



2016 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 2016 Annual Report in conjunction with the 2016 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 2016:

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

- Jack R. Smith, Ph.D., 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;
- Susan Dishler Shubin, Esquire, Maryland State Bar Association (MSBA) representative; and
- Ann Walsh, agency representative, designee of the Department of Health & Mental Hygiene (DHMH)⁴

Council Activities

The Council held meetings on February 3, May 11 and September 14, 2016 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 2016
- Council members were pleased that another ALJ was appointed to the Judiciary. Governor Hogan appointed ALJ Marina Sabett to the District Court of Maryland for Montgomery County. Judge Sabett is the seventh former ALJ who has been appointed to the Judiciary.
- Governor Hogan also appointed ALJ Tracey Parker-Warren to the Workers' Compensation Commission
- CALJ Dewberry and OAH's management staff conducted a Long Range Planning Session and developed many important goals that they reported on throughout the year; and
- CALJ Dewberry and ALJ Brady testified before the Pennsylvania Senate State Government Committee in June in support of legislation to create a central panel in Pennsylvania. Pennsylvania is one of three states who y contacted ALJ Brady in 2016 to obtain information regarding Maryland's

¹ The Interim State Superintendent, Jack R. Smith, Ph.D., represented MSDE at Council meetings

² In early 2015, Florine Jones resigned from the Council. CALJ Dewberry recommended that Ronald E. Barillas, Chief of Staff, AFSCME Maryland Council 3, be appointed to the Council. However, no official appointment has been made.

³ In 2015, the Chair of the Administrative Law Section Council of the MSBA sent a letter to Governor Hogan recommending that he appoint Mr. Martin to the Council as the MSBA representative. Mr. Martin has not been officially appointed in this capacity but has been attending meetings. The Council appreciates his continuation on the Council as he awaits appointment.

⁴ Keith Tobias, designee of the Secretary of DHMH, attended the February 3 and May 11, 2016 Council meetings. DHMH Secretary Van T. Mitchell appointed Ms. Walsh to the Council and she attended the September 14, 2016 Council meeting.

OAH, its creation, implementation and operations. Maryland has always been a model central panel state across the country.

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. On important piece of legislation that passed in 2016 was The Drunk Driving Act of 2016 (Noah's Law). OAH reported that it expects that this bill would impact OAH's MVA caseload but was not certain to what extent.

Council members were also updated on the following:

- 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 2016 Annual Report provides detailed information on the items highlighted in this Report.

