



2015 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 2015 Annual Report in conjunction with the 2015 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 2015:

- Senator Jamie B. Raskin, appointed by the President of the Senate;
- Delegate Samuel I. Rosenberg, appointed by the Speaker of the House;

- Vacant, agency representative;¹
- Vacant, general public representative;²
- Bruce P. Martin, Esquire, Maryland State Bar Association (MSBA) representative;³
- Natalie McSherry, Esquire nongovernmental attorney representative;
- Michele McDonald, Esquire, designee of the Attorney General;⁴
- Susan Dishler Shubin, Esquire, Maryland State Bar Association (MSBA) representative; and
- Keith Tobias, agency representative, designee of the Department of Health & Mental Hygiene

Council Activities

The Council held meetings on February 4, May 13 and September 16, 2015 and the meetings were open to the public. 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.

The Council would like to provide the following highlights:

- OAH once again maintained an approximate 99% timeliness rate for issuing written decisions in 2015
- Council members were pleased that another ALJ was appointed to the Judiciary. ALJ Zuberi Williams' Investiture Ceremony took place on January 20, 2015. Judge Williams was a student of Senator Raskin's and he advised that he was extremely proud to be part of Judge Williams' Investiture. Judge Williams is the sixth former ALJ who has been appointed to the Judiciary.
- OAH's Legislative Audit Report was stellar
- The Council also wishes to commend the ALJ staff who were critical organizers of the Midyear meeting of the National Association of Administrative Law Judiciary which was in Annapolis on April 19 – 21, 2015. ALJs and hearing officers from around the country attended the meeting and CALJ Dewberry expressed his pride that there were approximately 100 attendees and that Maryland put on such a great program; and

¹ At the September meeting, CALJ Dewberry reported that Dr. Lillian Lowery resigned from the Maryland Department of Education.

² In early 2015, Florine Jones resigned from the Council.

³ In early 2015, Judge Diane Leasure resigned from the Council. At the September meeting, CALJ Dewberry reported that Bruce Martin was no longer Principal Counsel for the Department of Budget and Management but agreed to serve on the Council as the MSBA representative. The Chair of the Administrative Law Section Council of the MSBA sent a letter to Governor Hogan recommending that he appoint Mr. Martin as the MSBA representative. Mr. Martin has not been officially appointed in this capacity.

⁴ Upon Mr. Martin's departure from the Department of Budget and Management, Michele McDonald, Esquire, Assistant Attorney General, was appointed to the Council as the Designee of the Attorney General.

- OAH's report on its proposed departmental legislation that would set the parameters for OAH to publish its decisions. Unfortunately, OAH's proposed legislation was not introduced during the legislative session and OAH reported on its plans to concentrate on getting a RFP out to nail down the cost associated with publishing the decisions that it can already publish without a change in legislation.

ALJ J. Bernard McClellan, Director of Quality Assurance, reviewed the legislation that the OAH was monitoring during the 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:

- the many technology enhancements and changes
- meetings with agency personnel
- ALJ hiring and training
- staffing changes
- attendance at conferences
- presentations made
- public outreach
- OAH's reconfiguration of its new hearing space in Kensington, Maryland; and
- the number of foreclosure mediations requests received.

The Council wishes to emphasize that the attached OAH 2015 Annual Report provides detailed information on the items highlighted in this Report.

