

STATE OFFICE OF ADMINISTRATIVE HEARINGS
HEARINGS ACTIVITY REPORT (HARP)
September 1, 2021 – February 28, 2022

INTRODUCTION

The State Office of Administrative Hearings (SOAH) serves as an independent, neutral forum 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 (HARP) provides detailed information about the caseload handled by, including SOAH's associated cost of service, during the designated reporting 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, 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, 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. (S.B. 1, General Appropriations Act, 2022-2023 Biennium, Eighty-seventh Legislature, Regular Session, Article 8.)

THE CONTENTS OF THE REPORT

This volume of HARP covers the period September 1, 2021, through February 28, 2022.

HARP Part I, the Workload Summary, summarizes information by agency for the events measured. It includes Fiscal Year 2022 second half projections for cases received, cases disposed, number of administrative fine cases disposed, and projected median days at SOAH. Please note that General Revenue 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 2nd half of Fiscal Year 2022. These projections are based on amounts included in the Legislative Appropriations Request (LAR) adjusted by the most current information available to SOAH. Please note that, for simplicity, the appeals of Appraisal Review Board (ARB) orders are listed under one agency code, 940.

SUMMARY OF ACTIVITY FOR THE CURRENT PERIOD

HARP Part I

ALR Cases:

ALR cases received decreased from prior reporting period to 11,204. Cases disposed were within the target range at 12,571 during this reporting period.

General Docket Cases:

General docket cases referred slightly decreased from prior reporting period to 1,905 received. Cases disposed continue to be low at 2,068, related to continuances.

HARP Part II

Hourly Cost:

SOAH's overall average cost for the current period is \$133.24 per ALJ billable hour a decrease from the prior reporting period of \$140.97. The number of more-complex General Docket cases has almost returned to pre-pandemic levels. ALR work was at \$122.98, General Revenue General Docket was at \$139.22, and Interagency Contracts (IAC) General Docket as at \$140.32 per hour. The rate swing by agency in this reporting period ranged from as low as \$122.98 to as high as \$165.56 per hour. The projected overall rate for the 2nd half of Fiscal Year 2022 is \$141.12.

Fluctuations in hourly rates are directly attributable to the salary and classification mix of ALJs assigned to cases as well as to the 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. Because the funding source does not dictate the ALJ that works on a case, in any given period, or for any given agency, 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, if 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 reporting 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: 09/01/2021 to 02/28/2022

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	1	0	0	133	1	0	0	0
302	Attorney General	75	411	301	185	0	20	123	137	0	7
304	Comptroller of Public Accounts	104	160	159	105	0	91	104	107	0	99
307	Secretary of State	5	2	8	(1)	0	66	7	7	0	72
312	State Securities Board	10	3	3	10	0	336	5	2	0	185.5
323	Teacher Retirement System of Texas	3	2	2	3	0	378.5	0	0	0	0
327	Employees Retirement System of Texas	5	8	6	7	0	142.5	3	3	0	189
329	Texas Real Estate Commission	8	11	8	11	1	103.5	9	9	1	102
332	Texas Department of Housing and Community Affairs	1	0	1	0	0	134	0	0	0	0
336	Texas County and District Retirement System	1	0	1	0	0	128	1	1	0	571
338	State Pension Review Board	0	1	0	1	0	0	0	0	0	0
362	Texas Lottery Commission	21	63	62	22	0	43.5	59	57	0	36
405	Department of Public Safety	7	16	14	9	0	75.5	35	99	0	103
407	Texas Commission on Law Enforcement	419	183	262	340	0	211.5	254	130	0	222.5

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								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
450	Department of Savings and Mortgage Lending	2	3	2	3	0	104.5	5	10	0	75
452	Texas Department of Licensing and Regulation	15	34	29	20	0	108	45	56	2	138.5
454	Texas Department of Insurance	2091	77	365	1803	0	549	178	401	2	462
457	Texas State Board of Public Accountancy	2	0	1	1	0	160	1	1	0	845
458	Texas Alcoholic Beverage Commission	10	7	12	5	0	165.5	50	58	0	21
459	Texas Board of Architectural Examiners	0	2	2	0	1	60	0	1	0	48
460	Texas Board of Professional Engineers	0	1	0	1	0	0	0	1	1	916
466	Office of Consumer Credit Commissioner	1	1	1	1	0	330	2	0	0	0
473	Public Utility Commission of Texas	56	40	30	66	0	161.5	25	29	0	235
503	Texas Medical Board	46	11	17	40	0	163	26	21	0	196
504	State Board of Dental Examiners	8	13	11	10	0	103	5	13	0	202
506	University of Texas M. D. Anderson Cancer Center	1	0	1	0	0	322	0	0	0	0
507	Texas Board of Nursing	169	166	189	146	0	99	166	179	0	151
508	Texas Board of Chiropractic Examiners	2	4	4	2	0	19	0	1	0	80

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								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
510	Texas Behavioral Health Executive Council	5	0	5	0	1	68	1	0	0	0
513	Texas Funeral Service Commission	0	1	0	1	0	0	1	0	0	0
515	Texas State Board of Pharmacy	11	5	8	8	1	172.5	2	5	1	373
529	Health and Human Services Commission	340	281	273	348	5	182	145	241	2	302
537	Department of State Health Services	5	90	22	73	0	92.5	5	10	1	241.5
551	Department of Agriculture	1	0	1	0	0	93	0	3	1	163
554	Texas Animal Health Commission	0	1	1	0	0	44	0	0	0	0
582	Texas Commission on Environmental Quality	51	52	38	65	0	116.5	23	30	5	209.5
601	Texas Department of Transportation	8	2	2	8	0	1212	3	3	1	253
608	Texas Department of Motor Vehicles	27	65	51	41	0	78	72	93	0	94
644	Texas Juvenile Justice Department	3	2	3	2	0	272	1	1	0	75
701	Texas Education Agency	103	164	160	107	0	85	117	153	0	108
710	Texas A & M University System	1	0	0	1	0	0	0	0	0	0

HARP Part I - Workload Summary

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								Projected Cases Received	Projected Cases Disposed	Projected Number of Admin Fine Cases	Projected Median Days at SOAH
940	Appraisal Review Board	11	22	12	21	0	82	14	9	0	99
TOTAL FOR 42 AGENCIES		3628	1905	2068	3465	9	126	1488	1871	17	167

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

Actual Hours and Expenses											Projections	
September 1st, 2021 through February 28, 2022											March 1st, 2021 - August 31st, 2022	
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total	
551	Department of Agriculture State Board of Veterinary Medical	17	\$ 922	\$ -	\$ -	\$ 922	\$ 1,261	\$ 332	\$ 2,516	135	\$ 17,344	
578	Examiners	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	40	\$ 5,139	
601	Texas Department of Transportation	234	\$ 13,202	\$ -	\$ -	\$ 13,202	\$ 18,064	\$ 4,639	\$ 35,905	234	\$ 30,038	
802	Parks and Wildlife Department	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	10	\$ 1,285	
General Revenue General Docket Total		9,922	\$ 499,347	\$ 1,834	\$ -	\$ 501,180	\$ 683,264	\$ 196,896	\$ 1,381,340	12,988	\$ 1,668,628	
Inter Agency Contracts (IAC) General Docket												
100	Texas Municipal Retirement System	21	\$ 1,262	\$ -	\$ -	\$ 1,262	\$ 1,726	\$ 407	\$ 3,395	21	\$ 3,355	
302	Attorney General	254	\$ 11,731	\$ -	\$ -	\$ 11,731	\$ 16,052	\$ 5,036	\$ 32,819	278	\$ 45,504	
303	Texas Facilities Commission	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	
304	Comptroller of Public Accounts	2,235	\$ 127,536	\$ -	\$ -	\$ 127,536	\$ 174,510	\$ 44,345	\$ 346,391	2,802	\$ 458,637	
329	Texas Real Estate Commission	185	\$ 9,913	\$ 270	\$ -	\$ 10,183	\$ 13,564	\$ 3,662	\$ 27,409	406	\$ 66,373	
336	Texas County and District Retirement System	2	\$ 115	\$ -	\$ -	\$ 115	\$ 158	\$ 40	\$ 312	2	\$ 327	
450	Department of Savings and Mortgage Lending	4	\$ 178	\$ -	\$ -	\$ 178	\$ 243	\$ 70	\$ 491	62	\$ 10,148	
454	Texas Department of Insurance Texas State Board of Public	239	\$ 11,949	\$ 200	\$ -	\$ 12,149	\$ 16,350	\$ 4,738	\$ 33,236	250	\$ 40,920	
457	Accountancy Texas Board of Architectural	30	\$ 1,575	\$ -	\$ -	\$ 1,575	\$ 2,156	\$ 595	\$ 4,327	101	\$ 16,532	
459	Examiners	50	\$ 2,648	\$ -	\$ -	\$ 2,648	\$ 3,623	\$ 982	\$ 7,253	50	\$ 8,102	
460	Texas Board of Professional Engineers Office of Consumer Credit	1	\$ 77	\$ -	\$ -	\$ 77	\$ 105	\$ 25	\$ 207	38	\$ 6,138	
466	Commissioner	92	\$ 4,924	\$ -	\$ -	\$ 4,924	\$ 6,738	\$ 1,826	\$ 13,487	92	\$ 15,059	
473	Public Utility Commission of Texas University of Texas M. D. Anderson	851	\$ 41,580	\$ -	\$ -	\$ 41,580	\$ 56,894	\$ 16,879	\$ 115,352	934	\$ 152,797	
506	Cancer Center Health and Human Services	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	
529	Commission Department of Family and Protective	2,478	\$ 114,893	\$ 1,014	\$ -	\$ 115,907	\$ 157,211	\$ 49,174	\$ 322,292	3,838	\$ 628,211	
530	Services	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	
537	Department of State Health Services Department of Aging and Disability	165	\$ 8,135	\$ -	\$ -	\$ 8,135	\$ 11,132	\$ 3,280	\$ 22,547	165	\$ 27,057	
539	Services	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	
554	Texas Animal Health Commission Texas Commission on Environmental	7	\$ 331	\$ -	\$ -	\$ 331	\$ 453	\$ 144	\$ 928	7	\$ 1,146	
582	Quality	900	\$ 44,776	\$ -	\$ -	\$ 44,776	\$ 61,268	\$ 17,861	\$ 123,904	910	\$ 148,869	
608	Texas Department of Motor Vehicles	396	\$ 21,646	\$ -	\$ -	\$ 21,646	\$ 29,619	\$ 7,849	\$ 59,113	398	\$ 65,064	

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

Actual Hours and Expenses											Projections	
September 1st, 2021 through February 28, 2022											March 1st, 2021 - August 31st, 2022	
Agy #	Agency Name	Billed Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total	
644	Texas Juvenile Justice Department	50	\$ 2,501	\$ -	\$ -	\$ 2,501	\$ 3,422	\$ 992	\$ 6,915	50	\$ 8,184	
701	Texas Education Agency	705	\$ 35,636	\$ -	\$ -	\$ 35,636	\$ 48,762	\$ 13,996	\$ 98,394	756	\$ 123,662	
701	Texas Education Agency - IDEA	4,353	\$ 218,895	\$ 1,314	\$ -	\$ 220,209	\$ 299,518	\$ 86,383	\$ 606,110	4,353	\$ 712,475	
710	Texas A&M University System	9	\$ 474	\$ -	\$ -	\$ 474	\$ 648	\$ 174	\$ 1,296	9	\$ 1,440	
940	Appraisal Review Board	73	\$ 4,272	\$ -	\$ -	\$ 4,272	\$ 5,846	\$ 1,439	\$ 11,557	73	\$ 11,867	
957	Barton Springs Edwards Aquifer Pecan Valley Groundwater	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	
966	Conservation District	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	
IAC General Docket Total		13,096	\$ 665,046	\$ 2,798	\$ -	\$ 667,844	\$ 909,995	\$ 259,894	\$ 1,837,733	15,590	\$ 2,551,867	
Grand Total		37,838	\$ 1,808,070	\$ 8,606	\$ -	\$ 1,816,676	\$ 2,474,014	\$ 750,886	\$ 5,041,576	43,397	\$ 6,124,436	