

STATE OFFICE OF ADMINISTRATIVE HEARINGS
HEARINGS ACTIVITY REPORT (HARP)
March 1, 2022 – August 31, 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 March 1, 2022, through August 31, 2022.

HARP Part I – Cases summarizes information by agency for actual pending cases, cases received, cases disposed, and median days at SOAH. It also includes Fiscal Year 2023 first half projections.

HARP Part II – Hours and Expenses 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 1st half of Fiscal Year 2023. 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 increased from the prior reporting period to 11,860. Cases disposed increased from the prior reporting period to 13,331 during this reporting period. Prior to the 4th quarter of Fiscal Year 2022, ALR cases were not included in the HARP Part I report. With the implementation of our new case management system, we are including in the report the ALR case information beginning in the 4th Quarter of Fiscal Year 2022 forward.

General Docket Cases:

General docket cases referred slightly decreased from prior reporting period to 1,752 received. Cases disposed slightly decreased from prior reporting period to 1,901.

HARP Part II

Hourly Cost:

SOAH's overall average cost for the current period is \$145.75 per ALJ billable hour an increase from the prior reporting period of \$133.24. ALR work was at \$136.03, General Revenue was at \$150.85, and Interagency Contracts (IAC) General Docket as at \$153.73 per hour. The rate swing by agency in this reporting period ranged from as low as \$136.03 to as high as \$176.10 per hour. The projected overall rate for the 1st half of Fiscal Year 2023 is \$122.47.

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 - CASES: 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 REPORTING PERIOD - Active cases pending at the beginning of the reporting period that were carried forward from the end of the prior reporting period into the next.

NUMBER OF CASES RECEIVED - Only cases initially docketed at SOAH during the reporting period. 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 in a prior reporting period.

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.

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

HARP PART II – HOURS AND EXPENSES: 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.

HOURS - The total amount of actual case-related time.

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 Management, Finance, General Counsel, Human Resources, Records, 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.

State Office of Administrative Hearings Hearings Activity Report (HARP) Part I - Cases

Date Range: 03/01/2022 to 08/31/2022

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	Median Days at SOAH	Projections		
							Projected Cases Received	Projected Cases Disposed	Projected Median Days at SOAH
302	Office of the Texas Attorney General	336	372	188	520	8	315	94	4
304	Texas Comptroller of Public Accounts	118	118	137	99	88	136	75	112
312	Texas State Securities Board	12	2	2	12	469	3	1	234
323	Teacher Retirement System of Texas	4	0	3	1	280	1	2	442
327	Employees Retirement System of Texas	8	7	3	12	177	4	1	88
329	Texas Real Estate Commission - Texas Appraiser Licensing and Certification Board	13	7	12	8	212	9	6	106
338	Texas State Pension Review Board	1	0	0	1	0	0	0	0
362	Texas Lottery Commission	37	78	33	82	49	64	16	24
405	Texas Department of Public Safety	9,193	11,801	11,082	9,912	218	6,770	5,568	238
407	Texas Commission on Law Enforcement	438	227	139	526	370	273	69	185
450	Texas Department of Savings and Mortgage Lending	5	5	0	10	0	5	0	0
452	Texas Department of Licensing and Regulation	29	22	17	34	258	24	19	267
453	Texas Workers Compensation Commission	2	0	0	2	0	0	0	0
454	Texas Department of Insurance	1,819	87	133	1,773	1,142	132	71	732
456	Texas State Board of Plumbing Examiners	0	2	1	1	59	1	0	29
457	Texas State Board of Public Accountancy	2	1	0	3	0	2	0	0
458	Texas Alcoholic Beverage Commission	5	12	6	11	74	10	4	68
459	Texas Board of Architectural Examiners	0	2	1	1	15	1	0	7
466	Texas Office of Consumer Credit Commissioner	1	2	0	3	0	2	0	0
473	Public Utility Commission of Texas	83	62	23	122	78	52	15	175
503	Texas Medical Board	61	35	23	73	279	33	12	419
504	Texas State Board of Dental Examiners	14	7	7	14	31	7	3	15
507	Texas Board of Nursing	245	150	90	305	98	192	47	174
508	Texas Board of Chiropractic Examiners	2	1	0	3	0	1	0	0
510	Texas Behavioral Health Executive Council	2	2	0	4	0	4	0	102
513	Texas Funeral Service Commission	2	0	0	2	0	0	0	0
514	Texas Optometry Board	0	3	0	3	0	1	0	0

State Office of Administrative Hearings Hearings Activity Report (HARP) Part I - Cases

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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	Median Days at SOAH	Projections		
							Projected Cases Received	Projected Cases Disposed	Projected Median Days at SOAH
515	Texas State Board of Pharmacy	10	9	5	14	127	11	3	124
529	Texas Health and Human Services Commission	466	308	154	620	274	318	92	205
537	Texas Department of State Health Services	99	15	28	86	286	11	14	410
554	Texas Animal Health Commission	0	1	0	1	0	0	0	0
578	Texas Board of Veterinary Medical Examiners	0	3	1	2	33	1	0	16
582	Texas Commission on Environmental Quality	101	41	14	128	135	57	8	194
601	Texas Department of Transportation	6	2	2	6	267	2	1	453
608	Texas Department of Motor Vehicles	56	41	22	75	46	43	11	406
644	Texas Juvenile Justice Department	3	1	0	4	0	1	0	0
701	Texas Education Agency	172	172	56	288	243	161	28	121
710	Texas A & M University System	1	0	0	1	0	0	0	0
940	Appraisal Review Board	28	7	5	30	285	9	2	142
Total for 39 Agencies:		13,374	13,605	12,187	14,792	N/A	8,656	6,162	N/A

**State Office of Administrative Hearings
Hearings Activity Report (HARP) Part II - Hours and Expenses
Date Range: 03/01/2022 to 08/31/2022**

										Projections	
										Sep 1, 2022 - Feb 28, 2023	
Agy #	Agency Name	Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
General Revenue Administrative License Revocation (ALR)											
405	Department of Public Safety-ALR	16,396	\$ 744,313	\$ 1,580	\$ -	\$ 745,893	\$ 1,107,986	\$ 376,449	\$ 2,230,327	16,396	\$ 1,941,092
ALR Total		16,396	\$ 744,313	\$ 1,580	\$ -	\$ 745,893	\$ 1,107,986	\$ 376,449	\$ 2,230,327	16,396	\$ 1,941,092
General Revenue Fund (General Docket)											
307	Secretary of State	-	\$ 12	\$ -	\$ -	\$ 12	\$ 18	\$ 6	\$ 36	17	\$ 1,971
312	State Securities Board	40	\$ 2,018	\$ -	\$ -	\$ 2,018	\$ 3,004	\$ 924	\$ 5,947	40	\$ 4,771
323	Teacher Retirement System of Texas	124	\$ 7,053	-	\$ -	\$ 7,053	\$ 10,499	\$ 2,847	\$ 20,399	124	\$ 14,681
327	Employees Retirement System of Texas	177	\$ 9,931	\$ -	\$ -	\$ 9,931	\$ 14,783	\$ 4,064	\$ 28,779	177	\$ 20,955
332	Texas Department of Housing and Community Affairs	-	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -	48	\$ 5,624
338	State Pension Review Board	1	\$ 62	\$ -	\$ -	\$ 62	\$ 92	\$ 23	\$ 176	1	\$ 118
362	Texas Lottery Commission	147	\$ 7,516	-	\$ -	\$ 7,516	\$ 11,188	\$ 3,375	\$ 22,079	170	\$ 20,067
405	Department of Public Safety	340	\$ 17,205	\$ -	\$ -	\$ 17,205	\$ 25,611	\$ 7,801	\$ 50,616	581	\$ 68,786
407	Texas Commission on Law Enforcement	2,597	\$ 124,540	\$ -	\$ -	\$ 124,540	\$ 185,391	\$ 59,634	\$ 369,565	2,597	\$ 307,499
411	Texas Commission on Fire Protection	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
452	Texas Department of Licensing and Regulation	301	\$ 14,363	\$ 440	\$ -	\$ 14,803	\$ 21,381	\$ 6,917	\$ 43,102	597	\$ 70,621
454	Texas Department of Insurance	443	\$ 22,514	\$ -	\$ -	\$ 22,514	\$ 33,514	\$ 10,160	\$ 66,188	443	\$ 52,388
456	Board of Plumbing Examiners	38	\$ 1,871	\$ -	\$ -	\$ 1,871	\$ 2,785	\$ 878	\$ 5,535	63	\$ 7,459
458	Texas Alcoholic Beverage Commission	282	\$ 15,552	\$ 32	\$ -	\$ 15,584	\$ 23,151	\$ 6,475	\$ 45,210	646	\$ 76,481
469	Credit Union Department	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1	\$ 118
473	Public Utility Commission of Texas	1,754	\$ 93,024	\$ -	\$ -	\$ 93,024	\$ 138,475	\$ 40,279	\$ 271,777	2,618	\$ 309,890
476	Texas Racing Commission	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	56	\$ 6,571
481	Texas Board of Professional Geoscientists	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	8	\$ 947
503	Texas Medical Board	468	\$ 26,269	\$ -	\$ -	\$ 26,269	\$ 39,105	\$ 10,751	\$ 76,125	1,419	\$ 167,939
504	State Board of Dental Examiners	127	\$ 6,675	\$ -	\$ -	\$ 6,675	\$ 9,936	\$ 2,916	\$ 19,527	303	\$ 35,914
507	Texas Board of Nursing	1,474	\$ 77,473	\$ -	\$ -	\$ 77,473	\$ 115,327	\$ 33,844	\$ 226,644	1,474	\$ 174,509
508	Texas Board of Chiropractic Examiners	3	\$ 200	\$ -	\$ -	\$ 200	\$ 298	\$ 75	\$ 572	25	\$ 2,901
510	Texas Behavioral Health Executive Council	17	\$ 904	\$ -	\$ -	\$ 904	\$ 1,345	\$ 390	\$ 2,639	201	\$ 23,797
513	Texas Funeral Service Commission	10	\$ 585	\$ -	\$ -	\$ 585	\$ 871	\$ 235	\$ 1,691	55	\$ 6,512
514	Texas Optometry Board	6	\$ 278	\$ -	\$ -	\$ 278	\$ 414	\$ 132	\$ 825	11	\$ 1,243
515	Texas State Board of Pharmacy	186	\$ 10,191	\$ -	\$ -	\$ 10,191	\$ 15,171	\$ 4,271	\$ 29,633	186	\$ 22,021
533	Executive Council of Physical and Occupational Therapy Examiners	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
551	Department of Agriculture	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	135	\$ 15,983

State Office of Administrative Hearings
Hearings Activity Report (HARP) Part II - Hours and Expenses
Date Range: 03/01/2022 to 08/31/2022

										Projections	
										Sep 1, 2022 - Feb 28, 2023	
Agy #	Agency Name	Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
578	State Board of Veterinary Medical Examiners	12	\$ 621	\$ -	\$ -	\$ 621	\$ 925	\$ 264	\$ 1,810	40	\$ 4,736
601	Texas Department of Transportation	181	\$ 9,573	\$ -	\$ -	\$ 9,573	\$ 14,251	\$ 4,156	\$ 27,980	181	\$ 21,429
781	Texas Higher Education Coordinating Board	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
802	Parks and Wildlife Department	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	10	\$ 1,184
General Docket Total		8,729	\$ 448,431	\$ 472	\$ -	\$ 448,903	\$ 667,535	\$ 200,417	\$ 1,316,854	12,223	\$ 1,447,114
Inter Agency Contracts Fund											
100	Texas Municipal Retirement System	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
302	Attorney General	358	\$ 18,961	\$ -	\$ -	\$ 18,961	\$ 28,225	\$ 8,226	\$ 55,412	358	\$ 46,341
303	Texas Facilities Commission	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
304	Comptroller of Public Accounts	1,983	\$ 114,379	\$ -	\$ -	\$ 114,379	\$ 170,265	\$ 45,519	\$ 330,164	2,802	\$ 362,398
329	Texas Real Estate Commission	337	\$ 17,593	\$ -	\$ -	\$ 17,593	\$ 26,189	\$ 7,738	\$ 51,519	406	\$ 52,446
336	Texas County and District Retirement System	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
450	Department of Savings and Mortgage Lending	73	\$ 3,700	\$ -	\$ -	\$ 3,700	\$ 5,508	\$ 1,682	\$ 10,890	73	\$ 9,480
454	Texas Department of Insurance	183	\$ 9,863	\$ -	\$ -	\$ 9,863	\$ 14,682	\$ 4,208	\$ 28,752	250	\$ 32,334
457	Texas State Board of Public Accountancy	2	\$ 91	\$ -	\$ -	\$ 91	\$ 136	\$ 34	\$ 261	101	\$ 13,063
459	Texas Board of Architectural Examiners	3	\$ 136	\$ -	\$ -	\$ 136	\$ 202	\$ 63	\$ 401	9	\$ 1,099
460	Texas Board of Professional Engineers	2	\$ 92	\$ -	\$ -	\$ 92	\$ 137	\$ 34	\$ 264	38	\$ 4,850
466	Office of Consumer Credit Commissioner	66	\$ 3,199	\$ -	\$ -	\$ 3,199	\$ 4,761	\$ 1,504	\$ 9,464	66	\$ 8,471
473	Public Utility Commission of Texas	860	\$ 45,059	\$ -	\$ -	\$ 45,059	\$ 67,075	\$ 19,746	\$ 131,880	934	\$ 120,735
529	Health and Human Services Commission	2,803	\$ 136,464	\$ -	\$ -	\$ 136,464	\$ 203,141	\$ 64,364	\$ 403,969	3,838	\$ 496,390
537	Department of State Health Services	334	\$ 16,755	\$ -	\$ -	\$ 16,755	\$ 24,941	\$ 7,675	\$ 49,370	334	\$ 43,237
554	Texas Animal Health Commission	1	\$ 48	\$ -	\$ -	\$ 48	\$ 72	\$ 23	\$ 143	1	\$ 129
582	Texas Commission on Environmental Quality	2,729	\$ 149,790	\$ -	\$ -	\$ 149,790	\$ 222,978	\$ 62,654	\$ 435,422	2,729	\$ 352,931
608	Texas Department of Motor Vehicles	445	\$ 24,038	\$ -	\$ -	\$ 24,038	\$ 35,783	\$ 10,212	\$ 70,033	445	\$ 57,528
644	Texas Juvenile Justice Department	17	\$ 805	\$ -	\$ -	\$ 805	\$ 1,198	\$ 379	\$ 2,382	17	\$ 2,134
701	Texas Education Agency	497	\$ 26,435	\$ -	\$ -	\$ 26,435	\$ 39,352	\$ 11,417	\$ 77,204	756	\$ 97,713
701	Texas Education Agency - IDEA	3,620	\$ 183,858	\$ 155	\$ -	\$ 184,013	\$ 273,692	\$ 83,111	\$ 540,816	3,717	\$ 480,676
710	Texas A&M University System	1	\$ 71	\$ -	\$ -	\$ 71	\$ 105	\$ 29	\$ 205	1	\$ 168
940	Appraisal Review Board	98	\$ 5,840	\$ -	\$ -	\$ 5,840	\$ 8,693	\$ 2,250	\$ 16,783	98	\$ 12,675
IAC General Docket Total		14,411	\$ 757,177	\$ 155	\$ -	\$ 757,332	\$ 1,127,135	\$ 330,867	\$ 2,215,333	16,970	\$ 2,194,800
Grand Total		39,536	\$ 1,949,920	\$ 2,207	\$ -	\$ 1,952,127	\$ 2,902,655	\$ 907,732	\$ 5,762,514	45,588	\$ 5,583,006