administrative Hearing Officers.

Noting the concerns of the business community, the public and members of the bar, the Governor charged the Task Force on Administrative Hearing

Officers with examining the then-current administrative hearing system and recommending needed changes. The final report strongly endorsed the creation of a centralized administrative hearing process and identified many problems with the non-centralized system. Hearing officers lacked adequate training opportunities, suffered from poor salaries, often failed to write decisions that would withstand judicial scrutiny, were supervised by the agencies for which they issued decisions and were not subject to uniform procedures or codes of responsibility and ethics.

Following the enactment of the legislation, staff from agencies as diverse as Maryland Department of Health, LABOR and the Department of the Environment were consolidated into a central hearing agency. ALJs were cross trained to handle a wide variety of cases and projected operational efficiencies were realized. Uniform Rules of Procedure were promulgated in 1991 and the Code of Ethics modeled on the Judicial Code of Ethics was adopted.

In late 1991, the Commission to Revise the Administrative Procedure Act (APA) was appointed to study and update Maryland's APA to reflect the creation of OAH. The Commission included former CALJ John Hardwicke, two Cabinet Secretaries, representatives of the Judiciary, business community members, labor union representatives, and representatives from the MSBA and the Attorney General's Office. The Commission's recommended legislation, Chapter 59 of the Laws of 1993, became effective June 1, 1993. In 1994, revisions to OAH's Rules of Procedure, COMAR 28.02.01, were adopted incorporating the revisions to the APA.

IV. Miscellaneous Additional Fiscal Year 24 Activities

A. Finance and Administration

1. Personnel

OAH's CALJ is appointed by the Governor for a six-year term. EALJs serve as the Directors and Deputy Directors of Operations and Quality Assurance.

OAH began FY 24 on July 1, 2023, with 117 authorized positions, 57 of which are ALJ positions. During this fiscal year, 8 support staff positions and five ALJ positions were filled. ALJs are appointed by the CALJ. Prior to the creation of the OAH, 85 full-time and five contractual hearing examiners were employed by various State agencies to conduct administrative hearings.

Current qualifications require that ALJs be bar-admitted attorneys with a minimum of five years of legal experience. ALJs may be removed for cause and are considered special appointees within the professional service of the State Personnel Management System. ALJs generally have many years of litigation

experience, including conducting hearings. As of March 6, 2024, the entry level salary for an ALJ was \$120,076 and the average ALJ salary is \$128,602.83.

ALJs' work has a significant impact on both public and private interests and requires a high degree of education, skill, responsibility, and professionalism. The work frequently involves highly complex legal matters, requiring detailed written decisions that must be issued between five to 90 days after the close of the record.

2. Facilities

OAH's Administrative Law Building headquarters is in Hunt Valley. The headquarters is accessible from I-83 North and provides ample free parking. Two light rail stations and bus service are within walking distance of OAH's Hunt Valley office.

OAH's Administrative Law Building now houses 19 hearing rooms, 3 mediation rooms, two attorney-client meeting rooms, a clerk's office, public waiting areas, and a law library, which is accessible to the public during normal business hours, as well as offices and training rooms for OAH staff.

In addition to the hearings held at OAH's headquarters, prior to COVID, ALJs travelled throughout the State to conduct hearings in all counties. Hearings were held at various locations around the State, including private hospitals and nursing homes. Other hearings were held in government facilities such as courthouses and agency offices. In FY 24, the majority of OAH's hearings remained remote with a small number of in-person hearings held around the state.

OAH operates satellite offices in Rockville and Salisbury. However, on April 3, 2024, OAH received information stating that the Rockville location was being sold and the new owners wanted to occupy the building for their own use as soon as possible. Danara Harvell began working with the Department of General Services to secure a new location and terminate the current ten-year lease that has five years remaining.

3. Court Reporting Contract

Ms. Harvell worked with the State Office of Procurement on a new Court Reporting Contract. The new contract was finalized and was approved by the Board of Public Works on April 4, 2023. This is a five-year contract with CRC Salomon — the same vendor that OAH previously contracted with.

B. Operations

OAH's Operations Division:

- Reviews the caseload to ensure that backlogs do not develop
- Ensures expeditious case management
- Monitors timeliness of decisions
- Supervises ALJs, Clerk's Office staff, and Administrative Aide staff
- Monitors legislation
- Oversees OAH's Telework Program
- Handles all Public Information Act requests

1. Overview

OAH conducts fair and timely hearings in contested cases for more than 30 State agencies for over 200 different programs, with over 500 hearing types. Except for entities exempted by statute, a Board, Commission, or agency head must hear a contested case personally or must delegate authority to hear the case to OAH or, with the permission of the CALJ, a person not employed by OAH. Md. Code Ann., State Gov't § 10-205 (2021). In FY24, OAH received 33,011 new cases. Caseload statistics for FY 24 are included in Attachment B.

OAH conducted 926 mediations and settlement conferences during FY 24. All ALJs are certified mediators enabling them to provide mediation services.

ALJs issued 4,477 written decisions, orders, or rulings on motions in FY 24. Operations remains vigilant in monitoring the timeliness of its written decisions and the timeliness rate for the issuance of written decisions in FY 24 was approximately 99.9%. In addition to the issuance of written decisions, ALJs rendered 8,101 bench decisions in Motor Vehicle Administration (MVA) hearings. They also rendered 754 bench decisions in hospital Involuntary Admission (IVA) hearings.

2. Special Education Caseload

OAH continued to see a notable increase in Special Education (SE) cases. These cases are multi-day, complex, and often emotional. Operations monitors the SE mediations and due process hearings and note that the SE hearings that go forward can take anywhere from three to twelve days. Operations and QA

met with OAH's SE Subject Matter Specialists (SMS) to discuss the increased volume of SE matters. Beginning in April 2024, Operations added a half day SE administration docket which is handled by the SE SMSs. Once a week, the SMS will review all due process hearing requests filed in the previous week to triage cases that are expedited, include a motion to dismiss for insufficiency, involve more complex issues, or present other challenges for the hearing process. ALJs are also encouraged to request that parties submit pre-filed testimony to increase efficiency.

3. MPAA Caseload

Throughout FY 24, Operations continued to handle inquiries from various county and state law enforcement entities regarding the assignment of an ALJ to serve as chair of a trial board for MPAA cases. Operations and OAH's Assistant Attorney General worked with each entity to execute MOUs.

Since June 2024, Law Enforcement Agencies transmitted a total of eight-three MPAA cases to OAH. Operations is monitoring this case type closely because there could be a substantial number of cases coming from Baltimore City. The largest volume of cases is currently coming from Prince George's County with a total of thirty-two cases.

4. Performance, Planning and Evaluation Program (PEP)

The Director and Deputy Director of Operations are responsible for evaluating all ALJs in conjunction with QA. Operations evaluates ALJs on their attendance, case management, timeliness, and collegial relationships. QA evaluates ALJs on their presence in and conduct of hearings, and the quality of their written decisions. ALJ evaluations are conducted monthly, based on each ALJ's Entry of Duty month, and reported in January and July.

5. Telework

As previously reported, the Department of Budget and Management (DBM) disseminated a New Hybrid Telework Policy to all State employees in April 2024. The new policy impacted the schedules of OAH's Clerk's Office since the telework-eligible employees in that unit were teleworking one day per week and their schedules were to be modified to two days of telework per week to comply with DBM's new policy. EALJs Leidig and Hampton-EL worked with the Chief Clerk, Ashley Wolfe, and the Director of Human Resources, Kelly Valentine, to develop appropriate telework schedules for the approximately thirty telework-eligible Clerk's Office employees. The Operations' Division employees and Administrative Aide staff were already teleworking two days per week and no schedule changes were necessary.

The ALJ staff are telework-eligible and telework on a regular basis unless

there is an operational need (in-person hearings, training sessions, file management) for them to be in the office. Under the new policy, CALJ Pak was able to designate the ALJ staff as 100% telework-eligible and developed justification for that designation.

Prior to COVID, Operations found that allowing ALJs to telework created operational efficiencies in that ALJs' travel time was reduced and ALJs were able to focus on decision writing with fewer interruptions and distractions. There was also a savings on fuel, mileage reimbursement, wear and tear on State vehicles as well as having a positive impact on Maryland's roads and the environment. The expanded telework program and introduction of remote hearings has increased operational efficiencies and also allowed OAH to reduce its fleet by two-thirds.

6. Legislation Affecting OAH

During the 2024 Legislative Session, the Maryland State Senate and House of Delegates introduced 2,728 bills, of those, 1,053 passed both chambers and 406 were signed by Governor Moore. OAH monitored over 200 hundred bills and responded to fifty fiscal note requests. Many of the bills which passed that impacted OAH were an expansion of what OAH is already doing.

As noted in previous years' reports, OAH's Deputy Director of Operations serves as the Legislative Liaison. In FY 24, ALJ Hampton-EL reviewed and monitored all proposed legislation that affected OAH. In addition to the legislative duties, ALJ Hampton-EL is responsible for evaluating ALJs; assisting with the daily operation of OAH; serving as OAH's Public Information Act (PIA) Officer; and handling all PIA requests in a timely manner. She is also regularly scheduled to hear cases as an ALJ.

C. Quality Assurance (QA)

OAH's Quality Assurance Division:

- Oversees the quality of the written decisions
- Trains new ALJs
- Offers mandatory monthly judicial education for ALJs, paralegals and staff attorneys and out-of-office training programs
- Oversees OAH's library
- Maintains decision and hearing notice boilerplates, Time Frames Manual, Bench Manuals and Case Digests
- Supervises staff attorneys, paralegal, librarian, and management associate
- Manages OAH's Speaker's Bureau

1. ALJ Training

QA has the primary responsibility for training ALJs. QA continued to oversee the new ALJ training for the six ALJs hired in March 2023, began training the four new ALJs hired in October 2023, and one new ALJ hired in March 2024.

Following the final training, the new ALJs enter the OAH rotation list for multi-day cases. QA's training regime for new ALJs provides for the assignment of an experienced ALJ to serve as a mentor for each new ALJ, who can then assist QA in providing support to the new ALJ and report to QA on the new ALJs' progress. New ALJs observe experienced ALJs conduct hearings in a specific subject area before being observed as they conduct hearings.

All ALJs are cross trained to conduct hearings for over 30 State agencies and are required to master the substantive and procedural law for over 500 different types of hearings. The training process takes approximately ten months.

QA conducts mandatory monthly training for the entire ALJ staff, as well as the paralegals and staff attorneys. Attachment C is a list of the FY 24 ALJ training sessions. In addition, QA selects appropriate judicial and special education training programs for ALJs to attend.

2. Performance, Planning and Evaluation Program (PEP)

One of the major focuses of QA continues to be the evaluation of ALJs' performance, which is required by the DBM's PEP process. QA is responsible for rating all ALJs on their Presence at Hearings and Written Expression.

3. Implementation of MPAA

The MPAA applies to allegations of police officer misconduct involving a member of the public that occurred on or after July 1, 2022. QA and OAH's MPAA SMSs put together a protocol on how the cases will proceed and QA, Operations and Finance and Administration continued to work with OAH's Assistant Attorney General to develop a standard MOU for the counties that plan to use OAH for these hearings.

The MPAA statute requires that before serving on a trial board, an individual shall receive training from the Maryland Police Training and Standards Commission on matters relating to police procedure. Forty-six ALJs completed the statutorily required training as of September 27, 2022; eight ALJs completed their training on January 11, 2023; and six ALJs completed their training on May 16, 2024.

4. Maryland State Department of Education (MSDE) Elevates Grant

Each year, the QA Division submits an application to the MSDE for the Elevates Grant. The goal of the project is for the OAH to deploy its ALJs to effectively conduct due process special education hearings and mediations under the Individuals With Disabilities Education Act (IDEA) in a manner consistent with prevailing statutory, regulatory, and case law by providing to the ALJs training and other resources specifically focused on special education that enables them to meaningfully and successfully achieve this goal; and to provide transcripts to families in special education proceedings to enable them to exercise appellate rights related to the IDEA due process hearing if they deem it necessary to do so. Through the contested case process, families become more informed partners in the provision of special education and related services to children with disabilities.

In FY 24, OAH's grant application was approved.

19th National Academy for Special Education Administrative Law Judges and Impartial Hearing Officers

Ten ALJs, including EALJ Dargan, attended the 19th National Academy for Special Education Administrative Law Judges and Impartial Hearing Officers at the University of Washington School of Law in Seattle, from July 11, 2023,

through July 14, 2023. Attendance at this conference was funded in large part by a grant from the MSDE grant. July 11th was reserved for a special education basics course, geared towards newer ALJs. Five of the OAH's newer ALJs attended the basics course and reported they found it very helpful and engaging. QA management believes the Academy is a worthwhile supplement to the initial special education overview the OAH provides to new ALJs. In 2024, the special education overview will be presented by the whole MSDE SMS group and will include a focus on special education as it is practiced in Maryland.

In-house SE training

On June 14, 2024, QA provided the following in-house ALJ SE training: *Managing Large Dockets in Special Education Due Process and 504 Hearings*, conducted by The Honorable Noel Garcia, New York Office of Administrative Trials and Hearings (OATH); and Dr. Oren Varnai, IHO, OATH; and *Dismissals and Summary Dispositions Without a Hearing in Special Education*, conducted by the Honorable Jessica Varn, Florida Division of Administrative Hearings; and the Honorable Jessica Witte, Texas State Office of Administrative Hearings.

5. Open House

As previously highlighted, on Monday, May 20, 2024, the OAH, in conjunction with the Maryland Association of Administrative Law Judiciary (MAALJ), held its first-ever open house. QA sent invitations to attorneys, legal service providers, and other professionals who already practice before the OAH or were interested in practicing before the OAH, and placed an ad in The Daily Record. Over 100 people RSVP'd to attend and approximately 85 actually joined us to learn more about the OAH.

The agenda included welcoming remarks from Chief ALJ Chung Pak, who gave our visitors a sneak peek of what to expect. EALJs John Leidig and Syeetah Hampton-EL, representing Operations, presented on the agency's history, purpose, and case load, as well as its day-to-day administration. EALJs Dargan and Daneker, on behalf of QA, provided an insider look at ALJ selection and ALJ training. IT Director Tareq Ibrahim shared insight on remote and hybrid hearings at the OAH, including an overview of the technology the agency uses to remain accessible to its stakeholders in our post-COVID world. ALJ Erin Cancienne gave our guests guidance on best practices for presenting a case before the agency. Several ALJs – ALJs Kristin Blumer, William Burnham, Carlton Curry, Angela Diehl, Alecia Frisby Trout, John Hart, Leigh Walder, and Jocelyn Williams – tapped into their theatrical sides to give visitors an up-close look at the inner workings of mock HIC and MVA hearings.

In addition to the assistance of the individuals mentioned above, a number of OAH employees behind the scenes contributed to making the event a success:

Allison Alston, Director of Office Services, went above and beyond to make sure the venues – hearing room 16 and the QA training room – were fit to host a multitude of guests.

MAALJ liaisons ALJs Erin Cancienne and Leigh Walder provided invaluable assistance to QA management in developing the agenda. ALJ Walder even wrote the script for the HIC mock hearing.

In conjunction with Tareq Ibrahim, the rest of the IT/Media Division – Scott Cullison, Lolita Manning, Felix Okigweh, James Olaore, and Jennie Summers – worked hard to ensure that the visitors in the training room could see and hear the events in hearing room 16, and they stood by during the event to trouble shoot if needed.

Elizabeth Lukes, OAH Librarian, was instrumental in tracking down contact information for approximately 35 specialty bars and legal services agencies, and placing the ad in The Daily Record, both of which were vital to spreading the word about the event.

Keith Purtee, QA Management Associate, and Bernice Verner, Executive Assistant to the Chief ALJ, made sure we put our best foot forward as hosts, pulling together everything from the programs to the name tags, and from the informational folders to the food.

The rest of QA – Brenda Amrhein, Paralegal, and Staff Attorneys Alice Johnson, Joshua Hoffman, Cherie King, and Kelly Reed – served as ushers and crowd control, ensuring our guests did not wander anywhere they were not supposed to be.

Sandy Sykes, Administrative Aide, Clerk's Office, wrangled the day's in-person proceedings into hearing rooms away from the action, which ensured those ALJs, and their hearing participants were not disturbed by the activity in the main hall.

Ashley Wolfe, Chief Clerk, provided contact information for appeals representatives for the local departments of social services, one of OAH's largest pool of stakeholders.

6. Summer Interns

QA is responsible for the OAH Summer Intern Program. In FY 24, one summer intern began his experience at OAH the week of May 28, 2024. The

intern was from the University of Maryland Francis Carey School of Law. OAH's summer interns observe hearings and assist ALJs with writing and research.

7. Library

Many decisions written since 1999 are available on OAH's network and can be found electronically. For seven years after issuance, signed hard copies are also available in the library. Due to the privileged and confidential nature of many of OAH's decisions, a PIA request must be submitted to determine if the decision can be reviewed by a member of the public.

OAH library staff provides research assistance to all OAH employees, as well as to the public. The librarian receives daily inquiries from the public about OAH decisions and general Maryland law information. News about OAH and relevant developments in administrative law are gathered and distributed electronically to the ALJs and other OAH employees by library staff on a weekly basis in the QA Newsletter.

Under the direction of QA, the library provides a print collection developed to assist OAH staff, State agencies, the bar, and citizens. Each ALJ and legal staff member has access to Westlaw and other online legal research services. QA continues to expand its electronic offerings in addition to maintaining printed material.

In support of our commitment to provide legal research services to all OAH visitors, the library offers two public computer terminals and wireless access to the Internet. This service allows State employees, lawyers, and others to check email and do research during time spent at OAH.

8. Decision Portal

OAH continued to publish certain redacted decisions on its website throughout FY 24. There are now approximately 6,715 redacted decisions on the portal, uploaded since its launch in late 2017. OAH believes that providing public access to decisions will further an open government and provide the public with educational opportunities. OAH is committed to offering access to its decisions, while ensuring that the rights of individuals related to privacy and confidentiality are protected.

As an independent unit in the executive branch of State government, OAH is subject to the PIA, and its written decisions are public records. Absent an exception, the PIA requires OAH to grant access to its public records "with the least cost and least delay to the person or governmental unit that requests the inspection."

In addition to furthering the PIA's clear and established policy of straightforward access to public documents, publication of OAH decisions will allow the public to gain a better understanding of the nature and quality of the process available to people who are affected by State agency actions. Publication will also enable individuals and attorneys involved in particular cases to educate themselves on the arguments and outcomes in cases similar to their own.

9. Alternative Dispute Resolution (ADR)

QA has worked to ensure that OAH's ALJs and the QA staff attorneys are mediators trained in a manner consistent with the requirements of Maryland Rules 17-104, 17-205(a)(2) & (5), and 17-304(a)(2) & (11). All new ALJ hires must also undergo this Maryland Rule-compliant mediation training.

ADR is extremely beneficial because it includes procedures that are designed to simplify and expedite the resolution of controversies without the need for a hearing or trial.

ADR:

- Generally, refers to any procedure that utilizes the services of a neutral party to assist in reaching an agreement
- Avoids the expense, delay, and uncertainty of litigation
- Provides a forum for the parties to work toward a voluntary, consensual agreement, as opposed to having an ALJ or other authority decide the outcome of the case
- Includes mediation and settlement conferences, which OAH utilize frequently, in particular, foreclosure mediations
- Encourages and improves communication between the parties
- Is also used in OAH's mediation program for Special Education appeals, which is a prime example of the benefits of the mediation process

In November 2023, ten of OAH's newest ALJs and the four QA staff attorneys participated in a forty-hour basic mediation training presented in conjunction with Community Mediation Maryland.

10. Speaker's Bureau

QA is also responsible for authorizing requests made to the Speaker's Bureau and assigning ALJs. Below are some highlights from FY 24:

- On October 4, 2023, EALJ Hampton-EL was the Moderator and Organizer for the MSBA Diversity and Inclusion Committee Panel Discussion entitled: *Affirmative Action — Past, Present & Future*
- On October 7, 2023, ALJ Dania Ayoubi was a Panel Member for the National Association of Muslim Lawyers Panel Discussion entitled: *Pathways to the Bench & Judicial Service*
- On February 7, 2024, ALJ Dania Ayoubi presented at the Montgomery County Bar Association — Administrative Law Section meeting on *Involuntary Admission Hearing Process*
- On February 22, 2024, ALJ Dania Ayoubi was a Panel Member for the Georgetown University Muslim Students' Association Panel Discussion entitled: *Careers in Government*
- On March 22, 2024, OAH's Librarian, Elizabeth Lukes participated in a *Legal Research Institute Program* at a Law Library Association of Maryland meeting
- On March 27, 2024, ALJs Michael Osborn and Jocelyn William were panel members for the Montgomery County Bar Association program entitled: *CLE: MVA Administrative Hearings*
- On April 15, 2024, ALJs Susan Anderson, Kristin Blumer, Angela Diehl, and Robert Levin participated in a Moot Court at the University of Maryland Francis King Carey School of Law at the request of the Instructor, ALJ Denise Shaffer

11. Involuntary Admission (IVA) Training

On December 12, 2023, EALJs Dargan and Daneker presented *Involuntary Admission Hearing Process* to the Capital Regional Hospital in conjunction with presenters from the Mental Health Division of the Office of the Public Defender. On February 6, and March 18, 2024, EALJ Dargan and Daneker also provided the IVA presentation to LifeBridge Health.

D. Information Technology

In FY 2024, the Office of Administrative Hearings made significant strides in enhancing its technological infrastructure and digital services to support remote operations, cybersecurity, and accessibility. The Information Technology team remained at the forefront of these efforts, driving modernization across multiple fronts.

1. E-Filing/Online Payment Processing

The E-Filing project commenced on June 27, 2023, with the objective of developing a customized portal to support the unique operational needs of OAH. Throughout the project, OAH has maintained regular engagement with the development team to guide progress and ensure alignment with project goals.

Despite ongoing collaboration, the vendor has not yet delivered a solution that meets OAH's expectations. As a result, the project has been placed on hold while OAH addresses key functionality issues identified during the testing phase.

2. New Deputy Director of IT

As stated in the Executive Summary, IT has made tremendous strides to monitor and thwart network threats. OAH appointed a Deputy Director of IT, James Olaore, whose primary responsibility is to assist OAH in compliance, incident response planning, security policies, and risk management.

Additionally, IT actively engaged in comprehensive cybersecurity training offered by DoIT which included Security+ and CISSP (Certified Information Systems Security Professional) certification courses.

3. Decision Portal – User Friendly Design

OAH has revamped the portal used to facilitate public access to decisions. The portal offers multiple search functionalities, allowing users to filter decisions by state agency, unit, case type, or issuance date. Additionally, a keyword search feature is available for more targeted queries. This design enhances transparency and accessibility, enabling attorneys and the public to research cases more efficiently.

4. Hearing Rooms

To support the growing demand for hybrid hearings, significant modernization efforts have been made in the hearing rooms. New all-in-one machines, featuring integrated computer and monitor units, have been installed to ensure seamless performance. In addition, IT has upgraded the audio and video infrastructure, including enhanced cameras and improved A/V equipment, to deliver a more reliable and high-quality experience for both in-person and remote participants.

5. Website

OAH launched a redesigned website featuring a modern, user-friendly template. This update aims to improve accessibility and streamline the user experience, making it easier for visitors to navigate the site, access important

documents, and stay informed about hearing procedures and updates. The revamp reflects OAH's ongoing commitment to transparency, efficiency, and public service.

6. Incarcerated Individuals' Grievance Office Hearings (IIGO)

Throughout FY 24, OAH's IT staff, in collaboration with the IIGO site coordinators, worked to transition all IIGO hearings to WebEx to move away from the Cisco Bridge platform.

This project began in FY 22, when OAH's IT Department discovered that the Cisco Bridge was experiencing frequent outages—particularly between mid-February and March. Rather than postponing hearings, the IT team successfully migrated IIGO hearings to the WebEx platform, ensuring continuity of operations.

7. ShareFile

In response to a request from the Maryland Insurance Administration (MIA), IT worked to implement Citrix ShareFile so that the MIA could transmit files to OAH electronically.

8. ALJ Personal Information Scrubbing

The Office of Administrative Hearings (OAH) has offered the LEO Web Protect Service to all Administrative Law Judges. This service is designed to reduce the online visibility of personal information, such as home addresses and phone numbers, by removing data from public sources and data brokers. It helps protect against the misuse of personal data from activities like loan or mortgage applications, property sales, and online purchases. The primary goal of this service is to increase online privacy by limiting the exposure of their personal information on the internet.

9. Extranet Site

OAH successfully launched its new extranet site developed using Microsoft SharePoint. This secure, web-based platform is designed to improve collaboration and streamline information sharing across the agency. It provides OAH employees with remote access to key resources, including training materials, policy documents, and operational updates.

The site serves as a centralized hub for important content, accessible from any internet-enabled device. Its implementation supports enhanced communication between internal staff, while maintaining strict security and access controls through Microsoft 365 integration.

V. Conclusions

In FY 25, OAH's top priorities will be hiring and training highly qualified ALJs, improving cybersecurity, and working to implement a new E-Filing system. OAH continues to embrace and improve technology as it continues to further advance accessibility to the public and enhance employees' efficiency.

OAH provided a significant amount of public outreach in FY 24, and we were pleased with the excellent turnout at the first Open House held on May 20, 2024, the important briefing before the Senate Judicial Proceedings Committee, and participating in the 2024 MSBA Annual Legal Summit program. OAH always appreciates the opportunity to showcase the important work that we do. There are many individuals and members of the legal community who do not realize that OAH conducts hearings for over 30 State agencies. OAH also receives positive feedback following presentations, and participants are very complimentary of OAH's ALJs.

In response to DBM's New Hybrid Telework Policy, which was disseminated to all State employees in April 2024, OAH was pleased to have the opportunity to offer OAH's telework-eligible employees, who were teleworking one day per week, an additional day of telework. OAH has found that teleworking offers several benefits for employees including: reduced commute time, improved work-life balance, increased flexibility in scheduling, potential cost savings on transportation, less stress from commuting, the ability to work in a comfortable environment, and increased productivity due to fewer distractions. We believe that telework and the implementation of DBM's new policy has enhanced employee morale in all units.

OAH has come a long way in thirty-four years and has worked throughout FY 24 to fulfill the key goals developed at the May 2023 Long Range Planning Session of: improving OAH's Continuity of Operations Plan; modernizing OAH to improve efficiency and access; promoting aggressive recruiting efforts to attract the best and brightest from all communities in Maryland; increasing accessibility and jurisdiction; enhancing staff expertise; improving agency-wide communication and staying ahead of Artificial Intelligence. We remain focused on these key goals and also developed the following Value Statement to highlight OAH's commitment to the citizens of Maryland and the administration of justice:

Value Statement

At the Office of Administrative Hearings, we are committed to upholding the highest standards of justice, fairness, and impartiality. Our goal is to provide a transparent and efficient platform for resolving administrative disputes, ensuring that all parties are heard and treated

with respect. We strive to foster a culture of integrity and excellence, guided by the principles of due process and the rule of law.

OAH is proud of its ability to handle a continued increase in multi-day, complex cases and ALJs are doing an excellent job as panel members in the MPAA cases. This is all done while maintaining a timeliness rate of 99.91% in the issuance of written decisions with no backlog of cases awaiting hearing.

OAH sincerely appreciates the advice and guidance of the State Advisory Council on Administrative Hearings, and the extraordinary efforts of its dedicated workforce.

Document #217179

ALJs Who Were Appointed in 2022 and 2023



TOTALS

CASELOAD FLOW													TOTALS
	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTALS
I. CASES CARRIED OVER FROM PREVIOUS MONTH	4018	4131	4156	4059	4169	4086	4660	4989	5202	5306	5337	5261	
II. NEW CASES RECEIVED	2552	2803	2492	2435	2446	2267	2834	2679	2728	2743	2917	2500	31396
A. Complete Cases	74	67	55	57	60	65	100	89	82	70	61	83	863
B. Untimely Cases	8	6	5	8	11	22	18	15	16	14	15	12	150
C. Incomplete Cases*	576	695	611	606	599	631	591	613	718	660	674	627	7601
D. Fee Payments**	35	54	24	28	35	19	19	38	33	37	35	31	388
E. Mediations - Special Ed	31	53	22	23	27	22	28	32	36	31	27	32	364
F. Due Process - Special Ed	2692	2977	2593	2543	2568	2373	2981	2838	2879	2881	3040	2646	33011
TOTAL RECEIVED													
III. CASES SCHEDULED	751	1054	887	824	718	692	758	772	793	1023	758	733	9763
A. Heard in Full	6	2	5	5	2	1	5	4	0	6	5	4	45
B. Special Ed Hearing in Full	1	0	1	1	1	0	1	1	0	1	0	0	7
C. Record Review	58	84	80	81	70	79	64	72	73	55	79	74	869
D. Hearing Continued	27	34	38	46	29	36	37	46	44	32	55	22	446
E. PHC/SCH Heard	4	7	3	6	6	5	5	4	8	9	3	2	62
F. Motion Heard	14	19	22	22	9	8	13	18	19	17	16	10	187
G. Mediation Heard (SE)	63	67	59	66	63	59	60	40	67	51	73	71	739
H. SC/Mediation Heard	560	686	611	608	548	573	618	647	641	627	716	623	7458
I. Postponed/Liberal Leave	179	205	217	224	214	240	256	233	244	228	273	258	2771
J. Default	90	68	84	54	84	57	64	61	53	64	76	58	813
K. Failed to Appear (MVA)	1511	1657	1616	1594	1601	1565	1619	1723	1788	1792	1849	1531	19846
L. Scheduled but not Heard	3264	3883	3623	3531	3345	3315	3500	3621	3730	3905	3903	3386	43006
TOTAL SCHEDULED													
IV. DISPOSITIONS	191	207	176	153	178	169	158	163	144	183	202	171	2095
A. Decisions	2	4	1	3	4	3	1	3	2	2	3	4	32
B. Special Ed Decisions	705	956	825	718	676	635	647	676	698	767	899	653	8855
C. Bench Decisions	201	182	128	202	192	122	218	172	165	171	164	216	2133
D. Defaults	2	5	2	2	4	1	5	4	0	9	5	4	43
E. Untimely	59	63	49	46	53	52	76	68	62	56	49	68	701
F. Untimely (MVA Only)	8	6	15	11	9	2	9	8	11	12	9	5	105
G. Not Settled	1411	1529	1494	1533	1535	1446	1538	1531	1693	1650	1785	1468	18613
H. Withdrawn/Settled or Cancelled/Dismissed													
Reinstated or Duplicate													
TOTAL DISPOSITIONS	2579	2952	2690	2668	2651	2430	2652	2625	2775	2850	3116	2589	32577
V. CASES CARRIED OVER TO THE FOLLOWING MONTH	4131	4156	4059	3934	4086	4029	4989	5202	5306	5337	5261	5318	

* Incomplete Cases Received are not calculated in "TOTAL RECEIVED".

** Fee Payments Received are not calculated in "TOTAL RECEIVED".

FY 24 Training Sessions

Judicial Training Date	Topic/Agenda	Presenter(s)
July 14, 2023	<p><i>2023 Legislative Review</i></p> <p><i>Social Media & You: A Four-Part Presentation on the Ethics of Social Media Use by Administrative Law Judges</i></p>	<p>ALJ Syeetah Hampton-EL, Deputy Director of Operations</p> <p>OAH Ethics Committee: ALJs Jennifer Carter-Jones, Alecia Frisby Trout, Marc Nachman, Jennifer Nappier, Susan Sinrod, and QA Staff Attorney Alice Johnson</p>
August 11, 2023	<i>Issues of Safety & Security: Active Shooter Preparedness; Bomb Threats and Package Security</i>	Joseph A. Costantini, Manager, Law Enforcement Training Unit, Maryland Police Training and Standards Commission
September 15, 2023	<i>Visit From Members of the Constitutional Bench</i>	<p>The Hon. Brynja M. Booth, Supreme Court of Maryland, 1st Appellate Judicial Circuit</p> <p>The Hon. Kevin A. Arthur, Appellate Court of Maryland, At Large</p>

December 15, 2023	Annual SMS Review	ALJs & QA Staff Attorneys
January 19, 2024	<i>QA: Who We Are & What We Do</i>	Brenda Amrhein, Joshua Hoffman, Alice Johnson, Cherie King, Elizabeth Lukes, Kelly Reed
February 23, 2024	<p><i>Overview of the Maryland Public Employee Relations Act and the Public Employee Relations Board</i></p> <p><i>A Survey of (Maryland) Labor Law: The Union-side View</i></p>	<p>Erica Lell Snipes, Executive Director, Maryland Public Employee Relations Board, and Michael J. Hayes, Chair, Public Employee Relations Board</p> <p>David G. Wright, Esquire, of Kahn Smith & Collins, P.A. (KSC); David J. Maher, Esquire, KSC; Christopher Ryon, Esquire, KSC; Keith J. Zimmerman, Esquire, KSC; and representatives of AFSCME Maryland Council 3.</p>
March 22, 2024	<i>Important Topics in MVA</i>	"The MAB and the Maryland Driver Risk Screening (MaDRS)," Gina Perval, M.D., Chief, Medical Advisory Board

	<p><i>NAALJ Midyear Webinar</i></p> <p><i>The Art of Judging</i></p> <p><i>Effective Ways of Working With Interpreters</i></p> <p><i>Judicial Writing with Clarity and Velocity</i></p>	<p>The Honorable Mary Li Creasy & the Honorable Robert S. Cohen, Florida Division of Administrative Hearings</p> <p>Chaumtoli Hug, Associate Professor, City University of New York School of Law</p> <p>The Honorable Brian Watkins, Chief Legal Officer, Washington Board of Industrial Insurance Appeals</p>
June 14, 2024	<p><i>Managing Large Dockets in Special Education Due Process and 504 Hearings</i></p> <p><i>Dismissals and Summary Dispositions Without a Hearing in Special Education</i></p>	<p>The Honorable Noel Garcia, New York Office of Administrative Trials and Hearings; Dr. Oren Varnai, IHO, OATH</p> <p>The Honorable Jessica Varn, Florida Division of Administrative Hearings; the Honorable Jessica Witte, Texas State Office of Administrative Hearings</p>



Fiscal Year 2024 Annual Report of the State Advisory Council on Administrative Hearings

Legislative Authority and Functions

The State Advisory Council on Administrative Hearings (the Council) is authorized by State Government Article § 9-1608 of the Maryland Annotated Code. The Council was established with the following purpose and functions:

- 1) To advise the Chief Administrative Law Judge (CALJ) in carrying out his duties;
- 2) To identify issues of importance to administrative law judges (ALJ) that should be addressed by the CALJ
- 3) To review issues and problems relating to administrative hearings and the administrative process
- 4) To review and comment upon policies and regulations proposed by the CALJ
- 5) To advise the Governor as to those agencies for which a continuing exemption under § 9-1601 should be maintained
- 6) To submit an annual report, which may be prepared in conjunction with the Office of Administrative Hearings' (OAH) Annual Report to the Legislative Policy Committee of the General Assembly.

In the interest of government efficiency and economy, the Council submits its Fiscal Year 2024 (FY 24) Annual Report in conjunction with the FY 24 Office of Administrative Hearings' (OAH) Annual Report.

Council Membership

The Council consists of ten members. Leroy D. Maddox, Esquire, general public representative, continued to serve as Chair.

The following Council members served in FY 24:

- Senator Mary-Dulany James, appointed by the President of the Senate;
- Delegate Samuel I. Rosenberg, appointed by the Speaker of the House;

- Vacant¹, agency representative;
- Scott Goldman², agency representative;
- M. Natalie McSherry, Esquire³, general public representative;
- Bruce P. Martin, Esquire, Maryland State Bar Association (MSBA) representative;
- Terri D. Mason, Esquire⁴, nongovernmental attorney representative;
- Michele J. McDonald, Esquire, designee of the Attorney General; and
- Susan Dishler Shubin, Esquire, Maryland State Bar Association (MSBA) representative.

Council Activities

The Council held meetings on October 11, 2023, March 6, 2024 and June 12, 2024. Council members were kept apprised of OAH's overall operations, the monthly Administrative Law Judge (ALJ) training programs, the recruitment and hiring of five new ALJs, and the status of the current year's budget as well as the upcoming fiscal year's budget.

On October 30, 2023, OAH held a Swearing In Ceremony for eleven of its newest ALJs who were hired in 2022 and 2023. The main hallway of the Hunt Valley building was filled with the ALJs' family members, friends and their new OAH colleagues. Mr. Maddox and Ms. Mason attended the Ceremony and Mr. Maddox provided Closing Remarks.

OAH held its first Open House on May 20, 2024 and Council members Leroy Maddox, Bruce Martin and M. Natalie McSherry attended the Open House. The program, developed by the Director and Deputy Director of Quality Assurance, and in conjunction with the Maryland Association of Administrative Law Judiciary (MAALJ), was excellent and there was a remarkable number of attendees including Assistant Attorneys General and local department of social services representatives. The program consisted of:

- I. Welcome – CALJ Pak
- II. What OAH is and what OAH does – EALJs Leidig and Hampton-EL
- III. ALJ Training Overview – EALJs Dargan and Daneker

¹ Former State Superintendent of Schools, Karen Salmon, Ph.D., stepped down from her agency head position at the Maryland State Department of Education on June 30, 2021. That Council position remained vacant in FY 22, FY 23 and FY 24.

² On October 23, 2023, Governor Moore appointed Bobbie James, Assistant Secretary of the Department of the Environment, to fill one of the "secretaries or designees from departments involved in the adjudication of contested cases" vacancies. Ms. James later transitioned to join the Office of the Attorney General and Scott Goldman filled the vacancy.

³ In January 2023, April Ishak advised that she was no longer serving on the Council leaving a vacancy for the remainder of FY 23. On October 10, 2023, Governor Moore appointed M. Natalie McSherry, Esquire to fill the general public vacancy.

⁴ On September 18, 2023, Governor Moore appointed Ms. Mason to replace Rochelle Eisenburg, Esquire.

- IV. Hearing room tour and hybrid hearing room set up – Tareq Ibrahim and OAH's Information Technology Division
- V. "Presenting a Case Before the OAH" – ALJ Erin Cancienne – MAALJ Officer
- VI. A mock Department of Labor hearing in the Ceremonial Courtroom
- VII. Recorded mock Motor Vehicle Administration hearing displayed throughout the morning

OAH reported that a second Open House for law students will be scheduled in the Fall.

Members of OAH's management team reported on the January 24, 2024 briefing before the Senate Judicial Proceedings Committee where they received excellent questions and Committee members were very complimentary of the work the OAH does.

ALJ Syeetah Hampton-EL, Deputy Director of Operations, kept Council members up to date on legislation that OAH monitored during the 2023 Legislative Session. The OAH monitors bills that (1) could impact OAH's caseload; (2) may require ALJ training; (3) a "Request for Fiscal Note" has been submitted by the Department of Legislative Services; and (4) would provide a board with the option of delegating contested case hearings to a subset of board members.

Council members were also updated on the following:

- meetings with agency personnel
- staffing changes
- attendance at conferences
- presentations

The Council would like to provide the following additional highlights regarding OAH in FY 24:

- Maintained an approximate 99% timeliness rate for issuing written decisions
- Achieved a customer service satisfaction rating of 87.8%
- ALJ Patricia M. DeMaio was appointed as an Associate Judge of the Circuit Court for Baltimore County. Judge DeMaio is the thirteenth former ALJ to be appointed to the Judiciary
- Worked to implement an E-filing system
- Started receiving Maryland Police Accountability Act cases in October 2023
- Hired a Deputy Director of Information Technology to focus on cybersecurity
- Searched for new Rockville office space after being notified that the current lease was being terminated due to the sale of the building.

The Council wishes to emphasize that the attached OAH FY 24 Annual Report provides detailed information on the items highlighted in this Report.