

**OFFICE
OF
ADMINISTRATIVE HEARINGS**



**2014
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.

Thomas E. Dewberry is 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 2014 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 2014 OAH:

- **Received 44,811 new cases**
- **Accomplished a timeliness rate of approximately 99% for the issuance of written decisions**
- **Conducted 74% of its hearings throughout the State**
- **Provided Community Outreach and Education**
- **Conducted in-depth ALJ Training Sessions**
- **Conducted Foreclosure Mediations**

I. Highlights

The following are some highlights from 2014:

A. Personnel

Governor O'Malley reappointed Chief Administrative Law Judge Thomas Dewberry for his third six year term on January 1, 2014. His appointment was confirmed by the Senate on March 3, 2014.

At the end of 2013, OAH's Director of Administration, Richard Norman, resigned. Dennis Krysiak was hired in early 2014 and the transition was smooth. Mr. Krysiak came to the OAH from the Port Administration and has worked for the State of Maryland for 25 years.

In June, Deputy Director, Operations, ALJ Wayne A. Brooks, was appointed to the District Court for Howard County. Upon ALJ Brooks' departure, ALJ Denise Shaffer transferred to that position and ALJ Georgia Brady was promoted from the ALJ ranks to Deputy Director, Quality Assurance.

Foreclosure Mediations

As previously reported, OAH has been conducting foreclosure mediations since 2010 as a result of the passage of HB 472, Real Property – Residential Property Foreclosure Procedures – Foreclosure Mediation. This law required mortgage lenders and servicers to be much more responsive to homeowners facing foreclosure. The law gave homeowners an opportunity to meet with the lender and an OAH Administrative Law Judge (ALJ), who serves as an independent party, to ensure that alternatives to foreclosure have been considered and evaluated. OAH received additional staff to handle this increase in workload.

OAH received and scheduled 4,067 foreclosure mediations in Fiscal Year 2014. OAH began scheduling four mediations on each docket in 2013 because of the high volume of mediations received. These mediations can take at least two hours or more. OAH also hired and trained four contractual ALJs in 2013 to assist with the significant increase in foreclosure mediations.

Members of OAH's management staff and the Clerk's Office staff continued to work closely with the Department of Housing and Community Development (DHCD) and the Department of Labor, Licensing and Regulation (DLLR).

DHCD developed a customer satisfaction survey and reported to OAH that they continue to receive good feedback from homeowners, lenders and attorneys. Even if no settlement is reached, the homeowners receive a good amount of education which is helpful to them in moving forward.

ALJ Denise Shaffer, Deputy Director, Operations attended Maryland Mediation Legal Partners' meetings in 2014 and that organization staffed a self-help desk in OAH's Hunt Valley lobby three days per week to provide free advice to home owners coming for foreclosure mediations.

In 2012, OAH reported on the implementation of HB 1374 – Real Property – Foreclosure and Mediation – which provided for a pre-file mediation process between a secured party and a mortgagor or grantor before the commencement of a foreclosure action under certain circumstances. OAH anticipated that the number of foreclosure mediations would increase as a result of HB 1374, which took effect on October 1, 2012, however the number of pre-filed mediation requests that OAH received in 2014 was 71, which was not significant.

B. Meetings with Agencies

Maintaining communication with the agencies for which OAH conducts hearings is vital to its on-going operation. The attached Operations' Reports provide a list of agency meetings which were held in 2014.

C. OAH's Participation in Statewide Initiatives

Access to Justice Commission

In 2014, ALJs Jana Burch and Daniel Andrews continued to represent OAH on the Access to Justice Commission (AJC). The AJC's mission is to "develop, consolidate, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Maryland's civil justice system." The AJC sunset on December 31, 2014. The Maryland Judiciary has created an Access to Justice Department which is a part of the Programs Division of the Administrative Office of the Courts. A new Maryland Access to Justice Commission, which is independent of the judiciary, was created in 2015.

Commission on Special Education Access and Equity

In accordance with HB 1161 – Commission on Special Education Access and Equity, Governor O'Malley appointed ALJ Denise O. Shaffer, Deputy Director, Quality Assurance, to serve on this Commission. The Commission worked to determine to what extent parents and guardians of students with disabilities are aware of their rights under the federal Individuals with Disabilities Education Act (20 U.S.C. sec. 1400 et seq.) and similar State laws and regulations, and how to improve their awareness of such rights. Further, the Commission studied the role of disparities, such as race, national origin, and limited English proficiency, and how to eradicate any disparities that affect: knowledge of and access to special education services; rights under the federal Individuals with Disabilities Education Act; access to and participation in mediation and appeals relating to

Individualized Education Programs; and access to and participation in free and reduced price meals. Also, the Commission considered what factors negatively impact the ability of educators to provide a free and appropriate public education as mandated by federal law, and how to mitigate any of those factors. Finally, the Commission examined concerns about equity between parties involved in special education due process hearings, how to improve the process, and the cost of any proposals considered or recommended by the Commission. The Commission's final report was submitted on June 1, 2014.

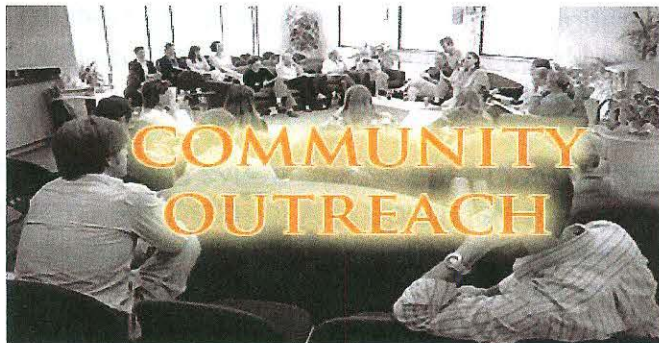
Telework Program

OAH's Telework Program is based upon legislation that was enacted in 1999 and DBM's Telework Policies are strictly adhered to. ALJ Burch, Director of Operations, is OAH's Telework Coordinator and attends Statewide Telework meetings. Each OAH teleworker is required to sign both an Agency Telework Agreement and an OAH Internal Telework Policy Agreement.

DoIT eGov Executive Steering Committee

OAH's Director of IT, Tareq Ibrahim, attends quarterly meetings of the Steering Committee which reviews, discusses and votes on IT projects that impact citizens, businesses and government entities of Maryland.

D. Community Outreach and Education



OAH continuously works to increase public awareness so that Maryland's citizens are familiar with OAH and its mission.

ALJs are always available for community outreach and education. The attached 2014 Quality Assurance Reports includes a list of ALJ Speaking Engagements.

E. Administrative Law Judge Appointed to the Judiciary

In June, Governor O'Malley appointed Executive ALJ and Deputy Director, Operations, Wayne A. Brooks to the District Court for Howard County.

There have now been five former ALJs appointed to the Judiciary and the OAH is extremely proud to report on Judge Brooks' appointment to the Judiciary.

II. 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 DHMH, DLLR and the Maryland Department of the Environment were consolidated into a central office. 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 were 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 the OAH. The Commission included former CALJ Hardwicke, two Cabinet Secretaries and representatives of the Judiciary, business community, 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.

III. Miscellaneous Additional 2014 Activities

A. Administration

1. Personnel

OAH's CALJ is appointed by the Governor for a six-year term. CALJ Dewberry was appointed on May 22, 2002, was re-appointed by Governor O'Malley in January of 2008 and was reappointed on January 1, 2014 for his third six year term. Executive ALJs serve as the Directors of Quality Assurance and Operations.

OAH began 2014 with 120 authorized positions and four contractual positions. 56 of the positions are for ALJs who are appointed by the CALJ. OAH remains committed to maintaining a diverse and qualified workforce. To that end, OAH strives to upgrade salaries as appropriate and to offer a work environment that is both professionally challenging and satisfying.

Current qualifications require that ALJs be bar-admitted attorneys with a minimum of five years of experience. The entry level salary for an ALJ is \$95,810 and the average ALJ salary is \$99,391.

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 headquarters in Hunt Valley is accessible from I-83 North and provides ample free parking. There are two light rail stations within walking distance of the building and bus service make the building accessible via public transportation.

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, ALJs travel 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 and Salisbury. OAH also has space in each of the Circuit Court buildings for the conduct of foreclosure mediations.

B. Operations

OAH's Operations Division:

- schedules and assigns cases
- reviews caseload to ensure that backlogs do not develop
- ensures expeditious case management
- monitors the timeliness of decisions
- supervises ALJs, Clerk's Office staff, IT Staff and secretarial 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 thirty 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 (Supp. 2006). In 2014, OAH received 44,811 new cases.

As previously noted, the attached Operations' Reports for 2014 are attached to this Report.

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 Frame matrix, Bench Manuals and Case Digests
- supervises staff attorneys, paralegals, librarian and management associate
- is responsible for OAH's Speaker's Bureau
- is responsible to OAH's Managing For Results submission.

As previously noted, the attached Quality Assurance Reports for 2014 are attached to this report.

IV. Conclusions

CALJ Thomas Dewberry is honored to be reappointed for a third six year term by Governor O'Malley. He will continue to ensure that the citizens of Maryland receive fair and timely hearings.

OAH is proud of ALJ Wayne A. Brooks on his appointment to the District Court of Maryland for Howard County. The OAH's loss of the Deputy Director of Operations is certainly a tremendous gain for the Judiciary. OAH is confident that ALJ Brooks has the intellect, judgement and demeanor to competently and graciously continue to serve the citizens of Maryland as a Judge on the District Court of Maryland for Howard County.

CALJ Dewberry remains grateful for the support, hard work and dedication of OAH's employees and the guidance from OAH's Advisory Council.

Operations Report

January 14, 2014

Jana Corn Burch, Director of Operations
Wayne A. Brooks, Deputy Director of Operations
Linda Novak, Chief Clerk
Tareq Ibrahim, Director of Information Technology

I. Timeliness and Case Load

OAH's timeliness rate for the issuance of its written decisions for the first six months of FY14 was 99.21% as compared to 99.10% for the first six months of FY13. OAH remains vigilant in monitoring the timeliness of its written decisions and continually strives for 100% timeliness. That goal is noted in OAH's Managing For Results and each ALJ is evaluated on his/her timeliness. In FY13, ALJs heard 3,599 cases which required written decisions, as compared to 4,786 cases for the same period in FY12. This marked decline is, in most part, the result of OAH's decision to discontinue the backlog UI hearings. OAH made this decision as it correctly anticipated a significant increase in the number of Foreclosure Mediation (FM) dockets.

In addition to the issuance of written decisions, ALJs rendered 9,217 bench decisions in Motor Vehicle Administration (MVA) hearings in the first six months of FY14, a notable increase from the 8,748 MVA cases heard in the first six months of FY13. They also rendered 685 bench decisions in Involuntary Admissions (IVA) hearings in the first six months of FY14, which is a slight decrease from the 727 IVA hearings held in the first six months of FY13.

In the first six months of FY14, 2,057 mediations and settlement conferences were conducted versus 1,307 for the same period in FY13. This significant increase is due to FMs. In the first six months of FY14, OAH received and scheduled 2,289 FMs. OAH anticipates that the number of FMs will remain at this level for the remainder of FY14. In addition, the pre-file FM legislation, which took effect October 1, 2012, has resulted in 49 pre-file FMs.

II. Docketing

In the first half of FY14, ALJs, excluding management, heard an average of 27 cases requiring written decisions. The average was lower than in FY13, as noted above, as a result of the discontinuation of UI hearings.

OAH's Clerk's Office currently has three vacancies for full-time positions, two of which have been granted hiring freeze exemptions. Interviews have been conducted for the two exempted positions and they will be filled shortly. A hiring freeze exemption for the third position will be submitted to DBM in the next few weeks.

OAH continues to participate in an internship program with Cristo Rey High School (Cristo Rey). Cristo Rey is a Jesuit high school that serves low-income urban youth of all faiths. OAH currently has four students, who perform entry level clerical tasks in its Clerk's Office, Quality Assurance, Information Technology (IT) and Operations departments. OAH's continued partnership with Cristo Rey remains a positive experience for the students and OAH's staff.

III. Information Technology

OAH Email Server and Google Apps Migration

IT has migrated all users to Google and conducted brown-bag lunches to reinforce training. OAH stopped using its old email environment on December 31, 2013. Due to some scheduling issues, DoIT will not finalize the migration until February 17, 2014.

Firearm Safety Act Data Extraction

As a part of the Firearm Safety Act, Caseload has been configured to automatically extract and securely transfer data to DHMH. The project is complete and the data transfer has been successfully implemented.

Windows 7, VIQ, Office 2010 Migration Project

Microsoft will discontinue support for Office 2003 and Windows XP in April 2014. IT will focus on the successful migration of all OAH computers to Windows 7, Office 2010, Encompass 4, and Crystal Reports by June 2014. ALJs will participate in a one-day training in Office 2010 at the System Source Hunt Valley location.

Project Status:

This project is complex and will impact all OAH users. The training will hopefully mitigate potential issues. In addition to the training, IT plans to accomplish the following tasks:

- Work with OAH's Clerk's Office to coordinate a training schedule for ALJs on Microsoft Word 2010 and VIQ Encompass 4;
- Work to resolve compatibility issues with Evans and Word 2010. Evans anticipates to deliver a resolution by January 15, 2014;

- Purchase an additional twenty hard drives to configure and swap laptops after ALJs are trained. The purchase of the hard drives will dramatically decrease any downtime because they will be preconfigured with all of the required upgrades and will just need to be physically swapped on each laptop;
- Purchase licenses to move to the latest version of Crystal Reports, as the current version of Crystal Reports is not supported on Windows 7; and,
- Host brown-bag lunches in March to provide users with a brief overview of the new operating system.

IV. Meetings

- ❖ September 13, 2013 – Conference call with Maryland Health Benefit Exchange concerning its hearings;
- ❖ October 1, 2013 – Hosted a delegation of Judges from Turkey
- ❖ October 7, 2013 – Department of General Services meeting concerning OAH hearing space in Montgomery County and Baltimore City
- ❖ October 15, 2013 – Cristo Rey Meeting
- ❖ October 29, 2013 – Federal Court Site Visit concerning OAH's upgrade to its case management system
- ❖ October 31, 2013 – Budget Meeting with Department of Budget and Management
- ❖ October 18, 2013 – Maryland Department of Transportation with Secretary Smith

Operations Report

May 6, 2014

Jana Corn Burch, Director of Operations
Wayne A. Brooks, Deputy Director of Operations
Linda Novak, Chief Clerk
Tareq Ibrahim, Director of Information Technology

I. Timeliness and Case Load

OAH's timeliness rate for the issuance of its written decisions for the first nine months of FY14 was 99.17% as compared to 99.25% for the first nine months of FY13. OAH remains vigilant in monitoring the timeliness of its written decisions and continually strives for 100% timeliness. That goal is noted in OAH's Managing For Results and each ALJ is evaluated on his/her timeliness. In the first nine months of FY14, ALJs heard 2,198 cases which required written decisions, as compared to 2,626 cases for the same period in FY13.

In addition to the issuance of written decisions, ALJs rendered 13,102 bench decisions in Motor Vehicle Administration (MVA) hearings in the first nine months of FY14, a decrease from the 13,553 MVA cases heard in the first nine months of FY13. They also rendered 1,040 bench decisions in Involuntary Admissions (IVA) hearings in the first nine months of FY14, which is a slight increase from the 1,037 IVA hearings held in the first nine months of FY13.

In the first nine months of FY14, 3,035 mediations and settlement conferences were conducted versus 1,920 for the same period in FY13. This significant increase is due to FMs. In the first nine months of FY14, OAH received and scheduled 4,046 FMs. OAH anticipates that the number of FMs will remain at this level for the remainder of FY14. In addition, the pre-file FM legislation, which took effect October 1, 2012, has resulted in 71 pre-file FMs.

II. Docketing

In the first nine months of FY14, ALJs, excluding management, heard an average of 39 cases requiring written decisions. This average was lower than during the same period in FY 13 due to a decrease in the number of cases heard which require written decisions.

OAH's Clerk's Office currently has two vacancies for full-time positions, both of which have been granted hiring freeze exemptions. Interviews were conducted for one of the exempted positions and will be filled shortly.

OAH continues to participate in an internship program with Cristo Rey High School (Cristo Rey). Cristo Rey is a Jesuit high school that serves low-income urban youth of all faiths. OAH currently has four students, who perform entry level clerical tasks in its Clerk's Office, Quality Assurance, Information Technology (IT) and Operations departments. OAH's continued partnership with Cristo Rey remains a positive experience for the students and OAH's staff.

III. Information Technology

OAH Email Server and Google Apps Migration

OAH completed the migration of all email users to Google and decommissioned the old Microsoft Exchange Servers on February 17, 2014.

Windows 7, VIQ, Office 2010 Migration Project

Microsoft has discontinued support for Office 2003 and Windows XP in April 2014. The version of VIQ installed on the Windows XP computers was not compatible with Windows 7. In order to successfully migrate all of the ALJs to Windows 7, IT had to coordinate the implementation of the software with training on Word 2010 and the new VIQ recording software.

Project Status:

- Compatibility issues were discovered with Evans Caseload and Word 2010. Evans delivered a resolution in late January;
- Training on Word 2010 was started on March 10, 2014 and concluded on May 5, 2014;
- Training for all of the ALJs on the new version of VIQ Encompass was completed on April 25, 2014;
- The ALJ laptop migration was completed on April 25, 2014;
- IT has migrated sixty five laptops, nineteen hearing rooms, and twenty desktops as of May 6, 2014;
- Approximately twenty five desktops are left to convert to Windows 7 and Office 2010 to complete the project;
- The project completion date is set for May 20, 2014.

IV. Meetings

- ❖ September 13, 2013 – Conference call with Maryland Health Benefit Exchange concerning its hearings;
- ❖ October 1, 2013 – Hosted a delegation of Judges from Turkey
- ❖ October 7, 2013 – Department of General Services meeting concerning OAH hearing space in Montgomery County and Baltimore City
- ❖ October 15, 2013 – Cristo Rey Meeting
- ❖ October 29, 2013 – Federal Court Site Visit concerning OAH's upgrade to its case management system
- ❖ October 31, 2013 – Budget Meeting with Department of Budget and Management
- ❖ November 18, 2013 – Meeting with Secretary Smith, Maryland Department of Transportation
- ❖ January 23, 2014 - Quarterly MSDE/Special Education meeting
- ❖ April 2, 2014 – DLLR meeting
- ❖ April 4, 2014 – DHR meeting
- ❖ April 10, 2014 – Meeting with Secretary Gill, Department of Natural Resources
- ❖ April 17, 2014 – Quarterly MSDE/Special Education meeting
- ❖ April 29, 2014 – Hosted a delegation of Judges from Estonia
- ❖ May 9, 2014 – Meeting with Insurance Commissioner Goldsmith, Maryland Insurance Administration

Operations Report

October 10, 2014

Jana Corn Burch, Director of Operations
Denise Oakes Shaffer, Deputy Director of Operations
Linda Novak, Chief Clerk
Tareq Ibrahim, Director of Information Technology

I. Timeliness and Case Load

OAH's timeliness rate for the issuance of its written decisions for FY14 was 99.57% as compared to 99.30% for FY13. The timeliness rate for the first two months of FY15 was 99.82% as compared to 99.83% for the first two months of FY14. OAH remains vigilant in monitoring the timeliness of its written decisions and continually strives for 100% timeliness. That goal is noted in OAH's Managing For Results and each ALJ is evaluated on his/her timeliness. In FY14, ALJs heard 2,956 cases which required written decisions, as compared to 3,599 cases for the same period in FY13. In the first two months of FY15, ALJs heard 794 cases which required written decisions versus 788 during July and August of FY14.

In addition to the issuance of written decisions, ALJs rendered 17,916 bench decisions in Motor Vehicle Administration (MVA) hearings in FY14, a decrease from the 19,044 MVA cases heard in FY13. They also rendered 1,415 bench decisions in Involuntary Admissions (IVA) hearings in FY14, which is a slight increase from the 1,396 IVA hearings held in FY13. Similarly, there was a decrease in the number of MVA bench decisions in the first two months of FY15 as compared with the same period in FY14.

In FY14, 4,067 mediations and settlement conferences were conducted versus 2,836 for FY13. This significant increase is due to FMs. In the first two months of FY15, OAH received and scheduled 708 FMs versus 945 during the first two months of FY14. OAH anticipates that the number of FMs will remain at this level for the remainder of FY15. In addition, the pre-file FM legislation, which took effect October 1, 2012, resulted in 58 pre-file FMs in FY14.

II. Docketing

In FY14, ALJs, excluding management, heard an average of 52 cases requiring written decisions versus 66 cases during the same period in FY13.

OAH's Clerk's Office currently has three vacancies for full-time positions, two of which have been granted hiring freeze exemptions. Interviews will be conducted in the near future.

III. Information Technology

Windows 7, Encompass, Office 2010 Upgrade Project

IT has successfully completed the upgrade of key software packages utilized by OAH users. The software upgrade included Windows 7, Word 2010, and the Encompass software used to record hearings. The project was completed in June 2014.

OAH Internet Speed

Since adopting Google as the OAH email provider, the internet bandwidth at Hunt Valley headquarters had taken a considerable hit in speed. After many years of back and forth between Network Maryland and Verizon, the new fiber optic circuit was turned up on August 28th 2014. The new internet circuit increased network bandwidth from 4M to 20M speed.

ATRACK Inventory Software Upgrade

OAH has been utilizing a software package by the name of ATRACK for the purpose of tracking and documenting inventory for which the Agency is responsible. OAH purchased the upgrade to ATRACK named MITS System Inventory in late May 2014 and completed the migration in September 2014.

Server Consolidation

OAH has continued to consolidate applications running on older servers to newer and more powerful servers. The consolidation efforts allow for better network security and lower costs to maintain the hardware. IT has reduced the number of servers from twenty down to fifteen in FY14.

IV. Meetings

- ❖ May 27, 2014 –Meetings with representatives of the DC OAH (Burch)
- ❖ June 4, 2014 – Meeting with AAG from DHMH regarding changes to the handling of DDA and waiver cases occasioned by the ACA (Burch, Shaffer)
- ❖ June 5, 2014 – Meeting with attorneys from PBRC and MVLS regarding a brief advice desk for homeowners at OAH (Burch, Shaffer)
- ❖ June 11, 2014 to June 13, 2014 – MSBA Conference (Burch)
- ❖ July 9, 2014 – Orientation meeting with new DBM budget analyst (Management ALJs)
- ❖ July 10, 2014 – Presentation at State-wide EEO Conference – Legal Update (Shaffer)
- ❖ July 14-18, 2014 – Special Education Conference – Seattle University School of Law

(Shaffer)

- ❖ July 16, 2014 – MSDE Quarterly Meeting (Burch)
- ❖ July 23, 2014 – DHMH Outpatient Civil Commitment Task Force Meeting (Shaffer)
- ❖ July 28, 2014 – Meeting with MDOT Mobility on OAH hearing process (Burch, Shaffer, Brady)
- ❖ August 14, 2014 – MACO Conference (Shaffer, McClellan, Brady)
- ❖ August 14, 2014 – Presentation at Board of Physicians Training for new Board Members (Burch)
- ❖ August 18, 2014 – Orientation for new Cristo Rey Interns (Burch, Shaffer, Brady)
- ❖ August 20, 2014 – Joint meeting with OAH, MHBE, DHMH and DHR on OAH hearings under the ACA (Burch, Shaffer, Brady)
- ❖ August 27, 2014 – MSDE Operations Meeting to discuss scheduling of PHC (Burch, Shaffer)
- ❖ September 3, 2014 – FM legal partners meeting (Shaffer)
- ❖ September 4, 2014 – MSDE Meeting (Burch)
- ❖ September 10, 2014 to September 12, 2014 – CPD Conference (Burch)

V. Miscellaneous

OAH continues to participate in an internship program with Cristo Rey High School (Cristo Rey). Cristo Rey is a Jesuit high school that serves low-income urban youth of all faiths. OAH currently has four students, who perform entry level clerical tasks in its Clerk's Office, Quality Assurance, Information Technology (IT) and Operations departments. OAH's continued partnership with Cristo Rey remains a positive experience for the students and OAH's staff.

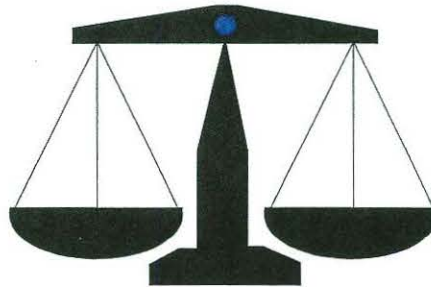
OAH was approached by the PBRC, MVLS and Civil Justice concerning pilot project for foreclosure mediation. The groups were hoping to assign a volunteer attorney twice a week to the OAH to provide brief advice sessions for homeowners attending foreclosure mediation. OAH provided space in the lobby and the table is staffed by a volunteer

attorney on Mondays and Wednesdays. The brief advice is open to all homeowners facing foreclosure and the organizations report that they have reached over 40 homeowners since this project began in mid-August.

OAH has received and responded to 12 PIA requests in FY 2015.

**OFFICE OF
ADMINISTRATIVE HEARINGS**

**QUALITY ASSURANCE DIVISION
REPORT TO THE ADVISORY COUNCIL
JANUARY 2013-JANUARY 2014**



I. Continuing Judicial Education

Continuing judicial education seminars are held monthly and attendance at these training programs is mandatory for judges, staff attorneys, and paralegals. If a judge, staff attorney, or paralegal is unable to attend, the individual is required to watch the video recording of the training. Training is recorded digitally and is downloaded onto the OAH's main server for viewing at any time from any office computer. Continuing education seminars cover a wide variety of topics; the schedule for February 2013 through January 2014 is as follows:

Judicial Training Date	Topic/Agenda	Presenter(s)
February 15, 2013	MA Training	ALJ William Herzing ALJ Mary Jean Craig ALJ Judith Jacobson ALJ Jennifer Carter-Jones ALJ Latonya Dargan Dep. Dir. Of Q.A. Denise Shaffer
March 15, 2013	Mediation Recertification	Ms. Ellen Kandel & Ms. Joyce Mitchell
April 12, 2013	Special Ed training	ALJ Laurie Bennett ALJ Ann Kehinde ALJ Judith Jacobson ALJ Mary Shock ALJ Jerome Woods ALJ Robert Barry Dep. Dir. Of Q.A. Denise Shaffer Dir. of Q.A. J. Bernard McClellan
May 10, 2013	LTC Training (am) Ethics	Jason Frank, Leslie Frank, Lori Mayorga, DHMH ALJ Lou Hurwitz & OAH Ethics Committee
July 19, 2013	Managing Stress and Compassion Fatigue	Lisa Caplan, LCSW-C, CAC

August 23, 2013	MVA's new online Alcohol Education Program New MVA issues	Stan Bielak from KeepSober.org Dir. of Q.A J. Bernard McClellan
September 20, 2013	Review of recent Administrative Law decisions issued by Maryland's Appellate courts	Judges Harrell and McDonald of the Maryland Court of Appeals and Judge Nazarian of the Maryland Court of Special Appeals
October 11, 2013	Maryland Health Benefit Exchange	L. Kristine Hoffman, AAG, Sarah Rice, AAG and Karen Rohrbaugh, AAG
November 15, 2013	Driver Programs, MVA; Ethics trainings for ALJs; and SUN Initiative	Tom Liberatore, Director of Driver, Helen Myers, Division Manager for Driver Services, MVA Darla Roche, Assistant Manager For Driver Services MVA ALJ Hurwitz and Ethics Committee Rachel Dorr, SUN Initiative
December 13, 2013	Special Education - The Year in Review: A Discussion of Appellate Decisions Issued Nationwide during the Past Year	Presenter (Art Cernosia)- cancelled due to a death in the family-training will be rescheduled for April.
January 17, 2014	Orders to Surrender Firearms in IVA Hearing; DHMH – MA Eligibility Update Hope Loan Portal Update	Sgt. Frank Lopez, Criminal Apprehension Division Lorie Mayorga – Dir. of Policy, DHMH Emilie Drasher, DHCD and Pramod Karachur, Indisoft

II. Speaking Engagements and other Extrajudicial Activities

DATE (S)	TOPICS	ALJ
1-24-13	Preside over high school mock trial competition in the Circuit Court for Harford County	Yolanda Curtin
2-19-13	University of Baltimore Disability Law Clinic mock IVA Hearing	Terry Garland
3-15-13	3/15/12 Brown Bag Program, 1 p.m. in the Grand Jury Room, Towson Courthouse. Civility and Professionalism aren't dead yet.	Louis Hurwitz
3-20-13	Howard County Bar Association meeting	Wayne Brooks
4-11-13	Sylvania Woods Conference Panelist at American University Law School	Zuberi Williams
4-16-13	Presentation on Administrative Law and Practice before the OAH sponsored by the Administrative Law Section Council of the Maryland State Bar Assoc.	CALJ Thomas Dewberry Georgia Brady Mike Wallace
4-16-13	Mediation Skills – Dealing with Power Imbalances and Impasse; NAALJ mid-year meeting in Williamsburg, VA	J. Bernard McClellan Director of Quality Assurance

5-16-13	Maryland Simulated Congressional Hearing (SCH) Judge	Zuberi Williams
5-17-13	MCDAAs 10 th Annual Advance DUI seminar	Judge Denise O. Shaffer, Deputy Director of Quality Assurance
8-14-13 thru 8-16-13	MACO Conference	CALJ Thomas Dewberry, Wayne Brooks and J. Bernard McClellan
9-4-13	Annual Meeting for the Harford County Bar Association (HCBA). As secretary for HCBA, I am required to attend the meetings and I need to arrive at least by 4:45pm My docket at HV today has concluded, and I need to leave OAH by 3:45 pm to arrive on time.	Yolanda Curtin
9-9-13	Legal ethics training	Rachael Barnett
9-9-13	MSBA Section chair breakfast meeting.	Rachael Barnett
9-24-13	Latino Leaders Luncheon Speaker Series, Washington, D.C. This is a quarterly event in which members of this professional organization gather to honor a distinguished Latino Leader who has excelled in his/her profession. This event will honor Secretary of Labor Thomas Perez.	Yolanda Curtin
10-22-13	Panel for a legal research class at the University of Baltimore	Elizabeth Lukes
11-6-13	Panel Member for the Baltimore City Bar Association's presentation - "Representing DUI Clients before the Courts and the OAH"	J. Bernard McClellan
11-13-13	PD's Office, Criminal Division, NCR hearings	Laurie Bennett
12-12-13	Assist Marvin Johnson with a Mediation Training at the Center for Alternative Dispute Resolution, located in College Park, MD	Steven Adler
12-13-13	Baltimore County Bar Association's presentation - "Practice before the OAH"	J. Bernard McClellan

III. Update on Recent ALJ additions

Since last reported, ALJs Rachel Barnett, Tara Lehner, and Richard Moore have completed training in Inmate Grievance hearings and Child Abuse and Neglect hearings. They have just recently begun in-depth training in Motor Vehicle Administration hearings. Full inclusion in all docket areas is anticipated by July of 2014. ALJ Steven Adler, who joined OAH in September of 2013, is currently conducting Foreclosure Mediations and DHMH Medical Assistance related hearings. He also just recently began in-depth training in Motor Vehicle Administration hearings. It is anticipated that that full inclusion in all docket areas for him will occur by August of 2014.

IV. New ALJ additions

OAH is pleased to announce that Emily Daneker, John Leidig and Michelle Cole Steven joined the OAH on January 8, 2014.

Ms. Daneker received her undergraduate degree from Franklin and Marshall College and her *Juris Doctorate* from the University of Maryland School of Law. She previously clerked for the Honorable Deborah S. Eyler and was with the law firm of Whiteford, Taylor & Preston, L.L.P. from 2001 until joining the OAH.

Mr. Leidig received both his undergraduate degree and his *Juris Doctorate* from the University of Virginia. He practiced primarily in commercial litigation, procurement law and employment litigation, both as a solo practitioner and as a member of several prominent Baltimore law firms. Most recently, he was with Shapiro, Sher, Guinot & Sandler, P.A., as an associate beginning in 2003 and a partner since 2008.

Ms. Cole received her undergraduate degree from University of Maryland Baltimore County and her *Juris Doctorate* from the University of Baltimore School of Law. She previously clerked for the Honorable John Carroll Byrnes and later joined the Office of the Attorney General in 2000. She has been an Assistant AG in the Criminal Appeals Division since 2003.

All three of these new ALJs have begun in-depth training in the area of Motor Vehicle Administration hearings and will begin training in Foreclosure Mediation in February. Due to the summer vacation schedules, a projected date for full inclusion in all docket areas for these ALJs is pending at this time.

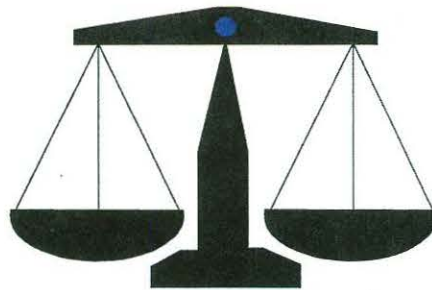
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QA-Jan. 2014
DOC # 142296

**OFFICE OF
ADMINISTRATIVE HEARINGS**

**QUALITY ASSURANCE DIVISION
REPORT TO THE ADVISORY COUNCIL
JANUARY 2013-MAY 2014**



I. Continuing Judicial Education

Continuing judicial education seminars are held monthly and attendance at these training programs is mandatory for judges, staff attorneys, and paralegals. If a judge, staff attorney, or paralegal is unable to attend, the individual is required to watch the video recording of the training. Training is recorded digitally and is downloaded onto the OAH's main server for viewing at any time from any office computer. Continuing education seminars cover a wide variety of topics; the schedule for February 2013 through January 2014 is as follows:

Judicial Training Date	Topic/Agenda	Presenter(s)
February 15, 2013	MA Training	ALJ William Herzing ALJ Mary Jean Craig ALJ Judith Jacobson ALJ Jennifer Carter-Jones ALJ Latonya Dargan Dep. Dir. Of Q.A. Denise Shaffer
March 15, 2013	Mediation Recertification	Ms. Ellen Kandel & Ms. Joyce Mitchell
April 12, 2013	Special Ed training	ALJ Laurie Bennett ALJ Ann Kehinde ALJ Judith Jacobson ALJ Mary Shock ALJ Jerome Woods ALJ Robert Barry Dep. Dir. Of Q.A. Denise Shaffer Dir. of Q.A. J. Bernard McClellan
May 10, 2013	LTC Training (am) Ethics	Jason Frank, Leslie Frank, Lori Mayorga, DHMH ALJ Lou Hurwitz & OAH Ethics

		Committee
July 19, 2013	Managing Stress and Compassion Fatigue	Lisa Caplan, LCSW-C, CAC
August 23, 2013	MVA's new online Alcohol Education Program New MVA issues	Stan Bielak from KeepSober.org Dir. of Q.A J. Bernard McClellan
September 20, 2013	Review of recent Administrative Law decisions issued by Maryland's Appellate courts	Judges Harrell and McDonald of the Maryland Court of Appeals and Judge Nazarian of the Maryland Court of Special Appeals
October 11, 2013	Maryland Health Benefit Exchange	L. Kristine Hoffman, AAG, Sarah Rice, AAG and Karen Rohrbaugh, AAG
November 15, 2013	Driver Programs, MVA; Ethics trainings for ALJs; and SUN Initiative	Tom Liberatore, Director of Driver, Helen Myers, Division Manager for Driver Services, MVA Darla Roche, Assistant Manager For Driver Services MVA ALJ Hurwitz and Ethics Committee Rachel Dorr, SUN Initiative
December 13, 2013	Special Education - The Year in Review: A Discussion of Appellate Decisions Issued Nationwide during the Past Year	Presenter (Art Cernosia)- cancelled due to a death in the family-training will be rescheduled for April.
January 17, 2014	Orders to Surrender Firearms in IVA Hearing; DHMH – MA Eligibility Update Hope Loan Portal Update	Sgt. Frank Lopez, Criminal Apprehension Division Lorie Mayorga – Dir. of Policy, DHMH Emilie Drasher, DHCD and Pramod Karachur, Indisoft
February 14, 2014	Cancelled due to inclement weather	
March 14, 2014	Foreclosure Mediation Foreclosure Mediation National Fair Housing Coalition Child Abuse and Neglect	Denise Shaffer Diane Cippolone CAN SMS group
April 11, 2014	Special Education Law	Art Cernosia
May 2, 2014	Firearm Safety Act 2013 Food Stamp Trafficking New Standards for Clinical Review Panels Firearm Safety Act 2013	Dr. Nearon, DHMH Eric Ratchford Wayne Brooks Denise Shaffer

II. Speaking Engagements and other Extrajudicial Activities

DATE (S)	TOPICS	ALJ
1-24-13	Preside over high school mock trial competition in the Circuit Court for Harford County	Yolanda Curtin
2-19-13	University of Baltimore Disability Law Clinic mock IVA Hearing	Terry Garland
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11-6-13	Panel Member for the Baltimore City Bar Association's presentation - "Representing DUI Clients before the Courts and the OAH"	J. Bernard McClellan
11-13-13	Presentation to Criminal Division of the Public Defender's Office on NCR hearings	Laurie Bennett
12-12-13	Assist Marvin Johnson with a Mediation Training at the Center for Alternative Dispute Resolution, located in College Park, MD	Steven Adler
12-13-13	Baltimore County Bar Association's presentation - "Practice before the OAH"	J. Bernard McClellan
2-6-14	MVA Hearings Lecture at the University of Baltimore School of Law	J. Bernard McClellan
2-20-14	OAH Hearings Lecture at the University of Baltimore School of Law	Chief ALJ Dewberry and ALJ McClellan
2-11-14	What not to say in Legal writings	Louis Hurwitz
2-25-14	Speak at Administrative Law Class at University of Baltimore School of Law	Mary Shock
4-10-14	Sylvania Woods Conference Panelist at America University Law School	Zuberi Williams
4-22-14	Mock trial Judge, Park School	Rachael Barnett
4-23-14	Mediator Ethics Baltimore City Circuit Court	Laurie Bennett
4-24-14	To attend the 20 th Anniversary Commemoration of the Harford County Child Advocacy Center	Teresa Garland
5-2-14	Law day program at Poly High School in Baltimore City	Laurie Bennett
5-15-14	Maryland Simulated Congressional Hearing (SCH) Judge	Zuberi Williams
5-21-14	Lecture by Dr. Ira Byock, a Palliative care/Elder Care	Jana Burch
5-28-14	To act as Judge for students presentations at mock constitutional convention for Howard County Public Schools	Richard O'Connor

III. Update on Recent ALJ additions

Since last reported, ALJs Rachael Barnett, Tara Lehner, Richard Moore and Steven Adler have completed training in Foreclosure Mediations, Inmate Grievance (IGO) hearings, Child Abuse and Neglect (CAN) hearings and Motor Vehicle Administration (MVA) hearings. In addition to those areas, Judge Adler

is conducting hearings in DHMH Medical Assistance related hearings. They are currently training in Maryland Insurance Administration (MIA) hearings and Personnel (SPMS) hearings. It is anticipated that full inclusion in all docket areas for these ALJs will occur by August of 2014.

IV. New ALJ additions

OAH is pleased to announce that Emily Daneker, John Leidig and Michelle Cole joined the OAH on January 8, 2014.

Ms. Daneker received her undergraduate degree from Franklin and Marshall College and her *Juris Doctorate* from the University of Maryland School of Law. She previously clerked for the Honorable Deborah S. Eyler and was with the law firm of Whiteford, Taylor & Preston, L.L.P. beginning in 2001 until joining the OAH.

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Ms. Cole received her undergraduate degree from University of Maryland Baltimore County and her *Juris Doctorate* from the University of Baltimore School of Law. She previously clerked for the Honorable John Carroll Byrnes and later joined the Office of the Attorney General in 2000. She has been an Assistant AG in the Criminal Appeals Division since 2003.

All three of these new ALJs began training in the areas of MVA hearings and Foreclosure Mediations. They have recently begun training in IGO hearings. Due to the summer vacation schedules, a projected date for full inclusion in all docket areas for these ALJs is pending at this time.

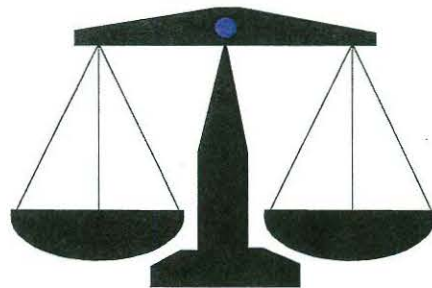
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QA-May 2014
DOC # 142296

**OFFICE OF
ADMINISTRATIVE HEARINGS**

**QUALITY ASSURANCE DIVISION
REPORT TO THE ADVISORY COUNCIL
JANUARY 2014-OCTOBER 2014**



I. Continuing Judicial Education

Continuing judicial education seminars are held monthly and attendance at these training programs is mandatory for judges, staff attorneys, and paralegals. If a judge, staff attorney, or paralegal is unable to attend, the individual is required to watch the video recording of the training. Training is recorded digitally and is downloaded onto the OAH's main server for viewing at any time from any office computer. Continuing education seminars cover a wide variety of topics; the schedule for January 2014 through October 2014 is as follows:

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April 11, 2014	Special Education Law	Art Cernosia
May 2, 2014	Firearm Safety Act 2013	Dr. Nearon, DHMH

	Food Stamp Trafficking	Eric Ratchford
	New Standards for Clinical Review Panels	ALJ Wayne Brooks
	Firearm Safety Act 2013	ALJ Denise Shaffer
June 20, 2014	DSM-5 Classification, Criteria and Use.	Elias K. Shaya, M.D. Chief of Psychiatry, Good Samaritan Hospital
	Special Ed Connection Tools and Searching.	Michael G. Rhoads, Product Trainer
July 18, 2014	Overview of Community First Choice Program. ACA and Long Term Support Services. Maryland Developmental Disability Administration (DDA)	Lorraine Nawarra Sarah Rice, AAG Kathleen A. Morse, AAG
August 8, 2014	MVA Training	SGT. Timothy L. Aronhalt, MSP
September 19, 2014	Review of Administrative Law decisions from Maryland's Appellate Courts	Judge Glenn Harrell, Court of Appeals, Judge Kevin Arthur, Court of Special Appeals and Judge Andrea Leahy, Court of Special Appeals
October 10, 2014	Not Criminally Responsible (NCR)	The Honorable George Lipman, Phyllis McCann, Baltimore City State's Attorney's Office, Michelle Selzer, Assistant Public Defender and Brad Hersey, Assistant Public Defender
	Professionalism Training	E. Regine Francois, Executive Director, Maryland Professionalism
	Ethics	OAH Ethics Committee Training

II. Speaking Engagements and other Extrajudicial Activities

DATE (S)	TOPICS	ALJ
2-6-14	MVA Hearings Lecture at the University of Baltimore School of Law	ALJ J. Bernard McClellan
2-20-14	OAH Hearings Lecture at the University of Baltimore School of Law	Chief ALJ Dewberry and ALJ McClellan
2-11-14	What not to say in legal writings	ALJ Louis Hurwitz
2-25-14	Administrative Law Class at University of Baltimore School of Law	ALJ Mary Shock
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4-22-14	Mock Trial Judge, Park School	ALJ Rachael Barnett

4-23-14	Mediator Ethics at Baltimore City Circuit Court	ALJ Laurie Bennett
4-24-14	Attend the 20 th Anniversary Commemoration of the Harford County Child Advocacy Center	ALJ Teresa Garland
5-2-14	Law day program at Baltimore Polytechnic High School	ALJs Laurie Bennett and Michael Osborn
5-15-14	Maryland Simulated Congressional Hearing (SCH), Judge	ALJ Zuberi Williams
5-21-14	Lecture by Dr. Ira Byock, Palliative Care/Elder Care	ALJ Jana Burch
5-28-14	To act as Judge for students presentations at mock constitutional convention for Howard County Public Schools	ALJ Richard O'Connor
8-13-14	Meeting for HCBA Judicial Selection Committee	ALJ Tara Lehner
9-9-14	MAALJ luncheon meeting	ALJs Louis Hurwitz, Georgia Brady, Kimberly Farrell, Mary Shock and Marc Nachman

III. Update on Recent ALJ Additions

Since last reported, ALJs Rachael Barnett, Tara Lehner, Richard Moore, Steven Adler, Emily Daneker, John Leidig and Michelle Cole continue to progress in their training. It is anticipated that ALJs Barnett, Lehner, and Moore will be presiding in all docket areas by the end of January 2015 and that ALJs Adler, Cole, Daneker and Leidig will be presiding over 90% of all docket areas by March 2015.

IV. New Staff Attorney

Leigh Walder became a Summer Intern at the OAH in May of 2012. After the summer ended, he continued his unpaid service with the OAH as a Law Clerk, through his graduation (Cum Laude) from the University of Baltimore School of Law in May of 2013 and even after he sat for the Maryland Bar in July of 2013. In December of 2013, after his admission to the Maryland Bar, he was hired as a part-time, contractual Staff Attorney. Leigh's dedication and persistence was recently rewarded when he was hired as a full-time, permanent Staff Attorney on October 1, 2014.

V. New Deputy Director of Quality Assurance

Georgia Brady, a 1987 graduate of Tulane Law School, joined the OAH as an ALJ in January 1994. While in law school, Georgia was the Managing Editor of The Maritime Lawyer Law Review. She graduated in the top 12% of her class and then moved to Baltimore where she practiced administrative law with Venable for nearly six years. During her twenty years as an ALJ, Georgia has served as the lead subject matter specialist in the areas of Child Abuse and

Neglect, Civil Rights, and Public Information, and she has also been a long-time subject matter specialist in Consumer Protection. Georgia has been a very active speaker on behalf of the OAH, is currently a member of the Maryland State Bar Association's Bench Bar Committee, formerly known as the Judicial Administration Section Council, wrote a column on Administrative Law for the Baltimore County Bar Association, and was an adjunct professor for Johns Hopkins University for three years, where she taught Negotiation and Mediation. Georgia has presented multiple trainings for the ALJs in these and other subject matter areas and has been a long-time trainer for new ALJs. She is serving her second term as the Treasurer of the Maryland Association of Administrative Law Judiciary and has been active in the National Association of Administrative Law Judiciary throughout her tenure here at the OAH. Georgia's high standards, strong work ethic and attention to detail make her a valued new member of OAH's Management team.

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