



**Fiscal Year 2023 Annual Report of the
State Advisory Council on Administrative Hearings
Md. Code Ann., State Government § 9-1610(a)(6) (MSAR #321)**

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 hearings 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. Md. Code Ann., State Government § 9-1610(a)(6) (MSAR #321)

In the interest of government efficiency and economy, the Council submits its Fiscal Year 2023 (FY 23) Annual Report in conjunction with the FY 23 Office of Administrative Hearings' (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 23:

- Senator Susan C. Lee², appointed by the President of the Senate;
- Delegate Samuel I. Rosenberg, appointed by the Speaker of the House;
- Vacant³, agency representative;
- Thomas Andrews⁴, agency representative;
- April C. Ishak⁵, Esquire, general public representative;
- Bruce P. Martin, Esquire, Maryland State Bar Association (MSBA) representative;
- Rochelle Eisenberg, Esquire, nongovernmental attorney representative;
- Michele McDonald, Esquire, designee of the Attorney General; and
- Susan Dishler Shubin, Esquire, Maryland State Bar Association (MSBA) representative.

Due to the significant number of vacancies on the Council as well as the expired terms of some of the Council members, CALJ Pak, Delegate Rosenberg and Council Chair, Leroy Maddox, met with Governor Moore's Secretary of Appointments, Tisha Edwards, and the Secretary of State, Susan Lee, in April 2023. CALJ Pak also wrote to President of the Senate, Senator Bill Ferguson, to request that he appoint a designee to fill Senator Lee's vacancy. In addition, Mr. Maddox requested that the Chair of the Maryland State Bar Association (MSBA), Administrative Law Section Council, Peter W. Sheehan, Jr., Esq., consider recommending the reappointment of Mr. Martin and Ms. Shubin to the Council.

Council Activities

The Council held meetings on October 19, 2022, March 8, 2023 and June 14, 2023. Council members were kept apprised of OAH's overall operations, the monthly Administrative Law Judge (ALJ) training programs, the recruitment and hiring of new ALJs, and the status of the current year's budget as well as the upcoming fiscal year's budget.

² Senator Susan C. Lee served on the Council until January 2023. At that time, she was appointed by Governor Wes Moore to serve as the Secretary of State leaving a vacancy for the remainder of FY 23.

³ Former State Superintendent of Schools, Karen Salmon, Ph.D., stepped down from her agency head position at the Maryland State Department of Education on June 30, 2021. That Council position remained vacant in FY 22 and FY 23.

⁴ Thomas Andrews resigned from the Council and State Service in January 2023 leaving a vacancy for the remainder of FY 23.

⁵ In January 2023, April Ishak advised that she was no longer serving on the Council leaving a vacancy for the remainder of FY 23.

OAH reported on an all-day Strategy Session which was held on May 18, 2023 in which OAH's management team developed a number of goals with action items and timeframes. Some examples of the items discussed at the Strategy Session were:

- Improve OAH's Continuity of Operations Plan
- Advocate for Partial General Funding
- Stay Ahead of Artificial Intelligence
- Increase Accessibility
- Improve Agency-Wide Communication
- Increase Jurisdiction
- Develop trainings for non-ALJ Staff

The Council continues to make inquiries on the status of remote hearings and is pleased OAH regularly consults with stakeholders to ensure that each case type is scheduled in the appropriate format. In addition, citizens can always request a change in hearing format (from remote to in-person or from in-person to remote) and ALJs also conduct hybrid hearings.

ALJ Syeetah Hampton-EL, Deputy Director of Operations, kept Council members up to date on legislation that OAH monitored during the 2023 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:

- meetings with agency personnel
- staffing changes
- attendance at conferences
- presentations
- public outreach

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." At the March 2023 Council meeting, OAH reported that, as it prepared to receive Maryland Police Accountability Act (MPAA) cases, Proposed Regulations were drafted to set out the procedures when an ALJ serves as a member of a decision-making panel

or trial board to adjudicate a contested case hearing. The draft Proposed Regulations were sent to Council members for review and comment.⁶

The Council would like to provide the following additional highlights regarding OAH in FY 23:

- The Office of Legislative Audits conducted an in-depth audit for the period July 3, 2018 through August 31, 2022 and there were no findings
- Maintained an approximate 99% timeliness rate for issuing written decisions
- ALJ Tracey Johns Delp was appointed to the District Court of Maryland for Harford County. Judge Delp is the twelfth former ALJ appointed to the Judiciary
- Worked to implement an E-filing system
- Assisted the Department of Labor with the Unemployment Division's backlog of identity fraud cases
- Continued to work on the implementation and training of ALJs as required under SB 763 – Public Safety and Criminal Justice – Transparency and Accountability, the Maryland Police Accountability Act
- Hired six new Administrative Law Judges. The Council continues to discuss OAH's goal of increased diversity in the hiring process and is pleased with the results.

The Council wishes to emphasize that the attached OAH FY 23 Annual Report provides detailed information on the items highlighted in this Report.

Document #209118

⁶ The OAH later reported that it planned to place a pause on submitting the draft regulations until they had an opportunity to receive feedback from ALJs who conduct the first few MPAA cases.