



2011 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 2011 Annual Report in conjunction with the 2011 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 continued to serve in 2011:

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

- Dr. Nancy S. Grasmick, agency representative, State Superintendent of the Maryland Department of Education;¹
- Keith Tobias, agency representative, designee of the Department of Health & Mental Hygiene
- Florine Jones, general public representative;
- Bruce P. Martin, Esquire, designee of the Attorney General;
- Susan Dishler Shubin, Esquire, MSBA representative; and
- Vacancy, nongovernmental attorney representative².
- Vacancy, Maryland State Bar Association³

At the May Advisory Council meeting, CALJ Dewberry presented Dr. Grasmick with a plaque and expressed his sincere appreciation for her dedication to OAH and the advice and guidance that she provided to him and former CALJ, John Hardwicke. Dr. Grasmick has been a member of the Council since 1996.

In previous years many Council members' terms remained expired and they served in a holdover capacity. On September 17, 2010, Governor O'Malley reappointed: Leroy D. Maddox, Jr., Esquire for a term of four years from January 1, 2008; Nancy S. Grasmick, Ph.D for a term of four years from January 1, 2010; Nathan J. Greenbaum, Esquire for a term of four years from January 1, 2010; Florine E. Jones for a term of four years from January 1, 2010; and Susan Dishler Shubin, Esquire for a term of four years from January 1, 2008. In addition, CALJ Dewberry worked with Council members to fill the nongovernmental attorney vacancy.

Council Activities

The Council met in January, May and December and the meetings were open to the public. Council members were kept apprised of the 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 commend OAH for maintaining an approximate 99% timeliness rate for issuing written decisions in 2011.

ALJ Wayne A. Brooks, Deputy Director of Operations, 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.

¹ Dr. Grasmick retired from State Service in May. Dr. Bernard Sadusky, Interim MSDE State Superintendent, attended the December 14, 2011 Council meeting..

² On March 27, 2007, F. Vernon Boozer, Esquire submitted his resignation. As of December 31, 2011 this vacancy has not been filled.

³ Nathan Greebnbaum, Esquire resigned from the Council in December of 2010.

CALJ Dewberry and members of his management staff continued to keep Council members apprised of foreclosure mediations that the OAH received under HB 472 – Real property – Residential Property Foreclosure Procedures – Foreclosure Mediation. Prior to the passage of HB 472 in 2010 CALJ Dewberry received a call from the Governor’s Office asking if OAH would be able to conduct foreclosure mediations. The Circuit Court was unable to take on this workload and the Governor turned to the OAH. The law went into effect on July 1, 2010. In 2011, OAH’s Director of Operations, ALJ Jana Burch; the Deputy Director of Quality Assurance, Denise Oakes Shaffer; and the Chief Clerk, Linda Novak, continued to work with the Courts, the Department of Housing and Community Development and the Department of Labor, Licensing and Regulation on handling this new area. Council members were pleased that the Governor exhibited his confidence in OAH.

In 2011, the number of mediation requests remained significantly lower than the number initially anticipated. OAH notes that there were two factors that negatively impacted the number of foreclosure mediations: 1) lenders expedited foreclosure filing and flooded circuit courts with filings before the effective date of the legislation in order to avoid foreclosure mediations and their costs. OAH did anticipate that this would occur; and 2) since the legislation became effective, mistakes in the manner in which lenders had processed documents had surfaced, which further delayed foreclosure filings.

Council members were also updated on the following:

- OAH’s continued assistance to the Department of Labor, Licensing and Regulation, Unemployment Insurance (UI) Division, with hearing the backlog of unemployment insurance cases that have developed in the State of Maryland
- MVA/OAH Automation Project
- Hiring and training of new ALJs
- Staffing and the loss of PINs under the State’s Voluntary Separation Program
- Development of a weapons policy
- New Court Reporting Contract
- OAH’s Video, which was made available to Maryland citizens so that they may know what to expect which they have a hearing before the OAH.

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