

**STATE OFFICE OF ADMINISTRATIVE HEARINGS  
HEARINGS ACTIVITY REPORT (HARP)  
SEPTEMBER 1, 2019 – FEBRUARY 29, 2020**

**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 5 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 cases disposed, the number of administrative fine cases disposed, and the median number of days between the date a case is received by SOAH and the date the case is finally disposed, and any other information requested by the Legislative Budget Board during the reporting period. (H.B. 1, General Appropriations Act, 2020-2021 Biennium, Eighty-sixth Legislature, Regular Session, Article 8.)

**THE CONTENTS OF THE REPORT**

This volume of HARP covers the period September 1, 2019, through February 29, 2020.

HARP Part I, the Workload Summary, summarizes information by agency for the events measured. It includes Fiscal Year 2020 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 2019. 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 2020. 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 13,729 ALR cases received and 12,472 disposed during the reporting period.

### **HARP Part II**

#### *Hourly Cost:*

SOAH's overall average cost for the current period is \$145.69 per ALJ billable hour, down from the prior reporting period of \$158.42 and lower than the projected \$150.00 rate. The first half of the year historically has a lower hourly rate than the second half. The projected rate for the second half is \$168.27. ALR work was at \$133.65, non-ALR general revenue (GR) was at \$150.95, and interagency contracts (IAC) averaged \$153.57 per hour. The rate swing by agency within fund in this reporting period was as low as \$133.65 and as high as \$173.96 per hour.

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 Hearings 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, and Information Technology.

**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.

# HARP Part I - Workload Summary

Date Range: 09/01/2019 to 02/29/2020

Agency Number	Agency Name	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	Projections			
								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
100	Texas Municipal Retirement System	0	1	0	1	0	0	0	0	0	0
302	Attorney General	42	475	416	101	0	2	622	643	2	7
304	Comptroller of Public Accounts	117	182	168	131	0	96	125	212	0	121.5
307	Secretary of State	5	12	12	5	0	50	1	1	0	66
312	State Securities Board	3	3	1	5	0	402	1	1	0	65
320	Texas Workforce Commission	1	0	1	0	0	699	0	1	0	234
323	Teacher Retirement System of Texas	2	1	2	1	0	112.5	1	1	0	373
327	Employees Retirement System of Texas	11	7	11	7	0	177	8	7	0	141
329	Texas Real Estate Commission	11	21	17	15	0	104	25	34	6	120
336	Texas County and District Retirement System	2	0	1	1	0	126	1	1	0	41
362	Texas Lottery Commission	21	91	78	34	0	63	80	88	0	64
405	Department of Public Safety	25	40	37	28	0	68	74	75	0	92
407	Texas Commission on Law Enforcement	270	167	165	272	0	205	165	181	0	180
450	Department of Savings and Mortgage Lending	5	8	9	4	1	84	3	6	0	302.5

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								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
452	Texas Department of Licensing and Regulation	52	74	62	64	1	117	95	81	1	108
454	Texas Department of Insurance	3571	714	1087	3198	0	264	800	197	0	112
456	Board of Plumbing Examiners	0	2	0	2	0	0	5	8	1	54
457	Texas State Board of Public Accountancy	1	0	0	1	0	0	2	2	0	380
458	Texas Alcoholic Beverage Commission	31	25	30	26	0	160	34	41	5	96
459	Texas Board of Architectural Examiners	0	3	1	2	0	85	0	0	0	0
460	Texas Board of Professional Engineers	1	0	0	1	0	0	1	0	0	0
466	Office of Consumer Credit Commissioner	2	1	1	2	0	81	4	5	0	57
473	Public Utility Commission of Texas	57	25	35	47	0	194	34	47	0	178
476	Texas Racing Commission	2	0	2	0	1	155.5	7	2	0	87.5
503	Texas Medical Board	73	26	43	56	0	136	13	45	0	194
504	State Board of Dental Examiners	13	12	11	14	0	132	13	11	1	141
507	Texas Board of Nursing	124	211	165	170	0	105	152	117	0	83
508	Texas Board of Chiropractic Examiners	2	1	2	1	0	122.5	1	2	0	92

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								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
513	Texas Funeral Service Commission	2	1	3	0	0	153	2	6	1	154.5
515	Texas State Board of Pharmacy	5	7	4	8	0	64.5	6	4	0	37.5
520	Board of Examiners of Psychologists	2	1	2	1	0	116	1	4	0	126.5
522	Executive Council of Physical Therapy and Occupational Therapy Department of Health	0	1	0	1	0	0	0	0	0	0
529	Health and Human Services Commission	487	464	377	574	10	159	518	419	5	119
530	Department of Family and Protective Services	6	0	3	3	0	1427	0	11	0	588
537	Department of State Health Services	4	16	6	14	1	68	0	2	1	273
539	Department of Aging and Disability Services	4	0	1	3	0	1440	0	19	0	546
551	Department of Agriculture	3	14	13	4	1	28	2	4	0	37
578	State Board of Veterinary Medical Examiners	1	2	1	2	0	438	8	10	1	40.5
582	Texas Commission on Environmental Quality	49	38	53	34	2	146	34	43	2	161
601	Texas Department of Transportation	9	3	0	12	0	0	3	1	0	216
608	Texas Department of Motor Vehicles	47	58	51	54	0	58	61	85	1	84
644	Texas Juvenile Justice Department	0	2	0	2	0	0	5	4	0	91

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								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
701	Texas Education Agency	103	186	187	102	0	79	180	160	0	55.5
720	University of Texas System	1	0	0	1	0	0	1	0	0	0
802	Parks and Wildlife Department	1	0	0	1	0	0	0	0	0	0
940	Appraisal Review Board	10	6	5	11	0	482	11	8	0	101
952	Lost Pines Groundwater Conservation District	1	0	0	1	0	0	1	0	0	0
957	Barton Springs Edwards Aquifer	1	0	0	1	0	0	0	0	0	0
961	Victoria County Water and Improvement District No. 1	1	0	1	0	0	863	0	0	0	0
962	Wintergarden Groundwater Conservation District	1	0	1	0	0	332	1	0	0	0
963	Texana Groundwater Conservation District	1	0	1	0	0	126	0	0	0	0
964	Kinney County Groundwater Conservation District	0	1	0	1	0	0	0	0	0	0
965	Post Oak Savannah Groundwater Conservation District	0	1	1	0	0	14	0	0	0	0
<b>TOTAL FOR 53 AGENCIES</b>		<b>5183</b>	<b>2903</b>	<b>3067</b>	<b>5019</b>	<b>17</b>	<b>168</b>	<b>3101</b>	<b>2589</b>	<b>27</b>	<b>90</b>



## State Office of Administrative Hearings HARP Part II - Cost Allocation Summary

Actual Hours and Expenses										Projections	
September 1, 2019 through February 29, 2020										March 1, 2020 -	August 31,
										2020	
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
<b>General Revenue Fund (Administrative License Revocation)</b>											
Department of Public											
405	Safety-ALR	12,720	\$ 539,397	\$ 2,017	\$ 22,759	\$ 564,173	\$ 841,639	\$ 294,143	\$ 1,699,955	13,600	\$ 2,141,921
<b>ALR Total</b>		<b>12,720</b>	<b>\$ 539,397</b>	<b>\$ 2,017</b>	<b>\$ 22,759</b>	<b>\$ 564,173</b>	<b>\$ 841,639</b>	<b>\$ 294,143</b>	<b>\$ 1,699,955</b>	<b>13,600</b>	<b>\$ 2,141,921</b>
<b>General Revenue Fund (General Docket)</b>											
307	Secretary of State	40	\$ 2,360			\$ 2,360	\$ 3,683	\$ 931	\$ 6,974	11	\$ 2,042
312	State Securities Board	57	\$ 2,647			\$ 2,647	\$ 4,131	\$ 1,324	\$ 8,102	73	\$ 13,457
Texas Workforce											
320	Commission	1	\$ 31			\$ 31	\$ 48	\$ 12	\$ 90	-	\$ -
Teacher Retirement											
323	System of Texas	3	\$ 136			\$ 136	\$ 213	\$ 58	\$ 407	40	\$ 7,424
Employees Retirement											
327	System of Texas	212	\$ 10,276			\$ 10,276	\$ 16,034	\$ 4,903	\$ 31,212	243	\$ 45,011
Texas Lottery											
362	Commission	122	\$ 6,639			\$ 6,639	\$ 10,358	\$ 2,827	\$ 19,824	130	\$ 24,037
Department of Public											
405	Safety	299	\$ 14,549			\$ 14,549	\$ 22,701	\$ 6,914	\$ 44,164	500	\$ 92,807
Texas Commission on											
407	Law Enforcement	1,822	\$ 80,331		\$ 3,082	\$ 83,412	\$ 125,342	\$ 42,134	\$ 250,889	1,556	\$ 288,815
Texas Department of											
452	Licensing and Regulation	383	\$ 18,277	\$ 367		\$ 18,643	\$ 28,518	\$ 8,845	\$ 56,007	665	\$ 123,340
Texas Department of											
454	Insurance	290	\$ 14,279			\$ 14,279	\$ 22,280	\$ 6,712	\$ 43,272	383	\$ 70,997
Board of Plumbing											
456	Examiners	30	\$ 1,488			\$ 1,488	\$ 2,321	\$ 688	\$ 4,497	100	\$ 18,561
Texas Alcoholic Beverage											
458	Commission	166	\$ 7,312			\$ 7,312	\$ 11,409	\$ 3,845	\$ 22,565	767	\$ 142,273
Texas Board of											
Professional Land											
464	Surveying	-	\$ 12			\$ 12	\$ 19	\$ 6	\$ 37	-	\$ -

## State Office of Administrative Hearings HARP Part II - Cost Allocation Summary

Actual Hours and Expenses										Projections	
September 1, 2019 through February 29, 2020										March 1, 2020 -	August 31,
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
473	Public Utility Commission of Texas	2,935	\$ 150,958			\$ 150,958	\$ 235,544	\$ 67,879	\$ 454,381	2,298	\$ 426,448
476	Texas Racing Commission	27	\$ 1,307			\$ 1,307	\$ 2,040	\$ 619	\$ 3,965	60	\$ 11,137
503	Texas Medical Board	402	\$ 22,055			\$ 22,055	\$ 34,413	\$ 9,291	\$ 65,758	2,000	\$ 371,227
504	State Board of Dental Examiners	118	\$ 6,367			\$ 6,367	\$ 9,934	\$ 2,735	\$ 19,036	200	\$ 37,123
507	Texas Board of Nursing	1,510	\$ 78,923			\$ 78,923	\$ 123,146	\$ 34,908	\$ 236,977	1,000	\$ 185,614
508	Texas Board of Chiropractic Examiners	6	\$ 347			\$ 347	\$ 542	\$ 145	\$ 1,034	66	\$ 12,250
513	Texas Funeral Service Commission	27	\$ 1,325			\$ 1,325	\$ 2,068	\$ 619	\$ 4,012	47	\$ 8,724
515	Texas State Board of Pharmacy	30	\$ 1,538			\$ 1,538	\$ 2,400	\$ 682	\$ 4,621	100	\$ 18,469
520	Board of Examiners of Psychologists	57	\$ 3,277			\$ 3,277	\$ 5,113	\$ 1,307	\$ 9,696	26	\$ 4,733
551	Department of Agriculture	113	\$ 5,795			\$ 5,795	\$ 9,042	\$ 2,613	\$ 17,449	168	\$ 31,183
578	State Board of Veterinary Medical Examiners	4	\$ 185			\$ 185	\$ 289	\$ 81	\$ 555	86	\$ 15,963
601	Texas Department of Transportation	36	\$ 1,985			\$ 1,985	\$ 3,097	\$ 833	\$ 5,914	138	\$ 25,522
802	Parks and Wildlife Department	17	\$ 862			\$ 862	\$ 1,345	\$ 387	\$ 2,594	-	\$ -
<b>General Docket Total</b>		8,707	\$ 433,261	\$ 367	\$ 3,082	\$ 436,708	\$ 676,030	\$ 201,298	\$ 1,314,032	10,652	\$ 1,977,157

**State Office of Administrative Hearings  
HARP Part II - Cost Allocation Summary**

Actual Hours and Expenses										Projections	
September 1, 2019 through February 29, 2020										March 1, 2020 -	August 31,
										2020	
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
<b>Inter Agency Contracts Fund</b>											
302	Attorney General Comptroller of Public	219	\$ 10,693	\$ 61		\$ 10,754	\$ 16,684	\$ 5,053	\$ 32,492	700	\$ 116,172
304	Accounts Texas Real Estate	2,344	\$ 134,857			\$ 134,857	\$ 210,422	\$ 54,206	\$ 399,484	2,831	\$ 469,751
329	Commission	210	\$ 10,035			\$ 10,035	\$ 15,658	\$ 4,856	\$ 30,550	250	\$ 41,490
336	Texas County and District Retirement System	5	\$ 228			\$ 228	\$ 355	\$ 104	\$ 687	-	\$ -
450	Department of Savings and Mortgage Lending	52	\$ 2,930			\$ 2,930	\$ 4,571	\$ 1,203	\$ 8,704	38	\$ 6,306
454	Department of Insurance	23	\$ 1,333			\$ 1,333	\$ 2,080	\$ 520	\$ 3,934	185	\$ 30,703
457	Texas State Board of Public Accountancy	33	\$ 2,000			\$ 2,000	\$ 3,121	\$ 752	\$ 5,872	66	\$ 10,953
459	Texas Board of Architectural Examiners	2	\$ 109			\$ 109	\$ 170	\$ 52	\$ 331	15	\$ 2,406
460	Texas Board of Professional Engineers	13	\$ 718			\$ 718	\$ 1,120	\$ 306	\$ 2,144	61	\$ 10,041
466	Office of Consumer Credit Commissioner	39	\$ 1,919			\$ 1,919	\$ 2,994	\$ 908	\$ 5,820	32	\$ 5,228
473	Public Utility Commission of Texas	950	\$ 47,905	\$ 1,080	\$ 592	\$ 49,577	\$ 74,748	\$ 21,963	\$ 146,289	977	\$ 162,143
529	Health and Human Services Commission	3,185	\$ 144,042	\$ 2	\$ 2,785	\$ 146,828	\$ 224,754	\$ 73,649	\$ 445,231	6,000	\$ 995,762
582	Texas Commission on Environmental Quality	1,219	\$ 60,783		\$ 1,211	\$ 61,995	\$ 94,842	\$ 28,178	\$ 185,015	1,000	\$ 165,877
608	Texas Department of Motor Vehicles	373	\$ 21,053			\$ 21,053	\$ 32,850	\$ 8,632	\$ 62,534	439	\$ 72,774
701	Texas Education Agency Texas Education Agency -	691	\$ 38,025	\$ 482		\$ 38,507	\$ 59,331	\$ 15,974	\$ 113,813	642	\$ 106,464
701	IDEA University of Texas	3,724	\$ 183,125	\$ 4,639	\$ 3,721	\$ 191,485	\$ 285,735	\$ 86,125	\$ 563,345	3,300	\$ 547,669
720	System	12	\$ 721			\$ 721	\$ 1,125	\$ 278	\$ 2,124	-	\$ -
940	Appraisal Review Board Lost Pines Groundwater	40	\$ 2,266		\$ 232	\$ 2,498	\$ 3,535	\$ 925	\$ 6,958	-	\$ -
952	Conservation District	252	\$ 14,177			\$ 14,177	\$ 22,121	\$ 5,816	\$ 42,115	-	\$ -

**State Office of Administrative Hearings  
HARP Part II - Cost Allocation Summary**

Actual Hours and Expenses										Projections	
September 1, 2019 through February 29, 2020										March 1, 2020 -	August 31,
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
957	Barton Springs Edwards Aquifer	24	\$ 1,215			\$ 1,215	\$ 1,896	\$ 549	\$ 3,661	-	\$ -
962	Wintergarden Groundwater Conservation District	121	\$ 5,393		\$ 159	\$ 5,552	\$ 8,415	\$ 2,798	\$ 16,765	-	\$ -
963	Texana Groundwater Conservation District	47	\$ 2,317		\$ 337	\$ 2,654	\$ 3,615	\$ 1,093	\$ 7,362	-	\$ -
964	Kinney County Groundwater Conservation District	23	\$ 985			\$ 985	\$ 1,536	\$ 520	\$ 3,041	-	\$ -
965	Post Oak Savannah Groundwater Conservation District	1	\$ 31			\$ 31	\$ 48	\$ 12	\$ 90	-	\$ -
<b>IAC Fund Total</b>		13,602	\$ 686,860	\$ 6,264	\$ 9,037	\$ 702,161	\$ 1,071,726	\$ 314,472	\$ 2,088,361	16,533	\$ 2,743,739
<b>Grand Total</b>		35,029	\$ 1,659,518	\$ 8,648	\$ 34,878	\$ 1,703,042	\$ 2,589,395	\$ 809,913	\$ 5,102,348	40,785	\$ 6,862,817