

**OFFICE
OF
ADMINISTRATIVE
HEARINGS**



**FISCAL YEAR 2021
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 2021 (FY 21) annual reports jointly.

Mission

OAH's mission is to provide due process for any person or business affected by the action or proposed action of State agencies in a prompt and efficient manner.



In FY 21 OAH:

- **Received 29,587 new cases**
- **Accomplished a timeliness rate of approximately 99.75% for the issuance of written decisions**
- **Conducted 397 mediations and settlement conferences**
- **Conducted in-depth ALJ Training Sessions**
- **Adopted new regulations to facilitate remote hearings**
- **Hired and trained seven new Administrative Law Judges**
- **Developed a Disaster Recovery site**
- **Ensured that no backlog of cases developed**

I. EXECUTIVE SUMMARY

The following are some highlights from FY 21:

A. *New Chief Administrative Law Judge*

CALJ Pak started at OAH on July 1, 2020. CALJ Pak served as an Administrative Patent Judge at the United States Patent Trial and Appeal Board for over 23 years, where he adjudicated over 6,000 patent cases involving emerging technologies and complex legal issues and wrote over 2,000 opinions eligible for appeal to the U.S. Court of Appeals for the Federal Circuit. He also served as a corporate intellectual property counsel at Union Carbide Corporation and Praxair, Inc., where he provided legal advice and counsel on a wide range of intellectual property issues, including domestic and foreign patent procurement, litigation, trade secrets, antitrust, licensing, and technology transfer issues. CALJ Pak is a proud and longtime Marylander who grew up in Alabama after his family and he immigrated to the United States from South Korea over 50 years ago. He worked his way through and graduated from Auburn University, with a degree in Chemical Engineering, and later Columbus School of Law - The Catholic University of America, where he received his Juris Doctor degree, while working as a Patent Examiner at the U.S. Patent & Trademark Office.

CALJ Pak's vision lies in embracing technology and recruiting outstanding Administrative Law Judges (ALJs) and dedicated support staff to provide fair and impartial hearings to the people of Maryland who are affected by the actions of many Maryland State agencies in a safe, efficient and timely manner. The accessibility and efficiency of OAH will remain strong as it continues to ensure diligent due process for all Marylanders.

CALJ Pak has increased teleworking opportunities for ALJs and support staff through improving and increasing the use of remote hearings, purchasing additional equipment and embracing other useful technological tools. CALJ Pak believes that by increasing teleworking opportunities, OAH can: 1) improve safety and accessibility, 2) reduce any potential Coronavirus Disease 2019 (COVID) related work interruptions, 3) create more family-friendly work environments, 4) reduce inefficiency associated with travel congestion, 5) minimize OAH's contribution to traffic congestion and pollution, and more importantly, 6) attract and recruit more outstanding ALJ candidates from every part of Maryland.

B. *Coronavirus Disease 2019 (COVID)*

As reported in OAH's FY 20 Annual Report, OAH, like all State agencies, continued to make enormous adjustments to address tremendous challenges during the on-going pandemic. OAH's management team worked around the

clock to meet those challenges — the health and safety of our employees and the citizens of Maryland remained our top priority as OAH worked to ensure that it could safely and effectively carry out its mission while providing the highest quality of service.

The following were OAH's management team for FY 21:

Chief Administrative Law Judge Chung K. Pak
Director of Operations, Executive ALJ Jana Corn Burch
Director of Quality Assurance, Executive ALJ Denise Oakes Shaffer
Deputy Director of Quality Assurance, Executive ALJ Harriet C. Helfand
Deputy Director of Operations, Executive ALJ John J. Leidig
Director of Finance and Administration, Danara L. Harvell
Director of Information Technology, Tareq Ibrahim

OAH worked to resume in-person hearings in July 2020 and the COVID positivity rate began to climb in the fall. As a result:

- As of July 1, 2020, ALJs were encouraged to conduct remote hearings as much as possible
- As of July 6, 2020, in-person hearings resumed at OAH's Hunt Valley headquarters and Department of State Police Barracks only
- Beginning on August 3, 2020, all Motor Vehicle Administration (MVA) hearings were moved from the Google Meet platform to the WebEx platform
- On September 14, 2020, an in-home MVA hearing pilot project began with a group of 12 ALJs
- On November 10, 2020, Governor Hogan gave the directive that all State employees return to mandatory telework
- All ALJs received printers and a second monitor for conducting virtual hearings at home
- CALJ Pak and ALJ Burch met with the MVA Administrator, Christine Nizer, and determined that MVA hearings would be held at home using the WebEx platform and will remain virtual unless good cause is shown for an in-person hearing
- OAH promulgated regulations to reflect current practices and to facilitate remote hearings
- In February 2021, "front line" State employees began receiving vaccinations through the Maryland Institute for Emergency Medical Services Systems. OAH is able to report that 85% of employees have been vaccinated
- In March 2021, OAH's management team developed a Post-COVID Plan (Plan) which was disseminated to all OAH employees. Consideration was given to the public health climate; concerns of OAH's stakeholders; OAH's reputation; complexity of cases; and the efficiency and effectiveness of providing due process and creating better accessibility to the public for

hearings. The Plan became effective as of June 30, 2021, based upon Governor Hogan's lifting of the State of Emergency and Existence of Catastrophic Health Emergency – COVID-19 and the Department of Budget and Management's "Return to Office" directive.

C. *New Administrative Law Judges*

In September 2020, OAH began the recruitment process for hiring new ALJs. OAH's five-member Hiring Committee reviewed resumes and writing samples of 98 candidates and participated in seven days of interviews. ALJs Helfand and Leidig were members of OAH's Hiring Committee, along with two ALJs, one of whom is a minority, and OAH's Chief Clerk. The Committee provided the CALJ with a short list of 24 excellent candidates. CALJ Pak and ALJs Burch and Shaffer conducted second round interviews and selected the following seven new ALJs who began on March 10, 2021:

Dania Ayoubi, who served as Senior Counsel in the Office of Regulation for the Consumer Financial Protection Bureau

Kristin Blumer, who served as Chief Solicitor & Deputy Chief Counsel for the Baltimore Police Department

Sun Choi, who served as Managing Partner of the DC Metro Law Firm

Patricia DeMaio, who served as Deputy State's Attorney, Office of the State's Attorney of Baltimore City

Tracee Hackett, who served as Supervisor, Resolution and Compliance Unit for Montgomery County Public Schools

David Leibensperger, who practiced law with the firm of Berman, Sobin, Gross, Feldman and Darby and

Patrick Maher, who served as a sole practitioner

The Division of Quality Assurance prepared a very comprehensive nine-month training schedule with the expectation that the new ALJs will conclude their training in early December 2021. CALJ Pak also participated in the training.

D. *Administrative Law Judge Appointed to the Judiciary*

On June 14, 2021, Governor Hogan appointed ALJ Krystin Richardson to the District Court of Maryland for Baltimore County.

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

E. 30th Anniversary Celebration

On June 14, 2021, OAH celebrated its thirty-year anniversary, which was postponed in 2020 due to COVID. Governor Hogan attended this milestone event. Former Delegate Timothy Maloney, who was a sponsor of the bill that created OAH in 1989, provided opening remarks, a historical perspective, and introduced Governor Hogan and First Lady Yumi Hogan. Governor Hogan ceremoniously swore CALJ Pak and ten new ALJs into office and former CALJs John W. Hardwicke and Thomas E. Dewberry were honored.

When Governor Hogan gave his remarks at this event, he announced his appointment of ALJ Krystin Richardson to the District Court for Baltimore County.

F. Implementation of the Walter Lomax Act

On April 13, 2021, Governor Hogan signed SB 14 – Compensation to Individual Erroneously Convicted, Sentenced, and Confined (The Walter Lomax Act) into law. This bill passed the Senate and House unanimously on March 30, 2021. The bill had an effective date of July 1, 2021 and required the OAH and the Board of Public Works (BPW) to promulgate regulations to implement the hearing process. Prior to the Governor signing SB 14, ALJ Denise Shaffer developed an internal workgroup so that OAH was able to hit the ground running when the Governor signed the bill. On April 22 and 30, 2021, OAH's management team met with BPW's Executive Director and General Counsel and agreed that OAH's Rules of Procedure would apply to these hearings. In a remarkably short period of time, OAH's workgroup, led by ALJ Shaffer, developed emergency regulations outlining the process to permit OAH to begin accepting Requests for Orders of Eligibility and scheduling hearings by July 1, 2021. The proposed regulations were disseminated to stakeholders, and OAH and BPW held a virtual public hearing on May 24th. The emergency regulations were approved by the Maryland Division of State Documents.

G. Meetings with Agencies

Maintaining communication with the agencies for which OAH conducts hearings has always been vital to its on-going operations. Holding telephone meetings with State agencies on an almost daily basis as COVID hit was essential for OAH to move forward and determine what platforms could be used to hold remote hearings. In FY 21, OAH continued this on-going communication.

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

- Department of Budget and Management (DBM)
- Department of Education (MSDE)
- Department of the Environment (MDE)
- Department of General Services (DGS)
- Department of Health (MDH)
- Department of Human Services (DHS)
- Department of Information Technology (DoIT)
- Department of Labor (LABOR)
- Department of Legislative Services (DLS)
- Department of Transportation
 - Motor Vehicle Administration (MVA)
- Maryland Insurance Administration (MIA)
- Maryland State Police (MSP)
- Office of the Attorney General (OAG)
- Office of the Public Defender (OPD)

H. OAH's Fiscal 21 Budget

OAH's appropriated budget for Fiscal Year 21 was \$16,326,316 (\$16,274,316 – Reimbursable Funds and \$52,435 – Special Funds). Approximately 95% of OAH's appropriation is dedicated to salaries and benefits, contractual services and rent of facilities. The breakdown of OAH's budget is:

- 83% Salaries and benefits, including contractual employees
- 4% Contractual services of which half is dedicated for legal services
- 7% 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. On July 1st of every fiscal year, agencies transfer the appropriated funds to OAH.

I. Disaster Recovery

OAH leveraged the Microsoft Azure platform to create a cost-effective and efficient disaster recovery site. The platform provides OAH the ability to replicate our critical servers to a secure and highly available off-site location. Azure also allows OAH to immediately create and configure new servers and recover applications as needed. The disaster recovery site ensures that OAH can continue operations in the event of a major catastrophe.

J. State-wide Initiatives

In December 2020, OAH's Librarian, Elizabeth Lukes, provided essential assistance to the Assistant Attorney General assigned to the Maryland Tax Court in the development of emergency regulations to facilitate remote hearings for that agency.

For the third year, OAH's staff attorney, Brother Frank O'Donnell, was designated as a Loaned Executive in the state-wide 2020 Maryland Charity Campaign (MCC). OAH appreciates his dedication to the MCC campaign as he worked with OAH, the Office of the Attorney General, the Office of the State Prosecutor and the Administrative Office of the Courts to assist the State of Maryland in reaching its MCC goal.

K. Local and National Perspectives

Local

Maryland Judiciary

On September 18, 2020, the following Judges participated in the Judiciary's annual update on recent Maryland appellate administrative law decisions: Judge Robert McDonald of the Court of Appeals, Retired Judge Glenn Harrell of the Court of Appeals, Judge Kevin Arthur and Judge Andrea Leahy of the Court of Special Appeals and Judge Judith Ensor of the Circuit Court for Baltimore County.

This annual review has been presented to ALJs for approximately 27 years.

Maryland State Bar Association (MSBA)

On May 5, 2021, CALJ Pak participated in a MSBA Coffee Chat with Chief Judge Morrissey of the Maryland District Court and Chief Judge Bredar of the United States District Court for the District of Maryland. CALJ Pak provided the "State of the Office of Administrative Hearings" with regard to hearings in the wake of COVID and his views going forward.

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 (NAALJ).

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 Friday, September 25, 2020, CALJ Pak and ALJs Burch, Shaffer, Helfand and Leidig participated in the 2020 Central Panel Directors' Conference. The National Judicial College hosted this year's conference which was held virtually via WebEx. Judge Nancy Griswold, U. S. Department of Labor, was the keynote speaker and the topic was "Leadership for Judges." This is a valuable forum for 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 2020 Annual Conference was held virtually on Monday, October 5, 2020. CALJ Pak, members of management staff, and thirteen ALJs participated in the Conference. The program included some of the following sessions:

- Conducting Hearings During Coronavirus and Other Disasters
- Due Process and Administrative Hearings in the Time of COVID-19
- Best Practices in Telephone and Videoconference Hearings
- Judicial Ethics in the Time of COVID

ALJ Denise Shaffer participated as a panelist as part of the "Judicial Ethics in the Time of COVID" session and ALJ Michelle Cole participated as a panelist in the "Best Practices in Telephone and Videoconference Hearings" session.

ALJ Leidig currently serves as the NAALJ President and ALJ Michael Osborn serves on the NAALJ Board of Governors.

In FY 21, OAH improved service to the citizens of Maryland and increased efficiency through:

- **Amending its regulations to reflect current practices and facilitate remote hearings**
- **Purchasing additional WebEx licenses to create virtual hearing rooms for remote hearings**
- **Implementing The Walter Lomax Act**
- **Updating OAH's website and developing Frequently Asked Questions for remote hearings**
- **Providing monthly training to ALJs in all areas of the law**
- **Continuing to encourage 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**
- **Working with local departments of social services to determine the best platform for remote hearings.**

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 enactment of the legislation, staff from agencies as diverse as MDH, 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 Hardwicke, two Cabinet Secretaries and representatives of the Judiciary, business community members, labor unions, 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 21 Activities

A. Administration

1. Personnel

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

OAH began FY 21 on July 1, 2020, with 117 authorized positions, 52 of which are ALJ positions. 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 have many years of experience conducting hearings. As of April 1, 2021, the entry level salary for an ALJ was \$108,286 and the average ALJ salary is \$109,778.

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 seven to 90 days after the close of the record.

2. Facilities

OAH's Administrative Law Building headquarters is located in Hunt Valley, 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 houses 23 hearing rooms, two attorney-client meeting rooms, a clerk's office, public waiting areas, 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 are held at various locations around the State, including private hospitals and nursing homes. Other hearings are held in government facilities such as courthouses and agency offices.

OAH operates satellite offices in Cumberland, Rockville and Salisbury. During FY 21, OAH weighed the pros and cons of continuing to lease the hearing space in Cumberland and worked with DGS. The decision was made to terminate this lease due to the number of hearings that can now be done remotely. This will result in a cost savings for rent and reimbursement of travel expenses for the ALJs who were previously assigned to travel to that hearing location.

3. Hunt Valley Lease

DGS worked with OAH in FY 21 on the negotiation of OAH's Administrative Law Building headquarters' lease. OAH has used this property for administrative functions and hearing rooms since 1996. The lease includes a number of energy

efficient improvements to the space including LED lighting and passive dual technology motion sensors. The BPW approved the ten-year lease on January 27, 2021 and includes many other building upgrades and improvements:

- LED exit signs
- All air vents and returns cleaned
- Water bottle filling stations
- Electric vehicle charging stations
- Updated coffee room
- Hearing rooms 2 and 3 will be combined into one large hearing room
- Hearing rooms 5 and 6 will be combined into one large hearing room
- Touch up painting throughout the building and carpet cleaning

B. Operations

OAH's Operations Division:

- **schedules and assigns cases**
- **reviews 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**

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 FY 21, OAH received 29,587¹ new cases. Caseload statistics for FY 21 are included in Attachment A.

OAH conducted 397 mediations and settlement conferences during FY 21. It is important to note that the number of mediations decreased significantly due to the Foreclosure Mortarium in place as a result of the COVID crisis. All ALJs are certified mediators enabling them to provide mediation services.

ALJs issued 4,044 written decisions, orders, or rulings on motions in FY 21. Operations remains vigilant in monitoring the timeliness of its written decisions and the timeliness rate for the issuance of written decisions in FY 21 was 99.75%. In addition to the issuance of written decisions, ALJs rendered

¹ The decrease in the number of new cases received in FY 21 is due to COVID and the closings of State agencies, courts and businesses.

11,465 bench decisions in MVA hearings. They also rendered 1,014 bench decisions in Involuntary Admission (IVA) hearings.

1. Continued Response to COVID

In addition to the previously highlighted update on OAH's continued response to COVID, OAH took the following measures:

- As of August 17, 2020, OAH began conducting foreclosure mediations (FMs) remotely. A stay was in place from the Courts which prevented OAH from conducting FMs until this date. After the stay was lifted, OAH conducted 18 mediations in August, with 340 mediations scheduled in September. All government-backed loans remain stayed through December 31, 2020, which drastically decreased the number of FMs
- During the month of August 2020, Operations held meetings with each local Department of Social Services to develop a remote hearing process for medical and public assistance appeals. Protocols were established for each jurisdiction. In September 2020, remote hearings were being conducted on these appeals
- ALJs conducted the following remote proceedings from home: MVA, IVA/Not Criminally Responsible/Forced Medication hospital dockets; Public Assistance dockets; Intentional Program Violation hearings; Purchase of Day Care hearings; FMs, Special Education and Patient Bill of Rights mediations; record reviews; settlement conferences; pre-hearing conferences and scheduling conferences
- Additional WebEx licenses were purchased and, as of February 4, 2021, all hospital hearings were moved from Google Meet to the WebEx platform
- CALJ Pak and ALJs Burch and Leidig met frequently with the Office of the Public Defender and the Maryland Hospital Association to determine if hospital hearings should remain remote or return to in person
- Additional WebEx licenses were also purchased to conduct remote hearings for the following case types: LABOR, Miscellaneous, Personnel, Special Education and MIA.

2. Complex litigation

The Consumer Protection Division (CPD) of the Maryland Attorney General's Office delegated a case relating to residential tenancies to OAH for a contested case hearing. This was a complex, 31-day hearing in which the ALJ was delegated proposed findings of fact and conclusions of law, with the CPD making the final findings of fact, conclusions of law, determining the appropriate relief, and entering a final order in this matter. In addition to presiding over 31 days of hearing, ALJ Emily Daneker heard testimony from approximately 122

witnesses, made 266 proposed findings of fact and 56 proposed conclusions of law, which resulted in a 265-page decision.

OAH has also seen a notable increase in Special Education cases in the past year. This is most likely due to the pandemic and concerns that children may not be receiving services required under the Individuals with Disabilities Act. These cases are multi-day, complex, and often emotional.

3. Performance, Planning and Evaluation Program (PEP)

The Director and Deputy Director of Operations are responsible for evaluating the 52 ALJs in conjunction with Quality Assurance. Operations evaluates ALJs on their attendance, case management, timeliness and collegial relationships. ALJ evaluations are conducted monthly, on each ALJ's Entry of Duty month and reported in January and July.

4. Telework

In FY 21, 89 employees teleworked 82,250 hours. Prior to COVID, ALJs teleworked approximately 20% of the time and also worked at home, in between and/or after traveling to their dockets.

In addition to OAH's telework initiative, ALJs are encouraged to establish remote access to OAH through the Internet using their assigned OAH laptop.

Allowing ALJs to telework has always created operational efficiencies in that ALJs' travel time is reduced and ALJs are able to focus on decision writing with fewer interruptions and distractions. There is 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 ALJ staff represents approximately one-half of the total number of OAH employees. Having 52 ALJs already set-up with laptops, remote access and teleworking capability prior to COVID, eased the burden on IT and Operations when Governor Hogan instituted mandatory telework in March 2020 and again on November 10, 2020.

5. Legislation Affecting OAH

In addition to implementing The Walter Lomax Act, OAH monitored over 250 bills that it received fiscal note requests for from the DLS or which it believed would impact OAH, if passed.

As noted in previous year's reports, OAH's Legislative Liaison, ALJ John J. Leidig, who reviews and monitors all proposed legislation that affects OAH, also serves as OAH's Deputy Director of Operations, responsible for assisting with the

daily operation of OAH, and OAH's Public Information Act (PIA) Officer, responsible for handling all PIA requests in a timely manner; and he is regularly scheduled to hear cases as an ALJ.

C. Quality Assurance (QA)

OAH's Quality Assurance Division:

- oversees the quality of written decisions
- has primary responsibility for the hiring of ALJs and other legal staff
- 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, paralegals, librarian and management associate
- manages OAH's Speaker's Bureau
- develops OAH's Managing For Results submission

1. ALJ Hiring and Training

QA has the primary responsibility for training ALJs. As previously highlighted, seven new ALJs were hired in March 2021. 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 nine months.

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.

QA developed an in-house 40-hour mediation program which will be held in July 2021. CALJ Pak, OAH's ten newest ALJs and the summer interns will participate in this program and we are pleased that the training will be held in-person.

QA also arranged for OAH's newest ALJs to participate in a comprehensive Special Education training session provided by Deusdedi Merced, Esquire, held virtually on June 7 through 11, 2021.

QA conducts mandatory monthly training for the entire ALJ staff, as well as the paralegals and staff attorneys. Attachment B is a list of the FY 21 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 DBM's PEP process. QA is responsible for rating all 52 ALJs on their Presence at Hearings and Written Expression.

3. 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 by library staff.

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. The addition of this service allows State employees, lawyers and others to check email and do research during time spent at OAH.

4. Decision Portal

OAH continued to publish certain redacted decisions on its website throughout FY 21. There are now 4,300 redacted decisions since the project began in late in 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.

5. Alternative Dispute Resolution (ADR)

QA has worked to ensure that OAH's ALJs, staff attorneys and paralegals are certified mediators. All new ALJ hires must also become certified mediators.

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 utilizes 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.**

6. Speaker's Bureau

QA is also responsible for authorizing requests made to the Speaker's Bureau and assigning ALJs.

D. Information Technology

COVID has created a shift in priorities for OAH's IT Department. IT's main focus in FY 21 was to enhance OAH's ability to conduct proceedings and business operations remotely while ensuring that Cybersecurity and Disaster Recovery needs are met.

1. Video Hearings

In the early days of the pandemic, OAH responded by creating procedures to move some hearings from in-person to virtual utilizing Google Meet. Google Meet provided a streamlined way for ALJs to send video meeting invitations

through email. The downside to Google Meet was that the platform did not provide a way for OAH to send meeting invitation information to participants on hearing notices. In order to print and mail the meeting information, OAH needed to move to a more robust platform. After careful consideration, testing, and the ability to afford the necessary licenses, OAH continued to move most of its case types to the WebEx platform.

WebEx provides a way for OAH to have 44 virtual hearing rooms with static meeting identifiers that can be printed on the hearing notices sent to participants. A hearing notice contains a URL for the OAH WebEx site, the hearing room meeting identifier, and the date and time that the participant is scheduled to attend. When a participant enters the virtual hearing room, they are placed into a virtual lobby until the ALJ allows them to enter. The technology used to conduct video hearings is evolving at a fast pace. Since OAH went live with WebEx, the platform has been significantly enhanced. IT is working to ensure that the process for conducting hearings, mediations and settlement conference keeps pace with all of the latest enhancements.

2. E-Filing/Online Payment Processing

One of the challenges OAH continues to face is finding a "cost effective" E-filing system that provides the necessary functions. To do this, OAH formed an E-filing Committee from different units of its office together with the head of IT. The Committee established requirements, developed a scope of work and received demonstrations from One Stop, CaseLines, Maryland Electronic Courts and enhancements to OAH's current case management system, Caseload, that would facilitate E-filing. The IT Director has identified an appropriate E-filing system that can work with our current case management system. OAH plans to submit an over-the-target budget request with its FY 23 budget proposal to purchase an E-filing system.

3. Disaster Recovery and Backup Enhancements

OAH has successfully established a disaster recovery site in Microsoft Azure. This allows OAH to securely connect to vital servers and applications in the event of a disaster.

4. Infrastructure Enhancements

OAH will be purchasing cutting-edge technology that modernizes OAH's system infrastructure. The enhanced technology will allow OAH to virtualize all of its production servers in order to improve efficiency and lower costs. Virtualization allows the IT team to become more agile while also adding availability and enhancing reliability.

V. *Conclusions*

OAH's workforce has been extremely agile and forward thinking during this period of disruption and uncertainty. It is important to note that there is no backlog of cases awaiting hearing because of OAH's ability to pivot so quickly to remote hearings. OAH continued to adapt to the ever-evolving changes that this challenging time brings in a concerted effort to satisfy its mission and protect its workforce.

OAH will continue to embrace and improve technology and anticipates receiving funding for a much-needed E-filing system so that it can further enhance technology and accessibility to the public. Disaster Recovery and Cybersecurity are also of the utmost importance as OAH continues its forward progress.

OAH considers the passage of The Walter Lomax Act a reflection of the well-earned confidence of the legislative and executive branches in OAH's independence, competence, and expertise. It affords OAH and its ALJs considerable discretion both in designing the process and adjudicating individual claims. It is the culmination of years of planning. OAH has an incredible legacy of implementing and efficiently executing complex hearing processes effectively, and the passage of this bill is a proud moment in OAH's history.

OAH has come a long way in 31 years and looks forward to continued enhancements, post-COVID, as it carefully considers the public health climate; concerns of OAH's stakeholders; the reputation of the office; complexity of cases; and the efficiency and effectiveness of providing due process and creating better accessibility to the public for hearings.

Throughout the year, OAH has been able to adjust and improve thanks to the extraordinary efforts of OAH's dedicated employees, the guidance of OAH's State Advisory Council on Administrative Hearings and the leadership of CALJ Pak and OAH's management team.

FY/2021 MONTHLY REPORT
TOTALS

Attachment A

	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTALS
CASELOAD FLOW													
I. CASES CARRIED OVER FROM PREVIOUS MONTH	6767	6715	5663	5479	4748	4677	4157	3798	3481	3477	3419	3316	
II. NEW CASES RECEIVED	2116	2138	3071	2360	2232	2405	2292	1980	2699	2478	2143	2567	28481
A. Complete Cases	41	64	87	65	50	56	57	48	48	45	57	69	687
B. Untimely Cases	10	9	13	8	7	13	5	10	9	11	7	14	116
C. Incomplete Cases*	509	1013	1072	877	696	618	539	583	848	744	770	917	9186
D. Fee Payments**	14	20	22	18	11	20	12	16	18	17	20	28	216
E. Mediations - Special Ed	21	22	16	19	10	14	12	15	17	21	12	24	203
F. Due Process - Special Ed	2192	2244	3196	2462	2303	2495	2373	2059	2782	2561	2232	2688	29587
TOTAL RECEIVED													
III. CASES SCHEDULED	715	1479	1302	1437	866	1306	1156	949	1170	1115	907	1061	13463
A. Heard in Full	1	7	3	5	3	0	1	2	2	1	5	2	32
B. Special Ed Hearing in Full	4	1	0	0	2	1	1	0	0	4	2	0	15
C. Record Review	20	88	113	92	86	87	79	70	80	106	61	60	942
D. Hearing Continued	39	21	33	42	15	26	21	22	22	22	41	19	323
E. PHC Heard	4	2	3	1	2	0	1	7	7	15	2	3	47
F. Motion Heard	15	4	13	9	6	10	12	2	11	8	6	17	113
G. Mediation Heard (SE)	11	23	66	32	28	18	19	15	12	27	14	19	284
H. SC/Mediation Heard	2332	1048	772	682	486	574	500	471	539	511	502	573	8990
I. Postponed/Liberal Leave	33	74	172	154	107	106	78	89	93	74	85	78	1143
J. Default	20	267	179	219	135	132	119	66	82	64	70	69	1422
K. Failed to Appear (MVA)	1218	1288	1447	1212	1058	1068	1222	1137	1340	1213	1019	1235	14457
L. Scheduled but not Heard	4412	4302	4103	3885	2794	3328	3209	2830	3358	3160	2714	3136	41231
TOTAL SCHEDULED													
IV. DISPOSITIONS	63	120	168	198	185	181	186	134	188	224	226	241	2114
A. Decisions	4	1	2	5	2	4	2	0	0	2	0	0	22
B. Special Ed Decisions	590	1569	1296	1317	822	1293	1114	842	1000	950	770	916	12479
C. Bench Decisions	6	15	106	120	110	108	78	77	86	67	73	80	926
D. Defaults	1	4	3	4	3	3	4	1	1	4	3	1	32
E. Untimely	34	55	74	55	44	54	42	43	42	39	49	61	592
F. Untimely (MVA Only)	1	3	12	9	4	3	8	5	4	5	5	7	66
G. Not Settled	1545	1529	1719	1485	1204	1369	1298	1274	1465	1328	1209	1289	16714
H. Withdrawn/Settled or Cancelled/Dismissed Reinstated or Duplicate													
TOTAL DISPOSITIONS	2244	3296	3380	3193	2374	3015	2732	2376	2786	2619	2335	2595	32945
V. CASES CARRIED OVER TO THE FOLLOWING MONTH	6715	5663	5479	4748	4677	4157	3798	3481	3477	3419	3316	3409	

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

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

Judicial Training Date	Topic/Agenda	Presenter(s)
July 17, 2020	<p>Morning Training Session - Remote 9:30-10:30 a.m. - Legislative Update</p> <p>10:45 a.m. - 12:00 p.m. - Interpreters 2.0 - Remote interpretation service</p> <p>Afternoon Training Session - Self-Study</p> <p>National Judicial College Podcast - Courtroom Civility with Judge August Chin</p>	<p>John Leidig, Deputy Dir. Operations</p> <p>Harriet Helfand, Deputy Dir. QA</p>
August 14, 2020	<p>Morning Session: Foreclosure Mediation Update/Protocols for Remote Mediation</p> <p>Afternoon Session: Discussion of proposed changes to OAH Rules of Procedure.</p>	<p>Presented by Foreclosure SMS Group: Brian Weeks, Susan Sinrod and Tracey Delp and by Operations: John Leidig and Suzanne Walters.</p> <p>Denise Shaffer</p>
September 18, 2020	<p>Morning Session Appellate Update</p> <p>Judge McDonald discussed recent cases that originated in or may affect cases at the OAH. They are <i>MVA v. Medvedeff</i>, 466 Md. 455 (2019); <i>MVA v. Pollard</i>, 466 Md. 531 (2019); <i>MVA v. Barrett</i>, 467 Md. 61 (2020); <i>MVA v. Geppert</i>, ___ Md. ___,</p>	<p>Judge Robert McDonald of the Court of Appeals, Retired Judge Glenn Harrell of the Court of Appeals, Judge Kevin Arthur and Judge Andrea Leahy of the Court of</p>

	<p>2020WL4282183 (July 27, 2020); and, most recently, <i>Johnson v. Dep't of Health</i>, __Md.__, 2019WL4931571 (August 14, 2020), as well as <i>Portillo Funes v. State</i>, 469 Md. 438 (2020)</p> <p>Judge Harrell spoke about deference. Judge Leahy presented on standing issues. Judge Arthur discussed <i>Rochkind v. Stevenson</i>, No. 47 Sept. Term 2019 (August 28, 2020), on Maryland's adoption of <i>Daubert</i>, and Judge Ensor created a presentation on Challenges and Best Practices for Remote Hearings.</p> <p>OPTIONAL Afternoon Session</p> <p>Brainstorming and debriefing session on Best Practices for Remote Hearings.</p>	<p>Special Appeals and Judge Judith Ensor of the Circuit Court for Baltimore County.</p> <p>Denise Shaffer and Harriet Helfand</p>
October 2, 2020	Special Education Law Update	Art Cernosia
November 13, 2020	<p>MVA Training</p> <p>Morning Session: MVA staff</p> <p>Afternoon Session: In house hypotheticals and review of remands</p>	<p>Interlock unit, the MAB and MVA Operations.</p> <p>Denise Shaffer</p>
December 11, 2020	<p>SMS Group Presentations</p> <p>SMS Annual Meetings via Google Meet</p>	QA Staff, MIA SMS Group, DHS SMS Group
January 22, 2021	<p>Managing virtual multiday litigation</p> <p>DHS Update: DHS SMS</p> <p>QA Policy Refresh</p>	<p>Emily Daneker, Jocelyn Williams, Joy Phillips</p> <p>Susan Sinrod</p>

		Harriet Helfand and Denise Shaffer
February 19, 2021	<p>Mediation CLE</p> <p>Moving Past Impasse in Special Education Mediations</p> <p>The IVA/NCR/CRP SMS group will host a Q&A and brainstorming session on the recent case law developments in CRP/IVA and right to counsel</p>	<p>Presented by the MSDE SMS Group</p> <p>Presented by the IVA/NCR/CRP SMS Group</p>
March 12, 2021	<p>Implicit Bias</p> <p>New ALJ Mentor Meetings</p>	Carlton Curry and Brother Frank O'Donnell
April 16, 2021	<p>Bi-annual mandatory sexual harassment training</p> <p>Westlaw for remote work</p> <p>EDocs for research</p> <p>Document profiles to enhance internal research.</p>	<p>Kelly Valentine and Sara Morrison.</p> <p>Trevor Friend Thompson Reuters</p> <p>Elizabeth Lukes, OAH Librarian</p> <p>Alice Johnson and Brenda Amrhein</p>
May 14, 2021	Plain English for Judges	Amy Sloan, Professor of Law, University of Baltimore School of Law

	<p>Mindful Judging and Decision-Making</p> <p>Tips for Effective Settlement Conferences</p> <p>Conflict Resolution and Administrative Judicial Institute, New York City Office of Administrative Trials & Hearings</p> <p>Combating Cognitive Bias in Judicial Decision-Making</p>	<p>Hon. Jeremy Fogel (Ret.), Executive Director, Berkeley Judicial Institute, UC Berkeley Law School</p> <p>Hon. Raymond E. Kramer, Director of the Center for Creative</p> <p>Hon. Kara J. Miller, Administrative Law Judge, New York City Office of Administrative Trials & Hearings</p> <p>Hon. Melissa Lin Jones, Board Member and Administrative Appeals Judge, U.S. Department of Labor, Benefit Review Board</p>
<p>June 18, 2021</p>	<p>2021 Legislative Update</p> <p>*Because this date was declared a State holiday, all ALJs were asked to view a video of the training at a later date.</p>	<p>John Leidig and Latonya Dargan</p>



Fiscal Year 2021 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 hearing 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 2021 (FY 21) Annual Report in conjunction with the FY 21 Office of Administrative Hearing (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 21:

- Senator Susan C. Lee, appointed by the President of the Senate;
- Delegate Samuel I. Rosenberg, appointed by the Speaker of the House;

- Karen B. Salmon, Ph.D., agency representative;
- Thomas Andrews, agency representative;
- April C. Ishak, Esquire, general public representative;
- Bruce P. Martin, Esquire, Maryland State Bar Association (MSBA) representative;
- Rochelle Eisenberg, nongovernmental attorney representative;
- Michele McDonald, Esquire, designee of the Attorney General; and
- Susan Dishler Shubin, Esquire, Maryland State Bar Association (MSBA) representative.

New Chief Administrative Law Judge Chung K. Pak

CALJ Chung K. Pak started at OAH on July 1, 2020. CALJ Pak served as an Administrative Patent Judge at the United States Patent Trial and Appeal Board for over 23 years, where he adjudicated over 6,000 patent cases involving emerging technologies and complex legal issues and wrote over 2,000 opinions eligible for appeal to the U.S. Court of Appeals for the Federal Circuit. He also served as a corporate intellectual property counsel at Union Carbide Corporation and Praxair, Inc., where he provided legal advice and counsel on a wide range of intellectual property issues, including domestic and foreign patent procurement, litigation, trade secrets, antitrust, licensing, and technology transfer issues. CALJ Pak is a proud and longtime Marylander who grew up in Alabama after his family and he immigrated to the United States from South Korea over 50 years ago. He worked his way through and graduated from Auburn University, with a degree in Chemical Engineering, and later Columbus School of Law - The Catholic University of America, where he received his Juris Doctor degree, while working as a Patent Examiner at the U.S. Patent & Trademark Office.

CALJ Pak's vision lies in embracing technology and recruiting outstanding ALJs and dedicated support staff to provide fair and impartial hearings to the people of Maryland who are affected by the actions of many Maryland State agencies in a safe, efficient and timely manner. The accessibility and efficiency of OAH will remain strong as it continues to ensure diligent due process for all Marylanders.

OAH's 30 Year Anniversary Celebration

On June 14, 2021, OAH celebrated its thirty-year anniversary which was postponed in 2020 due to COVID. Governor Hogan attended this milestone event. Former Delegate Timothy Maloney, who was a sponsor of the bill that created OAH in 1989, provided opening remarks, a historical perspective and introduced Governor Hogan and First Lady Yumi Hogan. Governor Hogan ceremoniously swore CALJ Pak and ten new ALJs into office and former CALJs John W. Hardwicke and Thomas E. Dewberry were honored.

Mr. Maddox provided closing remarks, Senator Susan Lee, Delegate Samuel Rosenberg and Rochelle Eisenberg were also in attendance.

Council Activities

The Council held meetings on October 7, 2020, March 21, 2021 and June 2, 2021. Council members were kept apprised of OAH's overall operations, the monthly Administrative Law Judge (ALJ) training programs, the status of the current year's budget as well as the upcoming fiscal year's budget.

Throughout the year, Council members received updates on OAH's continued response to the Coronavirus 19 disease (COVID). Under the leadership of CALJ Pak, OAH's Directors and Deputy Directors of Administration, Operations, Quality Assurance, Information Technology, Human Resources and the Chief Clerk, OAH was able to purchase additional equipment and WebEx licenses to enhance the quality of remote hearings, expand the number of hearings that ALJs conduct remotely at home, purchase additional plexiglass for OAH's Hunt Valley headquarters, hold meetings with local Department of Social Services to develop remote hearing processes for medical and public assistance appeals, and work with the Maryland Institute for Emergency Medical Services Systems to make vaccinations available to OAH employees.

The Council wishes to commend OAH for ensuring that no backlog developed during the COVID crisis while balancing its mission to provide due process to Maryland's citizens and businesses with the safety of its dedicated workforce.

As previously noted under the Council's "Legislative Authority and Functions" section, one of the functions of the Council is to "review and comment upon policies and regulations proposed by the CALJ." In August 2020, OAH's Rules of Procedure were revised to accommodate remote hearings. The revised regulations also allow for hybrid hearings and more flexibility as far as submitting documents. The proposed regulations were sent to Council members for review and comment on August 27, 2020. The regulations were effective as of February 8, 2021.

In addition, on April 13, 2021, Governor Hogan signed SB 14 – Compensation to Individual Erroneously Convicted, Sentenced, and Confined (The Walter Lomax Act) into law. This bill passed the Senate and House unanimously on March 30, 2021. The bill has an effective date of July 1, 2021 and requires OAH and the Board of Public Works (BPW) to promulgate regulations to implement the hearing process. Prior to the Governor signing SB 14, ALJ Denise Shaffer developed an internal workgroup so that OAH was able to hit the ground running when the Governor signed the bill. On April 22 and 30, 2021, OAH's management team met with the BPW's Executive Director and General Counsel and agreed that OAH's Rules of Procedure will apply to these hearings. In a remarkably short period of time, OAH's workgroup, led by ALJ Shaffer, developed emergency regulations outlining the process to permit OAH to begin accepting Requests for Orders of Eligibility and scheduling hearings by July 1, 2021. The proposed regulations were disseminated to stakeholders, and OAH and BPW held a virtual public hearing on May 24th. The proposed regulations were then sent to Council members for review and comment on May 28, 2021.

The Council would like to provide the following additional highlights regarding OAH in FY 21:

- Once again, maintained an approximate 99% timeliness rate for issuing written decisions
- Transitioned Motor Vehicle Administration, hospital hearings and other case types to the WebEx platform
- Governor Hogan appointed ALJ Krystin Richardson to the District Court of Maryland for Baltimore County
- Created an off-site disaster recovery location on the cloud
- Developed an E-filing Committee
- Lent technical support to the Maryland Tax Court in publishing emergency regulations
- Worked with the Department of General Services to negotiate a new ten-year lease for the Hunt Valley Administrative Law Building headquarters.

ALJ John J. Leidig, Deputy Director of Operations, reported on legislation that OAH was monitoring during the 2021 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.

In FY 21, ALJ Leidig also reported on the implementation of the previously reported SB 14 – Compensation to Individual Erroneously Convicted, Sentenced, and Confined (The Walter Lomax Act).

Council members were also updated on the following:

- meetings with agency personnel
- ALJ hiring and training
- staffing changes
- attendance at conferences
- presentations
- public outreach

The Council wishes to emphasize that the attached OAH FY 21 Annual Report provides detailed information on the items highlighted in this Report.