

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
HEARINGS ACTIVITY REPORT (HARP)
MARCH 1, 2020 – AUGUST 31, 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, 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 March 1, 2020, through August 31, 2020.

HARP Part I, the Workload Summary, summarizes information by agency for the events measured. It includes Fiscal Year 2021 first half projections for cases received, cases disposed, number of administrative fine cases disposed, and projected median days at SOAH. 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 first half of Fiscal Year 2021. 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

COVID-19 had a significant impact on SOAH during the second half of Fiscal Year 2020. ALR cases received were significantly down due to DPS referring fewer cases as it adapted to working under COVID-19 orders. Additionally, SOAH had to convert in-person settings and the conversions resulted in continuances on open ALR cases. Similarly, other agency referrals slowed as agencies moved to work-from-home scenarios. SOAH adapted to ALJs and staff working from home utilizing existing laptops and accelerated technology solutions for video hearings through Zoom and YouTube access for large hearings. With hearings slowing, mediations increased taking advantage of the new technology option.

HARP Part I

ALR Cases:

There were 4,426 ALR cases received and 6,252 disposed during the reporting period. Cases received have significantly decreased from the prior period due to DPS's reduction in filing cases during COVID-19. Typically, SOAH receives 2,000 to 3,000 cases per month, during this reporting period the number of cases dropped to 300 to 900 per month. DPS is working on clearing the backlog during the first half of Fiscal Year 2021.

HARP Part II

Hourly Rate:

SOAH's overall average hourly cost for the current period is \$158.43 per ALJ billable hour. ALR work was at \$144.09, non-ALR general revenue (GR) was at \$162.56, and interagency contracts (IAC) averaged \$161.19 per hour. The rate swing by agency within fund in this reporting period was as low as \$144.09 and as high as \$187.32 per hour.

Fluctuations in hourly rates are most often 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: 03/01/2020 to 08/31/2020

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	1	0	1	0	0	224	0	0	0	0
302	Attorney General	99	215	256	58	0	6	407	450	0	4
304	Comptroller of Public Accounts	124	108	145	87	0	89	179	137	0	87
307	Secretary of State	5	3	4	4	0	53	5	0	0	0
312	State Securities Board	5	4	4	5	0	193	4	2	0	114
323	Teacher Retirement System of Texas	1	1	0	2	0	0	2	1	0	229
327	Employees Retirement System of Texas	7	3	6	4	0	195.5	11	7	0	131
329	Texas Real Estate Commission	15	12	16	11	1	107	20	26	5	90
336	Texas County and District Retirement System	1	0	0	1	0	0	2	0	0	0
362	Texas Lottery Commission	39	48	65	22	0	63	58	67	0	49
405	Department of Public Safety	28	116	59	85	0	66	45	58	0	67
407	Texas Commission on Law Enforcement	273	121	120	274	0	195.5	190	184	0	201.5
450	Department of Savings and Mortgage Lending	4	8	6	6	0	122.5	4	4	1	437.5
452	Texas Department of Licensing and Regulation	64	42	51	55	3	160	65	82	4	130

HARP Part I - Workload Summary

Date Range: 03/01/2020 to 08/31/2020

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								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
454	Texas Department of Insurance	3186	388	970	2604	0	332	1780	664	0	2246
456	Board of Plumbing Examiners	2	0	2	0	0	100.5	1	2	0	78
457	Texas State Board of Public Accountancy	1	1	1	1	0	139	0	1	0	1166
458	Texas Alcoholic Beverage Commission	26	54	50	30	0	19	25	31	2	111
459	Texas Board of Architectural Examiners	2	1	2	1	0	83	2	2	0	49.5
460	Texas Board of Professional Engineers	1	0	0	1	0	0	0	1	0	158
466	Office of Consumer Credit Commissioner	2	0	2	0	0	486.5	3	4	0	100
473	Public Utility Commission of Texas	49	43	40	52	1	164	51	46	0	139
476	Texas Racing Commission	0	1	1	0	0	84	1	7	1	193
503	Texas Medical Board	56	11	39	28	0	205	68	51	0	283
504	State Board of Dental Examiners	14	14	14	14	0	106.5	8	9	0	123
507	Texas Board of Nursing	170	114	127	157	0	111	148	140	0	90.5
508	Texas Board of Chiropractic Examiners	1	1	0	2	0	0	2	2	0	35
515	Texas State Board of Pharmacy	8	1	5	4	2	145	6	5	0	136

HARP Part I - Workload Summary

Date Range: 03/01/2020 to 08/31/2020

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
520	Board of Examiners of Psychologists	1	0	1	0	0	47	2	2	0	228.5
522	Executive Council of Physical Therapy and Occupational Therapy Department of Health	1	0	0	1	0	0	0	0	0	0
529	Health and Human Services Commission	576	160	342	394	10	173	398	385	5	140
530	Department of Family and Protective Services	3	0	0	3	0	0	0	3	0	819
537	Department of State Health Services	14	2	6	10	0	142.5	9	5	0	43
539	Department of Aging and Disability Services	3	0	1	2	0	924	0	6	0	762
551	Department of Agriculture	4	5	6	3	0	135.5	16	16	0	55
578	State Board of Veterinary Medical Examiners	2	0	2	0	0	271.5	1	6	0	179
582	Texas Commission on Environmental Quality	34	23	25	32	2	195	51	46	2	160
601	Texas Department of Transportation	12	2	3	11	0	586	3	1	0	130
608	Texas Department of Motor Vehicles	54	87	70	71	0	61	110	85	1	118
644	Texas Juvenile Justice Department	2	2	2	2	0	191.5	0	1	0	83
701	Texas Education Agency	102	151	134	119	0	90	206	206	0	73.5
720	University of Texas System	1	0	1	0	0	472	0	0	0	0

HARP Part I - Workload Summary

Date Range: 03/01/2020 to 08/31/2020

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
802	Parks and Wildlife Department	1	0	1	0	0	607	0	0	0	0
940	Appraisal Review Board	11	2	7	6	0	253	3	6	0	204
952	Lost Pines Groundwater Conservation District	1	0	1	0	0	533	0	0	0	0
957	Barton Springs Edwards Aquifer	1	0	0	1	0	0	0	0	0	0
964	Kinney County Groundwater Conservation District	1	0	1	0	0	209	0	0	0	0
TOTAL FOR 47 AGENCIES		5008	1744	2589	4163	19	164	3886	2751	21	124

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

Actual Hours and Expenses										Projections	
March 1, 2020 - August 31, 2020										September 1, 2020 - February 28, 2021	
Agy #	Agency Name	Billed 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-ALR	11,528	481,836	1,132	1,384	484,352	887,649	289,053	1,661,054	12,837	1,936,329
ALR Total		11,528	481,836	1,132	1,384	484,352	887,649	289,053	1,661,054	12,837	1,936,329
General Revenue Fund (General Docket)											
307	Secretary of State	46	2,057			2,057	3,789	1,153	6,999	40	6,354
312	State Securities Board	87	4,545			4,545	8,374	2,188	15,107	70	12,589
320	Texas Workforce Commission	-	-			-	-	-	-	-	-
323	Teacher Retirement System of Texas	-	15			15	28	6	49	-	-
327	Employees Retirement System of Texas	261	11,924			11,924	21,966	6,544	40,434	250	40,460
362	Texas Lottery Commission	191	9,386			9,386	17,292	4,783	31,461	170	29,213
405	Department of Public Safety	372	17,433			17,433	32,116	9,328	58,877	300	49,452
407	Texas Commission on Law Enforcement	1,879	82,171		861	83,032	151,377	47,102	281,511	1,815	284,664
452	Texas Department of Licensing and Regulation	1,037	49,051	250	-	49,301	90,364	25,996	165,661	597	99,603
454	Texas Department of Insurance	609	28,784			28,784	53,027	15,276	97,087	525	87,066
456	Board of Plumbing Examiners	15	897			897	1,652	382	2,931	15	2,983
458	Texas Alcoholic Beverage Commission	597	28,270		12	28,282	52,080	14,963	95,325	600	100,104
464	Texas Board of Professional Land Surveying	-	-			-	-	-	-	-	-

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

Actual Hours and Expenses										Projections	
March 1, 2020 - August 31, 2020										September 1, 2020 - February 28, 2021	
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	2,114	105,268			105,268	193,927	53,000	352,195	2,618	455,112
476	Texas Racing Commission	48	2,599			2,599	4,787	1,191	8,577	38	7,138
503	Texas Medical Board	564	30,932			30,932	56,984	14,142	102,058	600	112,704
504	State Board of Dental Examiners	117	6,093			6,093	11,225	2,927	20,245	150	26,976
507	Texas Board of Nursing	1,637	82,105			82,105	151,256	41,052	274,413	1,400	244,776
508	Texas Board of Chiropractic Examiners	1	73			73	135	31	239	10	1,988
513	Texas Funeral Service Commission	-	-			-	-	-	-	20	137
515	Texas State Board of Pharmacy	175	8,644			8,644	15,924	4,394	28,962	90	15,466
520	Board of Examiners of Psychologists	12	691			691	1,273	288	2,252	-	-
522	Executive Council of Physical and Occupational Therapy Examiners	2	88			88	163	44	295	50	8,742
551	Department of Agriculture	33	1,558			1,558	2,871	815	5,244	70	11,749
578	State Board of Veterinary Medical Examiners	5	248			248	456	125	829	10	1,728
601	Texas Department of Transportation	133	7,349			7,349	13,538	3,322	24,209	35	6,644
802	Parks and Wildlife Department	1	77			77	142	31	250	10	2,068
General Docket Total		9,936	480,258	250	873	481,381	884,746	249,083	1,615,210	9,483	1,607,716

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

Actual Hours and Expenses										Projections	
March 1, 2020 - August 31, 2020										September 1, 2020 - February 28, 2021	
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
Inter Agency Contracts Fund											
100	Texas Municipal Retirement System	105	5,139			5,139	9,468	2,633	17,240	-	-
302	Attorney General Comptroller of Public Accounts	289	13,672	53		13,724	25,186	7,240	46,150	280	46,715
304	Texas Real Estate Commission	2,470	141,002			141,002	259,757	61,920	462,679	2,831	548,760
329		237	11,776			11,776	21,693	5,943	39,412	250	43,210
336	Texas County and District Retirement System	3	145			145	267	75	487	-	-
450	Department of Savings and Mortgage Lending	101	5,718			5,718	10,534	2,539	18,791	70	13,499
454	Texas Department of Insurance	62	3,147			3,147	5,798	1,561	10,506	60	10,550
457	Texas State Board of Public Accountancy	10	592			592	1,090	257	1,939	20	3,917
459	Texas Board of Architectural Examiners	5	228			228	420	113	761	5	879
460	Texas Board of Professional Engineers	22	1,176			1,176	2,166	545	3,887	20	3,717
466	Office of Consumer Credit Commissioner	11	532			532	980	276	1,788	32	5,435
473	Public Utility Commission of Texas	1,211	58,608	-	-	58,608	107,970	30,365	196,943	1,000	169,840
529	Health and Human Services Commission	2,545	113,429	28	565	28,506	208,962	63,813	301,281	3,000	476,519
582	Texas Commission on Environmental Quality	1,254	63,628	284	-	63,911	117,217	31,430	212,558	1,200	212,208
608	Texas Department of Motor Vehicles	565	31,252			31,252	57,572	14,154	102,978	439	82,901
644	Texas Juvenile Justice Department	58	2,926			2,926	5,391	1,461	9,778	11	1,923
701	Texas Education Agency	717	35,929	4,189		40,118	66,189	17,972	124,279	800	143,872
701	Texas Education Agency - IDEA	3,957	189,892	500	-	190,392	349,824	99,205	639,421	4,000	675,359

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

Actual Hours and Expenses										Projections	
March 1, 2020 - August 31, 2020										September 1, 2020 - February 28, 2021	
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
720	University of Texas System	1	45			45	83	19	147	-	-
940	Appraisal Review Board	5	293		-	293	541	125	959	-	-
952	Lost Pines Groundwater Conservation District	215	11,941			11,941	21,998	5,385	39,324	-	-
957	Barton Springs Edwards Aquifer	14	682			682	1,256	338	2,276	-	-
962	Wintergarden Groundwater Conservation District	-	-		-	-	-	-	-	-	-
963	Texana Groundwater Conservation District	-	-		-	-	-	-	-	-	-
964	Kinney County Groundwater Conservation District	2	98			98	181	56	335	-	-
965	Post Oak Savannah Groundwater Conservation District	-	-			-	-	-	-	-	-
IAC Fund Total		13,859	691,850	5,054	565	611,951	1,274,543	347,425	2,233,919	14,018	2,439,304
Grand Total		35,323	1,653,944	6,436	2,822	1,577,684	3,046,938	885,561	5,510,183	36,338	5,983,349