

STATE OFFICE OF ADMINISTRATIVE HEARINGS HEARINGS ACTIVITY REPORT (HARP)

March 1, 2023 – August 31, 2023

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 SOAH' caseload, 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, 2023, through August 31, 2023.

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 2024 1st 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 2024. These projected hours are based on the median of the two most recent reporting periods actual hours. 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 slightly increased from the prior reporting period to 11,802. Cases disposed decreased from the prior reporting period to 12,647 during this reporting period.

General Docket Cases:

General docket cases referred slightly increased from prior reporting period to 1,753 received. Cases disposed increased from prior reporting period to 1,692.

HARP Part II

Hourly Cost:

ALR work was \$135.91 per ALJ billable hour and General Docket was \$141.62. General Revenue funded cases was at \$137.86 and Interagency Contracts (IAC) was at \$149.71. The rate swing by agency in this reporting period ranged from as low as \$133.91 to as high as \$175.89 per hour. The overall rate for the current period is \$143.19, a decrease from the prior reporting period of \$153.64.

The projected IAC rate for the 1st half of Fiscal Year 2024 is \$175.19. The projected overall rate for the 1st half of Fiscal Year 2024 is \$153.64.

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.

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

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

TRAVEL COST - 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: 03/01/2023 to 08/31/2023

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	153	199	202	150	4	286	200	5
304	Texas Comptroller of Public Accounts	99	130	142	87	114	124	145	94
307	Texas Secretary of State	1	5	6	0	45	2	3	22
312	Texas State Securities Board	8	2	1	9	57	2	1	263
323	Teacher Retirement System of Texas	1	0	1	0	134	0	2	207
327	Employees Retirement System of Texas	5	4	5	4	385	5	4	281
329	Texas Real Estate Commission - Texas Appraiser Licensing and Certification Board	9	17	13	13	46	12	13	62
332	Texas Department of Housing and Community Affairs	0	2	1	1	91	1	0	45
362	Texas Lottery Commission	55	63	90	28	139	70	62	77
405	Texas Department of Public Safety	5,675	11,692	12,500	4,867	54	11,747	11,718	90
407	Texas Commission on Law Enforcement	375	234	234	375	668	231	192	478
450	Texas Department of Savings and Mortgage Lending	2	2	2	2	60	3	1	30
451	Texas Department of Banking	2	0	1	1	98	0	0	49
452	Texas Department of Licensing and Regulation	30	23	32	21	172	22	24	165
453	Texas Workers Compensation Commission	1	0	0	1	0	0	0	0
454	Texas Department of Insurance	1,241	68	137	1,172	0	78	128	36
457	Texas State Board of Public Accountancy	2	1	2	1	280	1	1	140
458	Texas Alcoholic Beverage Commission	7	13	7	13	43	12	6	129
459	Texas Board of Architectural Examiners	2	3	4	1	106	2	2	60
469	Credit Union Department	2	0	0	2	0	0	0	0
473	Public Utility Commission of Texas	112	64	77	99	128	62	57	150
481	Texas Board of Professional Geoscientists	0	1	0	1	0	0	0	0
503	Texas Medical Board	49	29	37	41	259	32	34	279
504	Texas State Board of Dental Examiners	8	4	4	8	192	5	5	154
507	Texas Board of Nursing	145	152	132	165	94	153	118	94
508	Texas Board of Chiropractic Examiners	3	1	3	1	119	1	1	59

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
510	Texas Behavioral Health Executive Council	4	6	5	5	65	4	2	32
513	Texas Funeral Service Commission	1	0	0	1	0	0	0	0
514	Texas Optometry Board	3	0	3	0	321	1	1	160
515	Texas State Board of Pharmacy	8	9	9	8	29	9	8	177
529	Texas Health and Human Services Commission	425	335	256	504	304	321	209	222
537	Texas Department of State Health Services	97	40	66	71	324	28	47	291
551	Texas Department of Agriculture	1	1	1	1	211	0	0	105
554	Texas Animal Health Commission	1	15	8	8	87	8	4	43
578	Texas Board of Veterinary Medical Examiners	8	8	3	13	231	5	2	132
582	Texas Commission on Environmental Quality	91	53	54	90	71	46	38	102
601	Texas Department of Transportation	6	0	1	5	32	1	1	149
608	Texas Department of Motor Vehicles	50	69	59	60	10	55	42	259
644	Texas Juvenile Justice Department	2	0	2	0	424	0	1	212
696	Texas Department of Criminal Justice	1	0	0	1	0	0	0	0
701	Texas Education Agency	183	203	186	200	286	187	129	212
710	Texas A & M University System	1	0	0	1	0	0	0	0
940	Appraisal Review Board	22	46	16	52	164	26	10	89
955	Bandera County River Authority and Groundwater District	0	1	0	1	0	0	0	0
965	Post Oak Savannah Groundwater Conservation District	0	2	0	2	0	1	0	0
967	Permian Basin Underground Water Conservation District	0	1	0	1	0	0	0	0
968	Gonzales County Underground Water Conservation District	0	1	0	1	0	0	0	0
Total for 47 Agencies:		8,891	13,499	14,302	8,088	N/A	13,543	13,211	N/A

State Office of Administrative Hearings
Hearings Activity Report (HARP) Part II - Hours and Expenses
Date Range: 03/01/2023 to 08/31/2023

										Projections	
										September 1st, 2023 - March 28th, 2024	
Agy #	Agency Name	Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
551	Department of Agriculture	45	\$ 2,807	\$ -	\$ -	\$ 2,807	\$ 4,057	\$ 1,008	\$ 7,871	37	\$ 5,215
	State Board of Veterinary Medical										
578	Examiners	272	\$ 14,149	\$ -	\$ -	\$ 14,148	\$ 20,451	\$ 6,124	\$ 40,724	197	\$ 27,958
601	Texas Department of Transportation	5	\$ 236	\$ -	\$ -	\$ 236	\$ 342	\$ 101	\$ 679	7	\$ 1,053
	Texas Higher Education Coordinating										
781	Board	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
802	Parks and Wildlife Department	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
GR/General Docket Total		25,282	\$ 1,200,842	\$ 9,176	\$ -	\$ 1,210,018	\$ 1,735,774	\$ 569,230	\$ 3,515,023	10,336	\$ 1,470,644
IAC/General Docket											
100	Texas Municipal Retirement System	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
302	Attorney General	195	\$ 9,657	\$ -	\$ -	\$ 9,657	\$ 13,959.20	\$ 4,385	\$ 28,001	233	\$ 40,873
303	Texas Facilities Commission	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
304	Comptroller of Public Accounts	1,523	\$ 88,301	\$ -	\$ -	\$ 88,301	\$ 127,635.60	\$ 34,291	\$ 250,228	1,425	\$ 249,697
329	Texas Real Estate Commission	450	\$ 23,944	\$ -	\$ -	\$ 23,944	\$ 34,610.80	\$ 10,132	\$ 68,687	274	\$ 47,942
	Texas County and District Retirement										
336	System	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
	Department of Savings and Mortgage										
450	Lending	5	\$ 230	\$ -	\$ -	\$ 230	\$ 332.30	\$ 107	\$ 669	35	\$ 6,141
451	Texas Department of Banking	121	\$ 5,888	\$ -	\$ -	\$ 5,888	\$ 8,510.80	\$ 2,724	\$ 17,123	66	\$ 11,589
454	Texas Department of Insurance	384	\$ 20,759	\$ -	\$ -	\$ 20,759	\$ 30,006.20	\$ 8,640	\$ 59,406	386	\$ 67,695
457	Texas State Board of Public Accountancy	45	\$ 2,275	\$ -	\$ -	\$ 2,275	\$ 3,288.40	\$ 1,013	\$ 6,577	31	\$ 5,387
459	Texas Board of Architectural Examiners	16	\$ 823	\$ -	\$ -	\$ 823	\$ 1,189.00	\$ 355	\$ 2,366	13	\$ 2,304
460	Texas Board of Professional Engineers	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
466	Office of Consumer Credit Commissioner	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	40	\$ 6,964
473	Public Utility Commission of Texas	1,608	\$ 82,234	\$ -	\$ -	\$ 82,234	\$ 118,865.70	\$ 36,194	\$ 237,293	1,178	\$ 206,380
529	Health and Human Services Commission	3,550	\$ 164,737	\$ 800	\$ -	\$ 165,537	\$ 238,121.00	\$ 79,924	\$ 483,582	3,351	\$ 587,105
537	Department of State Health Services	373	\$ 20,059	\$ -	\$ -	\$ 20,059	\$ 28,993.80	\$ 8,387	\$ 57,439	316	\$ 55,344
554	Texas Animal Health Commission	99	\$ 4,940	\$ -	\$ -	\$ 4,940	\$ 7,141.00	\$ 2,218	\$ 14,299	52	\$ 9,110
	Texas Commission on Environmental										
582	Quality	2,134	\$ 114,415	\$ -	\$ 93	\$ 114,508	\$ 165,382.90	\$ 48,048	\$ 327,939	1,635	\$ 286,488
608	Texas Department of Motor Vehicles	690	\$ 37,788	\$ -	\$ -	\$ 37,788	\$ 54,620.90	\$ 15,541	\$ 107,950	449	\$ 78,671
644	Texas Juvenile Justice Department	22	\$ 1,103	\$ -	\$ -	\$ 1,103	\$ 1,593.80	\$ 501	\$ 3,197	43	\$ 7,542
696	Texas Department of Criminal Justice	0.25	\$ 15	\$ -	\$ -	\$ 15	\$ 22.20	\$ 6	\$ 43	-	\$ -
701	Texas Education Agency	1,090	\$ 55,633	\$ 1,280	\$ -	\$ 56,913	\$ 80,415.65	\$ 24,536	\$ 161,865	778	\$ 136,367
701	Texas Education Agency - IDEA	3,642	\$ 186,445	\$ 9,223	\$ 10,762	\$ 206,430	\$ 269,499.83	\$ 81,990	\$ 557,920	3,477	\$ 609,109
710	Texas A&M University System	2	\$ 99	\$ -	\$ -	\$ 99	\$ 143.10	\$ 39	\$ 282	2	\$ 315
940	Appraisal Review Board	172	\$ 9,880	\$ -	\$ 275	\$ 10,155	\$ 14,281.50	\$ 3,873	\$ 28,309	149	\$ 26,060
955	Bandera Co. River Authority	6	\$ 321	\$ -	\$ -	\$ 321	\$ 463.20	\$ 141	\$ 924	-	\$ -

**State Office of Administrative Hearings
Hearings Activity Report (HARP) Part II - Hours and Expenses
Date Range: 03/01/2023 to 08/31/2023**

										Projections	
										September 1st, 2023 - March 28th, 2024	
Agy #	Agency Name	Hours	Direct Salaries	Court Cost	Travel Cost	Total Direct	Total Indirect	Total Admin	Case Total	Total Hours	Case Total
965	Post Oak Savannah Groundwater Conservation District	6	\$ 308	\$ -	\$ -	\$ 308	\$ 444.60	\$ 135	\$ 887	-	\$ -
968	Gonzales County Underground Water Conservation District	6	\$ 266	\$ -	\$ -	\$ 266	\$ 384.70	\$ 124	\$ 775	-	\$ -
IAC/General Docket Total		16,136	\$ 830,119	\$ 11,303	\$ 11,130	\$ 852,552	\$ 1,199,906	\$ 363,304	\$ 2,415,761	13,934	\$ 2,441,083
Grand Total		41,418	\$ 2,030,961	\$ 20,479	\$ 11,130	\$ 2,062,570	\$ 2,935,680	\$ 932,534	\$ 5,930,784	40,368	\$ 6,202,105