

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
HEARINGS ACTIVITY REPORT (HARP)
SEPTEMBER 1, 2016 – FEBRUARY 28, 2017**

INTRODUCTION

The mission of the State Office of Administrative Hearings (SOAH) is to serve as an independent, neutral forum for the State of Texas by providing fair and efficient hearings process and the opportunity for alternative dispute resolution proceedings, in accordance with Chapter 2003 of the Texas Government Code. This Hearings Activity Report, or “HARP,” provides detailed information about the caseload handled by SOAH in carrying out this mission, including SOAH’s associated cost of service, during the designated time period. HARP is prepared and submitted in accordance with Rider 6 of SOAH’s appropriation bill pattern.

Hearings Activity Report: By May 1st and November 1st of each fiscal year, the State Office of Administrative Hearings (SOAH) shall submit to the Legislative Budget Board and the Governor a report detailing hearings activity conducted during the prior two fiscal year quarters. The report shall indicate in a format prescribed by the Legislative Budget Board, for each agency served by method of finance, the projected and actual person hours allocated to the agency's cases and the cost, both direct and indirect, of conducting the hearings. The report shall also indicate in a format prescribed by the Legislative Budget Board, for each agency served, the projected and actual number of cases received, the number of transcripts requested by Administrative Law Judges, number of cases disposed of, the number of administrative fine cases disposed of and the median number of days between the date a case is received by SOAH and the date the case is finally disposed of, and any other information requested by the Legislative Budget Board during the reporting period. (H.B. 1, General Appropriations Act, 2016-2017 Biennium, Eighty-fourth Legislature, Regular Session, Article 8.)

THE CONTENTS OF THE REPORT

This volume of HARP covers the period September 1, 2016, through February 28, 2017.

HARP Part I, the Workload Summary, summarizes information by agency for the events measured. It includes Fiscal Year 2017 second half projections for cases received, cases disposed, number of administrative fine cases disposed, and projected median days at SOAH. These projections are based on the similar period for Fiscal Year 2016. Please note that Administrative License Revocation (ALR) cases are not included on this report.

HARP Part II, Summary of Services Provided, summarizes hours and costs by referring agency within each method of finance. It also contains the projected hours and costs for each agency for the second half of Fiscal Year 2017. These projections are based on amounts included in the Legislative Appropriations Request adjusted by the most current information available to SOAH. Please note for simplicity, the appeals of appraisal review board orders are listed under one agency code, 940. Each appeal, however, is counted separately, and time and costs are allocated to each appeal.

SUMMARY OF ACTIVITY FOR THE CURRENT PERIOD

HARP Part I

ALR Cases:

There were 11,291 ALR cases received and 11,442 disposed during the reporting period. Both the number of cases received and cases disposed are down slightly from the second half of Fiscal Year 2016.

Transcripts:

One transcript was ordered by an ALJ during this reporting period and none are projected for the second half of this year.

HARP Part II

Hourly Rate:

SOAH's overall average hourly cost for the current period is \$120.22 per ALJ billable hour, down from the prior reporting period of \$131.09. The first half of the year has historically had a lower hourly rate than the second half. The projected rate for the second half is \$136.17. The hourly rate for all funding categories was down from second half of Fiscal Year 2016. ALR work was at \$113.39, non-ALR general revenue (GR) was at \$133.90, and interagency contracts (IAC) averaged \$116.03 per hour. The rate swing by agency within fund in this reporting period was as low as \$101.85 and as high as \$153.00 per hour. One exception is the Office of Attorney General where paralegal and administrative staff record billable hours, resulting in a lower actual rate.

Fluctuations in hourly rates are directly attributable to the salary and classification mix of ALJs assigned to cases as well as overall hours worked on cases. SOAH does not assign ALJs to cases by funding source but by subject matter, by experience and expertise, and as dictated by the workload. As the funding source does not dictate the ALJ who works on a case, in any given period or for any given agency the effect of rebalancing the caseload impacts the allocation of costs and thus the hourly rate.

HARP PART I - WORKLOAD SUMMARY: DEFINITION OF TERMS

The table in this section lists each agency, identified by name and agency number, served during the reporting period, and provides a summary of the following measured events for those agencies, as applicable:

NUMBER OF CASES PENDING AT START OF FISCAL YEAR - Active cases pending at the beginning of the reporting period that were carried forward from the end of the prior fiscal year (or reporting period) into the next.

NUMBER OF CASES RECEIVED - Only cases initially docketed at SOAH during the reporting period that begins September 1 of each fiscal year (*i.e.*, it does not include pending cases filed in and carried forward from a prior fiscal year.) Therefore, where casework time is shown but no cases were received during the reporting period, this indicates the time worked was on a case initiated in a prior reporting period.

NUMBER OF CASES DISPOSED - Includes all matters resolved (*e.g.*, by proposal for decision, final order, settlement, or dismissal) during the reporting period irrespective of when the case was referred to SOAH. If the number of cases disposed exceeds the number of cases received, it indicates that some of the cases disposed during the reporting period were docketed at SOAH prior to September 1 of the fiscal year being reported.

CUMULATIVE NUMBER OF CASES PENDING AT END OF REPORTING PERIOD - The number of active cases pending at the close of the reporting period that will be carried forward into the next reporting period or fiscal year.

NUMBER OF ADMINISTRATIVE FINE CASES DISPOSED - The number of cases resolved in which an administrative fine or penalty was an issue in the proceeding. It does not necessarily reflect the number of cases in which an administrative fine was recommended or imposed, as the ALJ may have recommended or ruled against the imposition of a fine based on the evidence presented.

MEDIAN DAYS AT SOAH - Approximates the average time from filing to final disposition that cases were pending on the SOAH docket.

TOTAL CASES WORKED - Reflects the number of cases on which ALJs spent time during the reporting period.

HARP PART II - SUMMARY OF SERVICES PROVIDED: DEFINITION OF TERMS

The table in this section lists by agency the total hours and costs, as described below, for the time period, sorted by method of finance.

TOTAL HOURS - The total amount of case-related time

TOTAL SALARIES - Actual salary cost of all hours related to the respective agency or docket during the reporting period.

COURT COST - SOAH's total direct court costs (interpreters, court reporters, and transcripts) associated with conducting the hearing and performing other work on a particular case.

TRAVEL COST - SOAH's total direct travel costs (transportation, lodging, and meals) associated with conducting the hearing and performing other work on a particular case.

TOTAL DIRECT - Sum of Total Salaries, Court Cost, and Travel Cost.

TOTAL INDIRECT - The costs associated with supporting the hearings activity and allocated to each case on a pro rata basis. These costs include Docketing, Legal Services, hearings division support staff, and hearing division managers. Includes all non-case-related ALJ costs and all leave time taken.

TOTAL ADMIN - Reflects the total administrative costs allocated to each case on a pro rata basis. These costs include personnel and operating costs for Executive Office, Finance, General Counsel, Human Resources, Information Resources.

PROJECTED HOURS - Projected hours for the related agency during the specified time frame.

PROJECTED COST - Projected cost attributable to the related agency during the specified time frame.

STATE OFFICE OF ADMINISTRATIVE HEARINGS
HARP Part I - WORKLOAD AND COST ALLOCATION SUMMARY

Period: September 01, 2016 Through February 28, 2017

AGENCY NAME	AGENCY NUMBER	NUMBER OF CASES PENDING START OF REPORTING PERIOD	NUMBER OF CASES RECEIVED	NUMBER OF CASES DISPOSED	CUMULATIVE NUMBER OF CASES PENDING AT END OF REPORTING PERIOD	NUMBER OF ADMIN FINE CASES DISPOSED	MEDIAN DAYS AT SOAH	March 1, 2017 - August 31, 2017			
								PROJECTED CASES RECEIVED	PROJECTED CASES DISPOSED	PROJECTED NUMBER OF ADMIN FINE CASES DISPOSED	PROJECTED MEDIAN DAYS AT SOAH
Aging & Disability Services, Texas Department of	539	337	230	274	293	8	234	322	411	2	164
Agriculture, Texas Department of	551	45	8	44	9	1	69	128	94	2	67.5
Alcoholic Beverage Commission, Texas	458	36	76	52	60	3	82.5	65	73	8	78
Appraisal Review Board	940	34	21	38	17	0	117.5	15	10	0	42
Architectural Examiners, Texas Board of	459	0	2	2	0	0	64	1	1	0	48
Attorney General, Office of the	302	177	769	810	136	0	16	381	368	0	13
Bandera Co. River Authority & Groundwater District	955	1	0	1	0	0	351	1	0	0	0
Barton Springs Edwards Aquifer	957	0	1	0	1	0	0	0	0	0	0
Chiropractic Examiners, Texas Board of	508	6	2	5	3	0	219	28	18	1	80.5
Comptroller Of Public Accounts	304	327	194	266	255	0	134.5	166	142	0	98
Dental Examiners, Texas State Board of	504	12	34	35	11	0	51	14	11	0	154

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								PROJECTED CASES RECEIVED	PROJECTED CASES DISPOSED	PROJECTED NUMBER OF ADMIN FINE CASES DISPOSED	PROJECTED MEDIAN DAYS AT SOAH
Education Agency, Texas	701	70	161	137	94	0	58	118	115	0	73
Employees Retirement System of Texas	327	7	8	8	7	0	133.5	5	6	0	141
Engineers, Texas Board of Professional	460	4	2	2	4	1	143.5	2	4	1	196
Environmental Quality, Texas Commission on	582	38	57	42	53	3	128.5	60	65	1	145
Facilities Commission, Texas	303	1	0	1	0	0	113	0	0	0	0
Family & Protective Services, Texas Department of	530	202	283	263	222	10	90	320	298	5	89.5
Funeral Service Commission, Texas	513	2	3	4	1	2	112	0	1	0	125
Geoscientists, Texas Board of Professional	481	0	7	0	7	0	0	0	0	0	0
Health & Human Services Commission, Texas	529	0	20	0	20	0	0	0	2	0	951.5
Health Services, Texas Department of State	537	5	10	7	8	0	62	17	12	0	54
Housing & Community Affairs, Texas Department of	332	2	6	6	2	0	49	1	2	0	114.5

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								PROJECTED CASES RECEIVED	PROJECTED CASES DISPOSED	PROJECTED NUMBER OF ADMIN FINE CASES DISPOSED	PROJECTED MEDIAN DAYS AT SOAH
Insurance, Texas Dept. of	454	1588	146	115	1619	0	123	257	891	2	1477
Law Enforcement, Texas Commission on	407	233	135	165	203	0	171	148	113	0	125
Licensing & Regulation, Texas Department of	452	69	89	94	64	7	104	90	73	7	125
Lottery Commission, Texas	362	28	131	130	29	1	26.5	102	123	0	30
Medical Board, Texas	503	98	31	35	94	0	300	24	32	0	436
Motor Vehicles, Texas Department of	608	53	77	79	51	0	50	97	86	4	72.5
Nursing, Texas Board of	507	134	164	162	136	3	106.5	173	202	2	99
Office of Consumer Credit Commissioner	466	0	5	3	2	0	61	3	2	0	46
Pharmacy, Texas State Board of	515	3	9	6	6	1	140.5	5	9	0	104
Plumbing Examiners, Texas State Board of	456	10	30	26	14	3	73	12	19	2	92
Psychologists, Texas State Board of Examiners of	520	3	0	1	2	0	181	0	1	0	279

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								PROJECTED CASES RECEIVED	PROJECTED CASES DISPOSED	PROJECTED NUMBER OF ADMIN FINE CASES DISPOSED	PROJECTED MEDIAN DAYS AT SOAH
Public Accountancy, Texas State Board of	457	15	9	16	8	0	92	23	23	1	99
Public Safety, Texas Department of	405	42	80	96	26	0	68	59	65	0	65
Public Utility Commission of Texas	473	68	55	41	82	1	211	50	52	0	199.5
Racing Commission, Texas	476	2	1	3	0	0	89	2	3	0	125
Real Estate Commission, Texas	329	17	25	25	17	2	133	20	15	2	112
Savings and Mortgage Lending, Texas Department of	450	9	3	8	4	0	55	5	4	0	57.5
Secretary of State, Texas	307	1	2	2	1	0	75	0	0	0	0
State Pension Review Board	338	1	1	1	1	0	95	0	0	0	0
State Securities Board	312	3	0	1	2	0	25	2	1	0	80
Teacher Retirement System of Texas	323	2	0	0	2	0	0	2	1	0	299
Transportation, Texas Department of	601	8	2	2	8	0	681.5	3	1	0	318

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								PROJECTED CASES RECEIVED	PROJECTED CASES DISPOSED	PROJECTED NUMBER OF ADMIN FINE CASES DISPOSED	PROJECTED MEDIAN DAYS AT SOAH
University of Texas-Southwestern Medical Center at Dallas	729	1	0	0	1	0	0	0	0	0	0
Veterinary Medical Examiners, Texas State Board of	578	3	0	2	1	0	183.5	3	5	0	134
TOTAL FOR 46 AGENCIES		3,697	2,889	3,010	3,576	46	77	2,724	3,354	40	125

**State Office of Administrative Hearings
HARP Part II - - SUMMARY OF SERVICES PROVIDED**

Actual Hours and Expenses										Projections	
September 1, 2016 through February 28, 2017										March 1, 2017 - August 31, 2017	
Fund	Agency Name	Total Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
General Revenue Fund (Administrative License Revocation)											
405	Department of Public Safety	12,967.25	\$549,907.31	\$2,550.18	\$14,450.98	\$566,908.47	\$689,546.67	\$213,936.67	\$1,470,391.81	14,000.00	\$1,906,420.82
ALR Total		12,967.25	\$549,907.31	\$2,550.18	\$14,450.98	\$566,908.47	\$689,546.67	\$213,936.67	\$1,470,391.81	14,000.00	\$1,906,420.82
General Revenue Fund (General Docket)											
307	Secretary of State	5.25	\$307.28			\$307.28	\$385.31	\$86.62	\$779.21	13.00	\$1,770.25
312	State Securities Board	15.50	\$731.41			\$731.41	\$917.14	\$255.72	\$1,904.27	72.00	\$9,804.45
323	Teacher Retirement System of Texas	20.50	\$1,008.12			\$1,008.12	\$1,264.11	\$338.21	\$2,610.44	25.00	\$3,404.32
327	Employees Retirement System of Texas	135.75	\$7,707.95			\$7,707.95	\$9,665.25	\$2,239.63	\$19,612.83	200.00	\$27,234.58
332	Texas Department of Housing and Community Affairs	11.00	\$593.54			\$593.54	\$744.26	\$181.48	\$1,519.28	29.00	\$3,949.01
338	State Pension Review Board	2.25	\$113.64			\$113.64	\$142.50	\$37.12	\$293.26	0.00	\$0.00
362	Texas Lottery Commission	189.50	\$10,441.25			\$10,441.25	\$13,092.62	\$3,126.41	\$26,660.28	150.00	\$20,425.94
405	Department of Public Safety	531.75	\$28,424.55			\$28,424.55	\$35,642.47	\$8,772.93	\$72,839.95	550.00	\$74,895.10
407	Texas Commission on Law Enforcement	2,024.25	\$94,607.27		\$3,766.08	\$98,373.35	\$118,631.13	\$33,396.54	\$250,401.02	2,000.00	\$272,345.83
452	Texas Department of Licensing and Regulation	531.75	\$27,049.46			\$27,049.46	\$33,918.20	\$8,772.93	\$69,740.59	700.00	\$95,321.04
454	Texas Department of Insurance	380.25	\$21,387.51			\$21,387.51	\$26,818.49	\$6,273.45	\$54,479.45	485.00	\$66,043.86
456	Board of Plumbing Examiners	231.50	\$12,217.08			\$12,217.08	\$15,319.39	\$3,819.34	\$31,355.81	200.00	\$27,234.58
458	Texas Alcoholic Beverage Commission	1,079.00	\$49,549.72	\$125.74	\$2,249.43	\$51,924.89	\$62,132.01	\$17,801.59	\$131,858.49	1,000.00	\$136,172.92
473	Public Utility Commission of Texas	2,011.00	\$110,230.66			\$110,230.66	\$138,221.81	\$33,177.94	\$281,630.41	2,000.00	\$272,345.83
476	Texas Racing Commission	59.75	\$2,918.25			\$2,918.25	\$3,659.29	\$985.77	\$7,563.31	0.00	\$0.00
481	Texas Board of Professional Geoscientists	3.25	\$169.74			\$169.74	\$212.84	\$53.62	\$436.20	0.00	\$0.00

**State Office of Administrative Hearings
HARP Part II - - SUMMARY OF SERVICES PROVIDED**

Actual Hours and Expenses										Projections	
September 1, 2016 through February 28, 2017										March 1, 2017 - August 31, 2017	
Fund	Agency Name	Total Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
503	Texas Medical Board	1,855.50	\$100,503.41			\$100,503.41	\$126,024.50	\$30,612.47	\$257,140.38	2,170.00	\$295,495.23
504	State Board of Dental Examiners	776.00	\$40,569.72			\$40,569.72	\$50,871.69	\$12,802.63	\$104,244.04	200.00	\$27,234.58
507	Texas Board of Nursing	1,063.25	\$56,057.57		\$336.58	\$56,394.15	\$70,292.41	\$17,541.74	\$144,228.30	1,000.00	\$136,172.92
508	Texas Board of Chiropractic Examiners	67.50	\$3,134.92			\$3,134.92	\$3,930.98	\$1,113.63	\$8,179.53	136.00	\$18,519.52
513	Texas Funeral Service Commission	95.50	\$5,783.80			\$5,783.80	\$7,252.50	\$1,575.58	\$14,611.88	60.00	\$8,170.37
515	Texas State Board of Pharmacy	85.25	\$4,693.76			\$4,693.76	\$5,885.66	\$1,406.47	\$11,985.89	164.00	\$22,332.36
520	Board of Examiners of Psychologists	21.25	\$1,282.06			\$1,282.06	\$1,607.62	\$350.59	\$3,240.27	75.00	\$10,212.97
551	Department of Agriculture	206.00	\$11,166.66	\$380.00		\$11,546.66	\$14,002.24	\$3,398.64	\$28,947.54	300.00	\$40,851.87
578	State Board of Veterinary Medical Examiners	37.75	\$1,893.68			\$1,893.68	\$2,374.55	\$622.81	\$4,891.04	100.00	\$13,617.29
601	Texas Department of Transportation	102.50	\$5,662.69			\$5,662.69	\$7,100.63	\$1,691.07	\$14,454.39	100.00	\$13,617.29
General Docket Total		11,542.75	\$598,205.70	\$505.74	\$6,352.09	\$605,063.53	\$750,109.60	\$190,434.93	\$1,545,608.06	11,729.00	\$1,597,172.13
Inter Agency Contracts Fund											
302	Attorney General	796.45	\$32,305.01	\$50.40		\$32,355.41	\$29,450.94	\$12,327.01	\$74,133.36	800.00	\$108,938.33
304	Comptroller of Public Accounts	2,667.50	\$157,878.00			\$157,878.00	\$143,929.87	\$41,286.07	\$343,093.94	2,399.00	\$326,678.83
305	General Land Office	0.00				\$0.00			\$0.00	25.00	\$3,404.32
329	Texas Real Estate Commission	444.00	\$25,041.33			\$25,041.33	\$22,828.99	\$6,871.98	\$54,742.30	250.00	\$34,043.23
450	Department of Savings and Mortgage Lending	34.25	\$1,921.92			\$1,921.92	\$1,752.12	\$530.10	\$4,204.14	42.00	\$5,719.26
454	Texas Department of Insurance	739.50	\$43,983.21			\$43,983.21	\$40,097.40	\$11,445.57	\$95,526.18	900.00	\$122,555.62
457	Texas State Board of Public Accountancy	51.75	\$2,889.58			\$2,889.58	\$2,634.29	\$800.96	\$6,324.83	75.00	\$10,212.97
459	Texas Board of Architectural Examiners	2.25	\$104.94			\$104.94	\$95.67	\$34.82	\$235.43	25.00	\$3,404.32
460	Texas Board of Professional Engineers	115.50	\$5,218.64			\$5,218.64	\$4,757.59	\$1,787.64	\$11,763.87	37.00	\$5,038.40

**State Office of Administrative Hearings
HARP Part II - - SUMMARY OF SERVICES PROVIDED**

Actual Hours and Expenses										Projections	
September 1, 2016 through February 28, 2017										March 1, 2017 - August 31, 2017	
Fund	Agency Name	Total Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
466	Office of Consumer Credit Commissioner	44.50	\$2,552.64			\$2,552.64	\$2,327.12	\$688.75	\$5,568.51	48.00	\$6,536.30
473	Public Utility Commission of Texas	1,484.25	\$79,864.07		\$659.96	\$80,524.03	\$72,808.28	\$22,972.39	\$176,304.70	1,500.00	\$204,259.37
529	Health and Human Services Commission	1.00	\$62.38			\$62.38	\$56.87	\$15.48	\$134.73	200.00	\$27,234.58
530	Department of Family and Protective Services	2,954.50	\$132,856.92	\$487.44	\$3,188.67	\$136,533.03	\$121,119.34	\$45,728.09	\$303,380.46	3,500.00	\$476,605.21
537	Department of State Health Services	178.25	\$10,813.60			\$10,813.60	\$9,858.24	\$2,758.85	\$23,430.69	230.00	\$31,319.77
539	Department of Aging and Disability Services	1,664.00	\$80,257.50	\$160.00	\$4,102.08	\$84,519.58	\$73,166.95	\$25,754.46	\$183,440.99	1,600.00	\$217,876.67
554	Texas Animal Health Commission	0.00				\$0.00			\$0.00	40.00	\$5,446.92
582	Texas Commission on Environmental Quality	1,223.00	\$63,531.56		\$156.12	\$63,687.68	\$57,918.70	\$18,928.91	\$140,535.29	1,200.00	\$163,407.50
608	Texas Department of Motor Vehicles	259.50	\$14,331.97			\$14,331.97	\$13,065.78	\$4,016.40	\$31,414.15	500.00	\$68,086.46
644	Texas Juvenile Justice Department	1.00	\$52.20			\$52.20	\$47.59	\$15.48	\$115.27	30.00	\$4,085.19
701	Texas Education Agency	1,044.00	\$53,631.65		\$1,798.60	\$55,430.25	\$48,893.43	\$16,158.45	\$120,482.13	1,000.00	\$136,172.92
701	Texas Education Agency - IDEA	2,704.00	\$147,210.75		\$5,682.61	\$152,893.36	\$134,205.04	\$41,851.00	\$328,949.40	2,500.00	\$340,432.29
729	University of Texas Southwestern Medical Center	38.00	\$2,236.21			\$2,236.21	\$2,038.65	\$588.14	\$4,863.00	12.00	\$1,634.07
940	Appraisal Review Board	35.00	\$2,130.46		\$81.32	\$2,211.78	\$1,942.24	\$541.71	\$4,695.73	34.00	\$4,629.88
955	Bandera County River Authority and Groundwater District	102.25	\$4,791.23		\$132.30	\$4,923.53	\$4,367.94	\$1,582.57	\$10,874.04	30.00	\$4,085.19
957	Barton Springs Edwards Aquifer	1.75	\$92.25			\$92.25	\$84.10	\$27.09	\$203.44	0.00	\$0.00
IAC Fund Total		16,586.20	\$863,758.02	\$697.84	\$15,801.66	\$880,257.52	\$787,447.14	\$256,711.92	\$1,924,416.58	16,977.00	\$2,311,807.59
Grand Total		41,096.20	\$2,011,871.03	\$3,753.76	\$36,604.73	\$2,052,229.52	\$2,227,103.41	\$661,083.52	\$4,940,416.45	42,706.00	\$5,815,400.55