

WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION



The Office of Administrative Hearings

Fiscal Year 2018 Annual Report

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Chief Hearing Examiner

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INTRODUCTION BY THE CHIEF HEARING EXAMINER

The Office of Administrative Hearings (OAH) has as its primary duty the responsibility for providing a neutral forum for the fair and impartial resolution of contested driver's license revocation proceedings. The vast majority of the cases heard by OAH involve contested revocations for driving under the influence of alcohol. However, the Agency has seen a significant rise in the number of cases involving driving under the influence of drugs and/or controlled substances.

OAH operates under the authority of the West Virginia Department of Transportation and has been in existence operationally since October 2010. During the first six (6) years of its existence, OAH was plagued with a backlog of cases that resulted in delays in the timely resolution of driver's license revocation matters. However, as the Agency nears the end of its eighth year, OAH has successfully overcome the challenges of its early years by implementing changes that emphasize the importance of resolving matters within a reasonable time frame while not sacrificing quantity of work for quality of work.

Significant achievements met within the last two years include the overall reduction of pending cases to two thousand thirty-seven (2,037), marking its lowest point since this number was initially surpassed in 2011; a substantial reduction in overall continuances granted, resulting in a ten percent (10%) increase in the number of hearings held; an increase of thirty-four percent (34%) in the number of Final Orders issued after evidentiary hearing, and a reduction of sixty-four (64%) in the number of cases pending with incident dates prior to 2014.

CREATION OF THE OFFICE OF ADMINSTRATIVE HEARINGS

OAH originated through Senate Bill 186, which passed during the 2010 Regular Legislative Session and became effective on June 11, 2010. West Virginia Code § 17C-5C-1 provides that OAH is created as a separate operating agency within the West Virginia Department of Transportation, and the transition of authority from the DMV to OAH was completed by October 1, 2010, as mandated. However, the Hearing Examiners employed by OAH continued to conduct hearings on behalf of DMV regarding alleged offenses, which occurred prior to the effective date of the statute.¹

MISSION OF THE OFFICE OF ADMINISTRATIVE HEARINGS

The Mission of OAH is to provide a neutral forum for the fair and impartial resolution of license revocations or suspensions initiated by DMV.

¹ NOTE: A decision issued on July 20, 2012, by the Supreme Court of Appeals establishes THAT THE DMV RETAINS JURISDICTION OVER CASES involving offenses occurring PRIOR TO JUNE 11, 2010 – and the OAH hearing examiners no longer conduct DMV hearings or draft DMV Orders.

PURPOSE OF THE OFFICE OF ADMINISTRATIVE HEARINGS

The purpose of OAH is to issue decisions which uphold, reverse, or modify the revocation or suspension of citizens' driving privileges by DMV. To fulfil this mandate, the OAH conducts administrative hearings and, based on the determination of the facts of the case and applicable law, renders decisions affirming, reversing or modifying the actions taken by DMV.

OAH functions include, but are not limited to the following:

- Conducting administrative hearings in contested cases involving license revocations issued by DMV.
- Issuing final orders, either resulting from administrative hearings, or other circumstances that result from activities or omissions not involving the holding of an administrative hearing.
- Statistically tracking cases to conclusion within the framework of each fiscal year.

JURISDICTION OF THE OFFICE OF ADMINISTRATIVE HEARINGS

OAH has jurisdiction over most matters involving contested motor vehicle license revocations. However, the Legislature did not transfer jurisdiction of revocation orders issued to persons who fail to carry automotive insurance nor in matters involving punitive actions taken by DMV against motor vehicle dealerships.

West Virginia Code §17C-5C-3 establishes that OAH has jurisdiction to hear and determine:

- (1) Appeals from an order of the Commissioner of the Division of Motor Vehicles suspending a license pursuant to section eight, article two-b, chapter seventeen-b of this code;
- (2) Appeals from decisions or orders of the Commissioner of the Division of Motor Vehicles suspending or revoking a license pursuant to sections three-c, six and twelve, article three, chapter seventeen-b of this code;
- (3) Appeals from orders of the Commissioner of the Division of Motor Vehicles pursuant to section two, article five-a of this chapter, revoking or suspending a license under the provisions of section one of this article or section seven, article five of chapter;
- (4) Appeals from decisions or orders of the Commissioner of the Division of Motor Vehicles denying, suspending, revoking, refusing to renew any license or imposing any civil money penalty for violating the provisions of any licensing law contained in chapters seventeen-b and seventeen-c that are administered by the Commissioner of the Division of Motor Vehicles; and
- (5) Other matters which may be conferred on the office by statute or legislatively approved rules.

However, the vast majority of the appeals adjudicated by OAH are filed in response to revocation orders issued by DMV for various offenses relating to driving under the influence of alcohol, controlled substances, or drugs (DUI). These offenses include DUI; DUI causing bodily injury; DUI causing death; DUI with a minor passenger; DUI when under the age of twenty-one (21); DUI with a blood alcohol content of fifteen hundredths of one percent (.15%) or more; refusal to submit to the secondary chemical test to determine the alcohol concentration level of the blood, and knowingly permitting an impaired person to operate your motor vehicle.

Also, Title 105, *Code of State Rules*, Series 1, provides procedures regarding the initiation and administration of appeals that are heard and determined by OAH from orders and decisions of the Commissioner of DMV. It states definitions, provides service and filing deadlines, sets forth required information and data for written objections, informs regarding hearing notices and locations, and addresses hearing continuances and postponements. The rules set forth pre-hearing notification requirements, covers subpoenas, discovery, motions, stipulations and exhibits, and informs regarding the consequences of a failure to appear at a hearing. In addition to setting a filing fee, it also addresses hearings and evidence, hearing transcripts, the official record, transcript requests, final orders, and motions to reconsider.

WRITTEN OBJECTIONS TO REVOCATION ORDERS

Any person (hereinafter “the Petitioner”) whose driving privilege has been revoked or suspended pursuant to an Order of Revocation or Suspension issued by DMV for a DUI offense may file a Written Objection with OAH. The Written Objection must be filed with OAH within thirty (30) days of the person’s receipt of the Revocation or Suspension Order.

The OAH Docketing Department is comprised of seven (7) full-time positions (currently two positions are vacant) whose function is to process the Written Objections and schedule all administrative hearings. The Docketing Department reviews all Written Objections to confirm that the appeal was timely filed by the Petitioner and then all pertinent information is entered into the Agency database. During Fiscal Year 2018, the OAH Docketing Department received and processed eight hundred eighteen (818) new Written Objections. Of these requests, seven hundred four (704) were granted, and one hundred fourteen (114) were denied for various reasons.

Once it is verified that the Written Objection was timely filed, the Docketing Department notifies DMV of the appeal of the revocation order, and a stay of the imposition of the revocation period is entered and remains in effect during the pendency of the appeal.

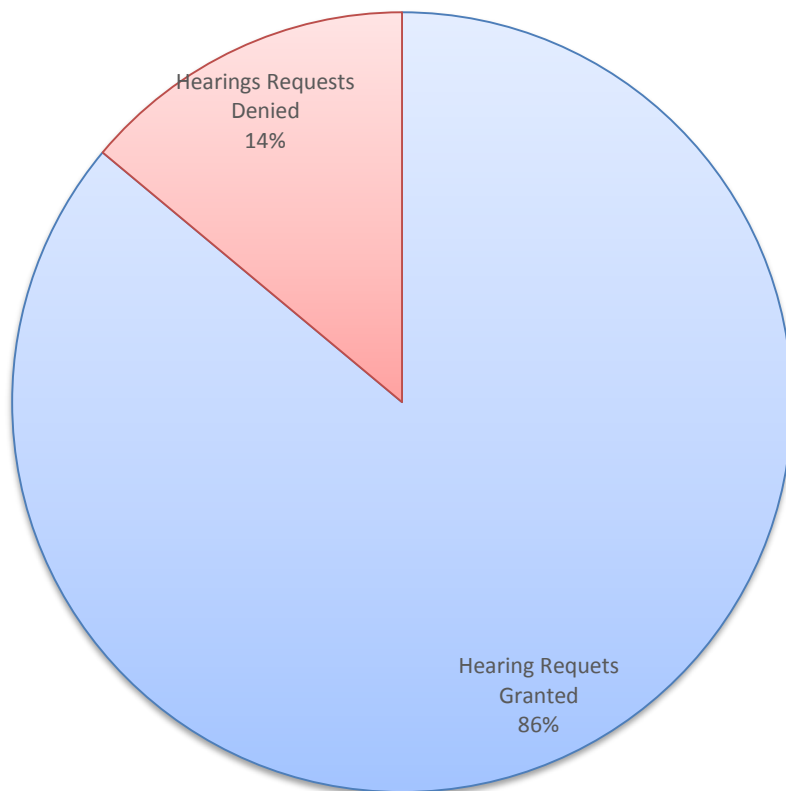
The OAH Docketing Department schedules the administrative hearing to be conducted within one hundred eighty (180) days of the receipt of the Written Objection and is responsible for issuing a hearing notice advising the parties of the date, time and location of the administrative hearing. During Fiscal Year 2018, the OAH Docketing Department scheduled three thousand six hundred thirty-four (3,634) administrative hearings. Currently, there are four hundred seventy (470) hearings scheduled for hearing and forty-six (46) additional matters which need to be scheduled.

Finally, at the request of the person whose license is at issue, the OAH Docketing Department generates subpoenas commanding the appearance of witnesses and subpoenas duces tecum commanding the submission of documents at the administrative hearing.

FISCAL YEAR 2018
New Written Objections Filed (818)

New Written Objections Filed	818
Hearing Requests Granted	704
Hearing Requests Denied	114

NEW WRITTEN OBJECTIONS FILED - 818



As noted, during Fiscal Year 2018, seven hundred four (704) people were granted an administrative hearing to contest the revocation of their driving privileges. The following is a breakdown of the alleged offenses for which an administrative hearing has been granted:

DUI - Alcohol (395):

DUI < .15	169
DUI Under 21	2
DUI/Injury	2
DUI/Death	1
DUI/Refusal	79
DUI/Refusal/Injury	1
DUI/Injury/Minor	4
DUI > .15	70
DUI>15/Injury	2
DUI>15/Minor	1
DUI/CDL	21
DUI>15/CDL	19
DUI<15/CDL Injury	2
DUI/Refusal/CDL	7
DUI>15/CDL/Injury	2
Permitting	13

DUI - Drugs (289):

Drugs	263
Drugs/Injury	3
Drugs/Injury/Minor	1
Drugs/Minor	8
Drugs/CDL	13
Drugs/CDL/Injury	1

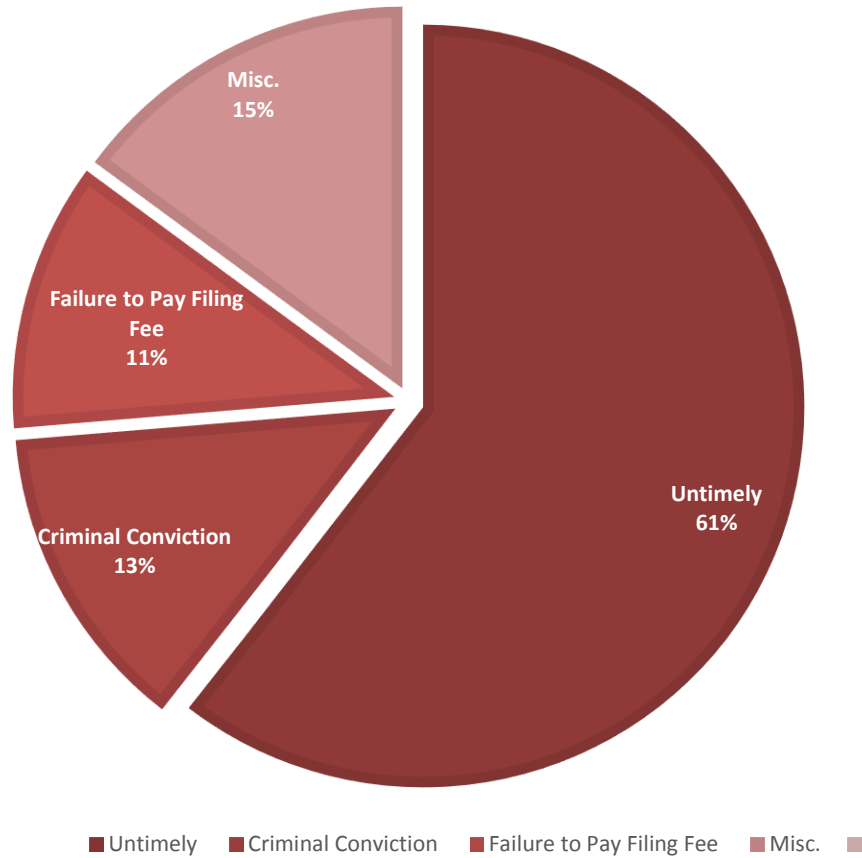
OTHER (20):

Revoked	5
Points	13
Fraudulent License	2

FISCAL YEAR 2018
Hearing Requests Denied (114)

New Hearing Requests Denied	114
Untimely	69
Failure to Pay Fee	13
Criminal Conviction	15
Misc.	17

HEARING REQUESTS DENIED - 114



ADMINISTRATIVE HEARINGS

OAH employs twelve (12) Hearing Examiners to preside over and to conduct administrative hearings regarding the revocation and suspension of an individual's driving privilege for alleged violations of the Motor Vehicle Code. Currently, all Hearing Examiner positions are filled.

These administrative hearings are held at the DMV Regional Offices located in or near the County in which the arrest was made or at some other suitable place in the county in which the arrest was made if an office of the division is not available. Hearing Examiners are assigned to specific geographical regions throughout the State and travel from their home office to conduct these hearings. The Agency currently has six (6) motor vehicles permanently assigned to Agency personnel.

During the administrative hearing, the Hearing Examiner is required to issue rulings on evidentiary issues, take testimony, and admit exhibits in order to create a designated record of the proceedings. During Fiscal Year 2018, there were three thousand six hundred thirty-four (3,634) administrative hearings scheduled on the OAH docket. The Hearing Examiners conducted eight hundred ninety-nine (899) administrative hearings, and three hundred fifty-five (355) hearings were cancelled after being resolved prior to the hearing date. The remaining two thousand three hundred eighty (2,380) administrative hearings were continued.

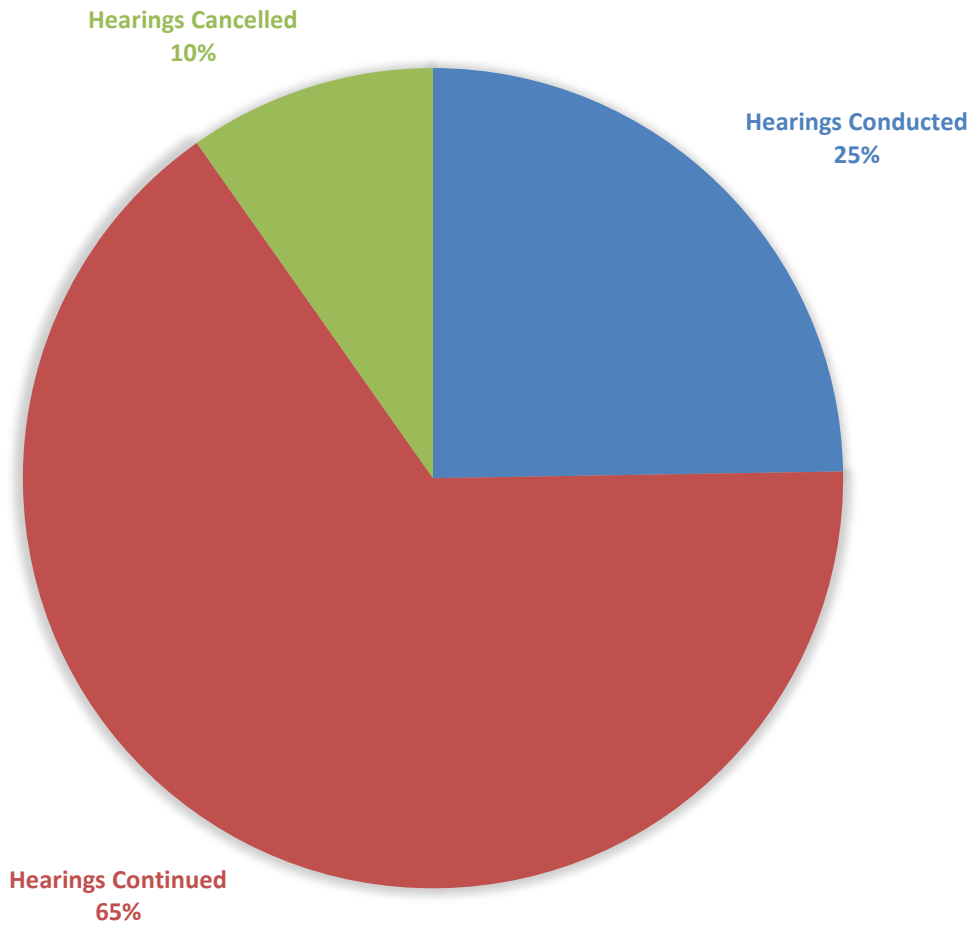
After the conclusion of the administrative hearing, the parties are afforded the opportunity to submit proposed Findings of Fact and Conclusions of Law for consideration by the Hearing Examiner. Prior to submitting these proposed findings, the parties may request a copy of the audio of the administrative hearing and/or a transcript of the proceedings. During Fiscal Year 2018, OAH received and processed one hundred thirty-five (135) requests for audios. In addition, the Office of Administrative Hearings contracted with an outside vendor to produce fifty-eight (58) hearing transcripts.

After considering the designated record, the Hearing Examiner, based upon the determination of the facts of the case and applicable law, drafts a recommended decision containing Findings of Fact and Conclusions of Law, which affirms, reverses, or modifies the Order of Revocation issued by the Commissioner of the DMV against the individual's driving privilege. The recommended decision is submitted to the Chief Hearing Examiner for review and approval.

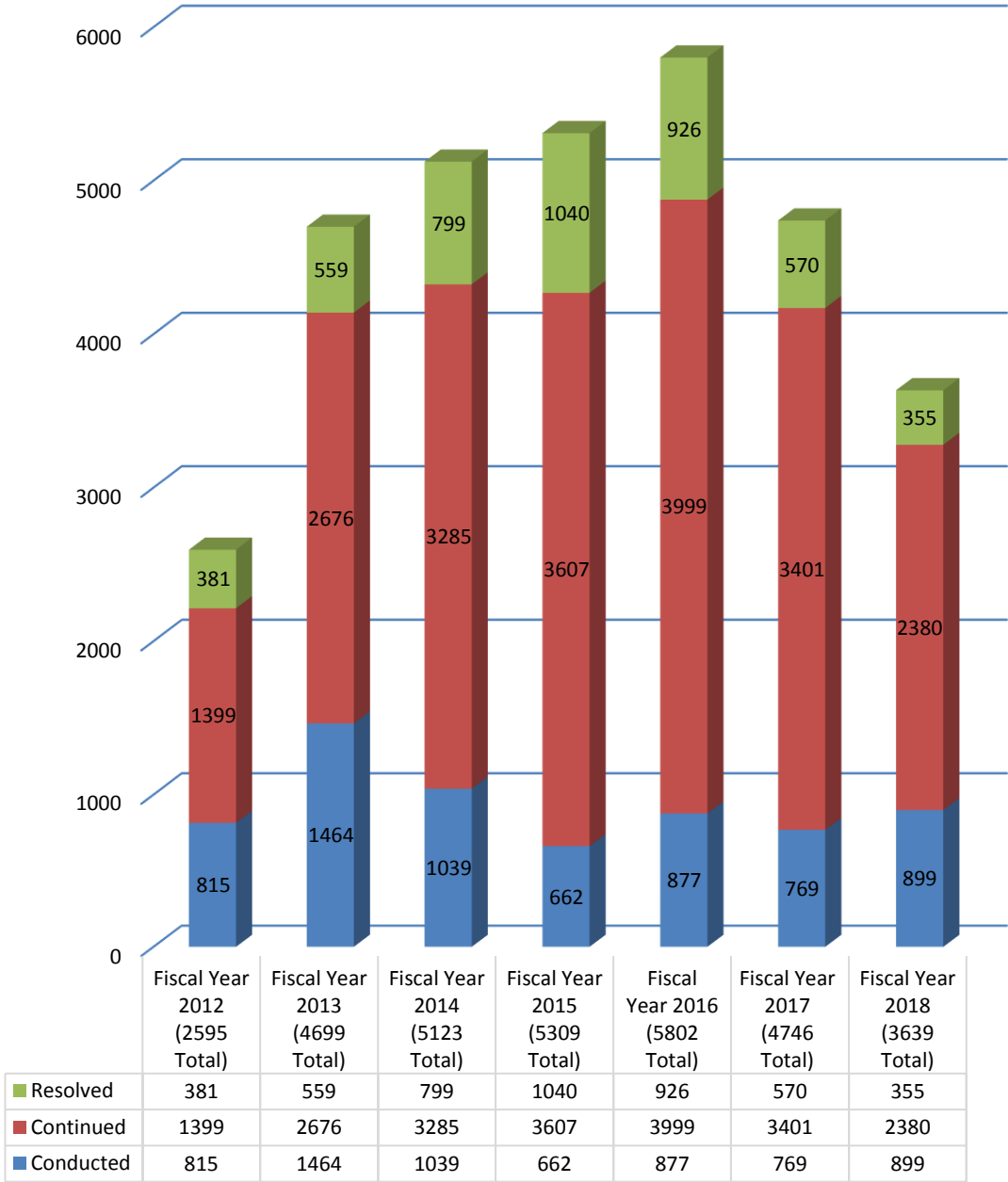
FISCAL YEAR 2018 OAH HEARING DOCKET (3634)

OAH Hearings Scheduled	3634
Hearings Conducted	899
Hearings Continued	2380
Cancelled	355

**OAH HEARING DOCKET
HEARINGS SCHEDULED 3634**



Overview of Administrative Hearings Scheduled for Fiscal Year 2012 Through Fiscal Year 2018

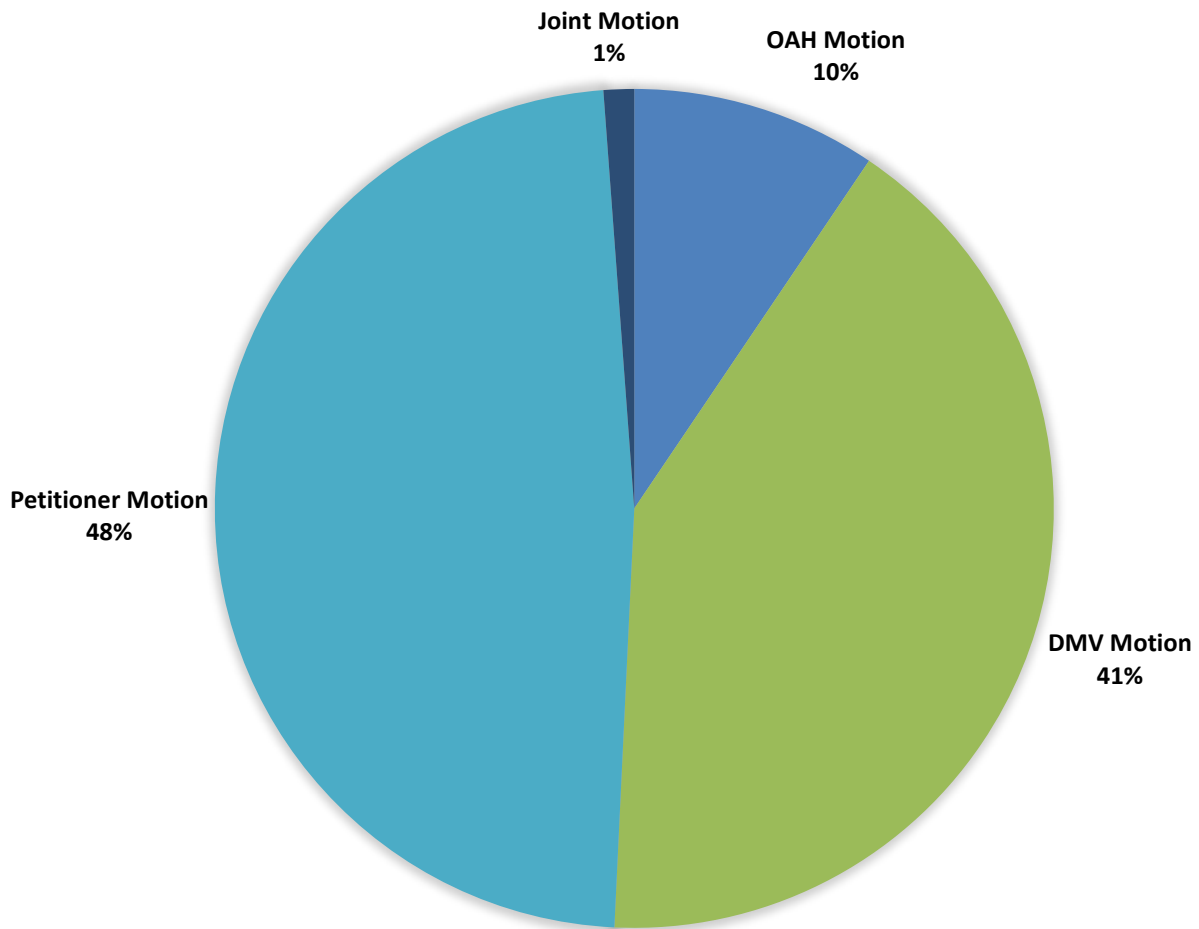


CONTINUANCES

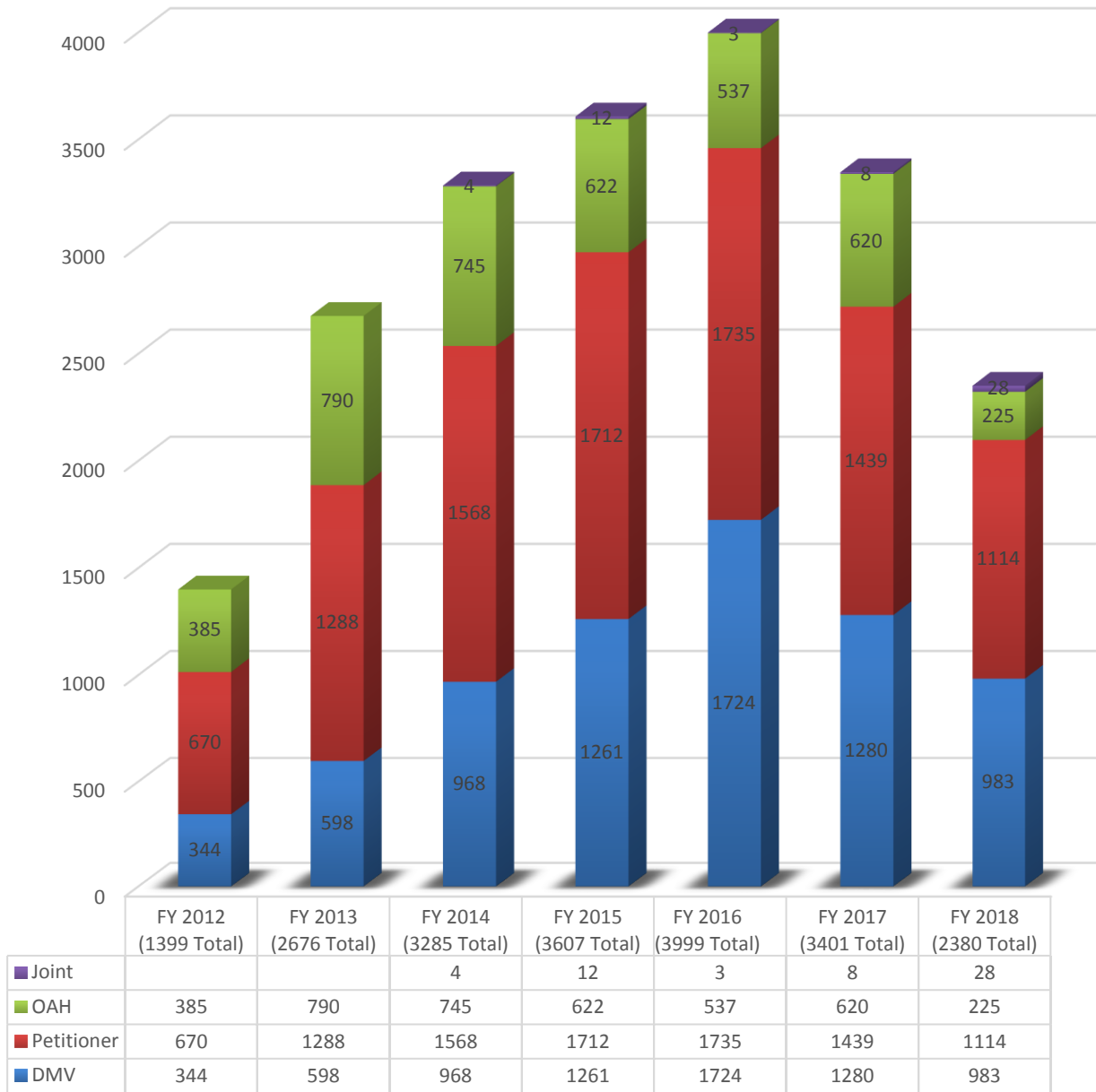
OAH may continue or postpone any hearing on its own motion, upon application by the party whose license is at issue, or by the Commissioner of DMV for good cause shown. During Fiscal Year 2018, OAH issued two thousand three hundred eighty (2,380) continuances, the majority of which were requested by the parties.

Fiscal Year 2018 Hearing Continuances (2380)	
Continuances	2380
OAH Motion	225
DMV Motion	983
Petitioner Motion	1144
Joint Motion	28

OAH HEARING CONTINUANCES (2380)



Overview of Continuances for Fiscal Year 2012 through Fiscal Year 2018



FINAL ORDERS

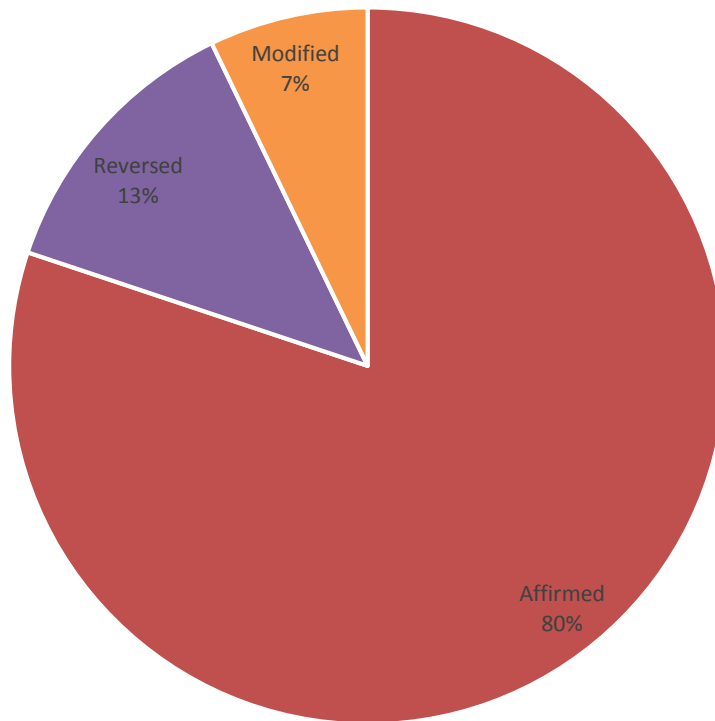
Once the Hearing Examiner completes the recommended decision, the file is returned to the OAH Legal Department. Four (4) paralegals review each Order for legal accuracy, clarity and other requirements. The draft Order is then submitted to the Chief Hearing Examiner for final approval. The OAH Legal Department processes and disseminates approved final orders; maintains detailed databases including pertinent information regarding the final orders issued by the Agency, and enters proper codes in the database to reflect current status of driver's licenses.

During Fiscal Year 2018, OAH issued six hundred fourteen (614) Final Orders after the administrative hearing was conducted. As a result, four hundred ninety-two (492) Revocation Orders were upheld, seventy-eight (78) Revocation Orders were reversed, and forty-four (44) Revocation Orders were modified.

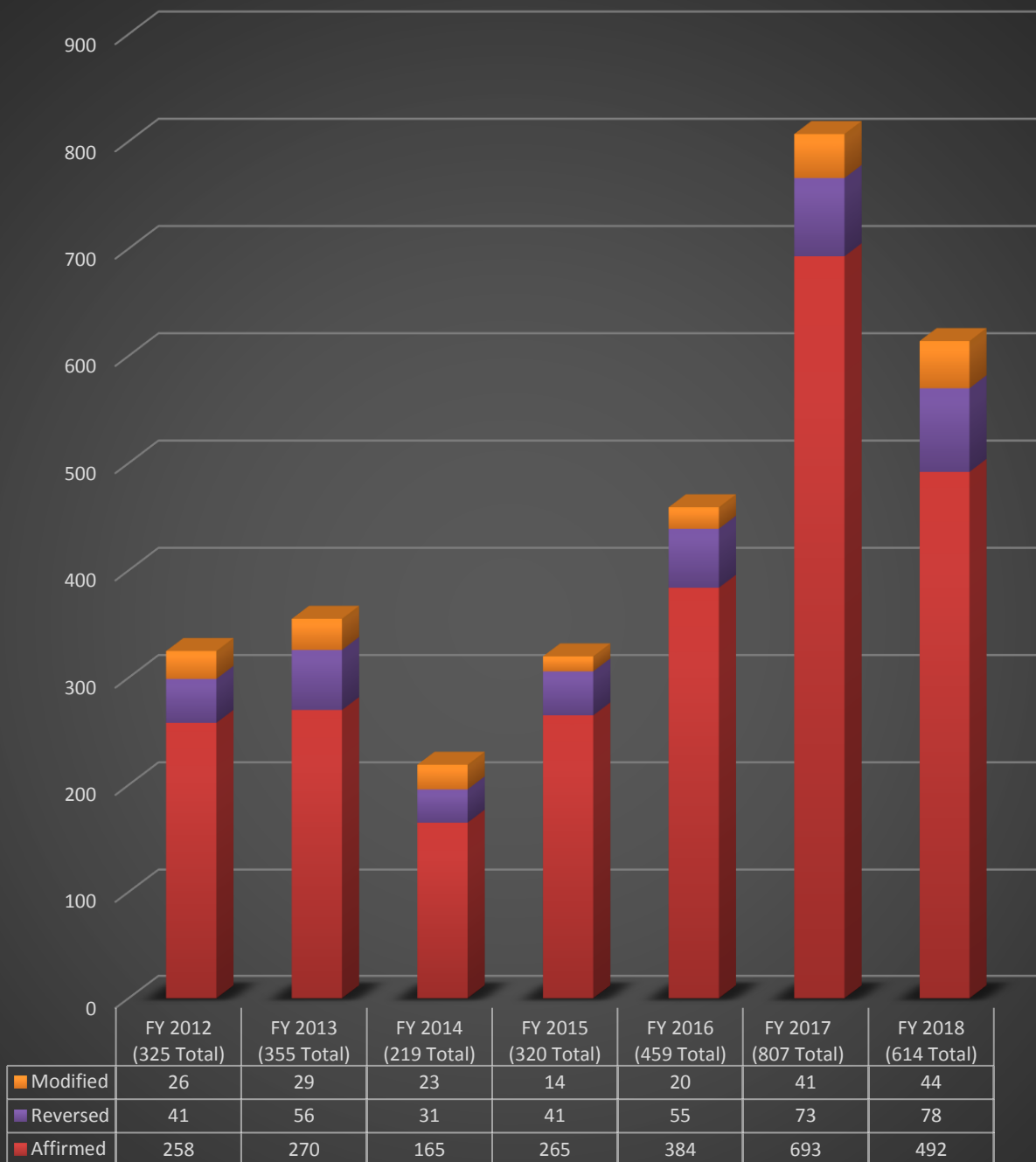
Fiscal Year 2018 Total Orders Entered After Hearing	
Total Orders Entered	614
Affirmed	492
Reversed	78
Modified	44

DISPOSITION OF OAH CASES AFTER ADMINISTRATIVE HEARING

614



Overview of Final Orders Issued After Hearing for Fiscal Year 2012 Through Fiscal Year 2018

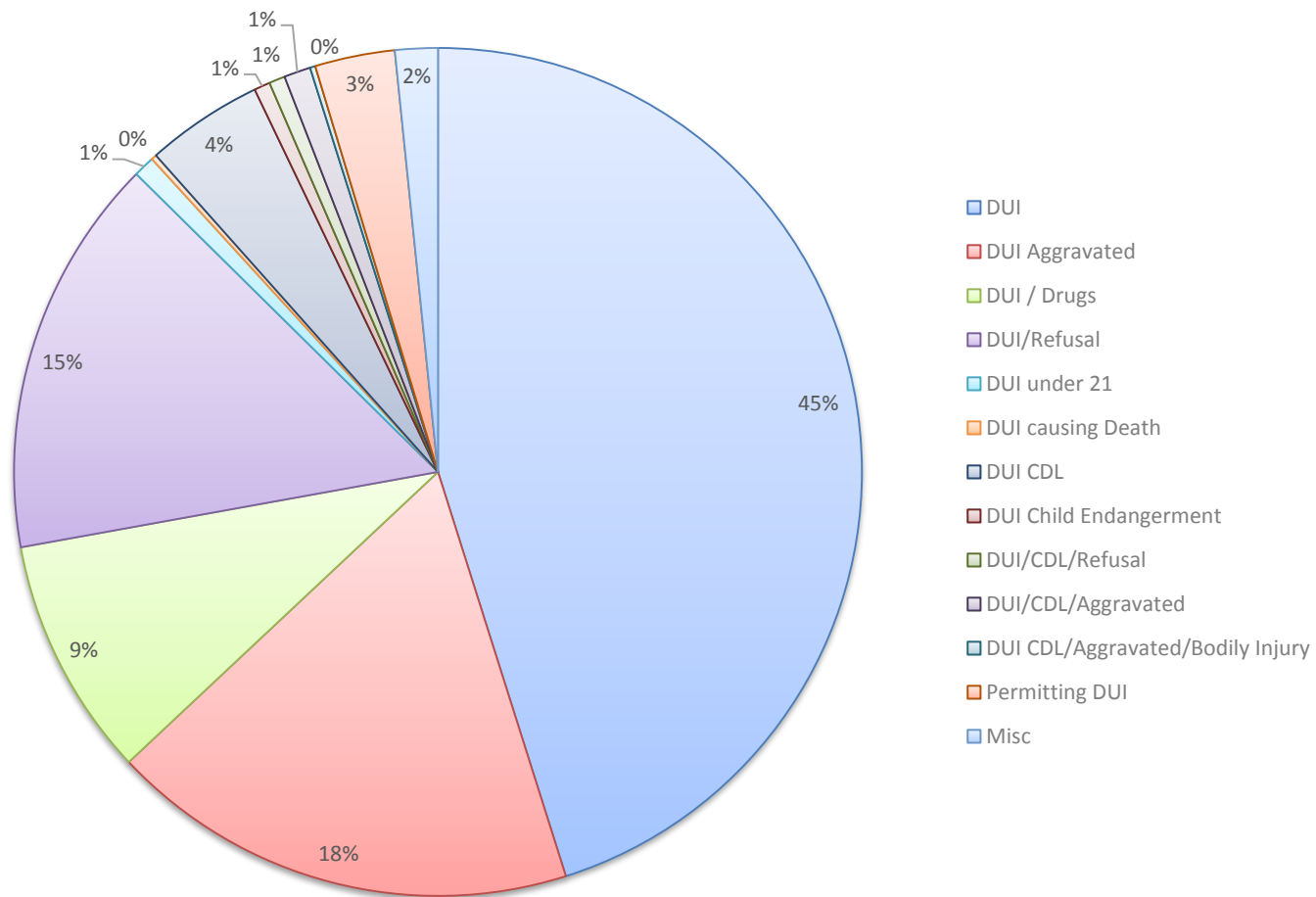


■ Affirmed ■ Reversed ■ Modified

Fiscal Year 2018 Orders Affirming Order of Revocation by Offense (492)

Total Orders Entered	492
DUI	222
DUI Aggravated	88
DUI Drugs	45
DUI w/Refusal	75
DUI Under 21 years of age	04
DUI Causing Death	01
DUI / Child Endangerment	03
DUI CDL Aggravated Bodily Injury	01
DUI CDL	22
DUI CDL w/ Refusal	03
DUI CDL Aggravated	05
Knowingly Permitting DUI	15
Misc.	08

ORDERS AFFIRMING REVOCATION ORDERS - 492

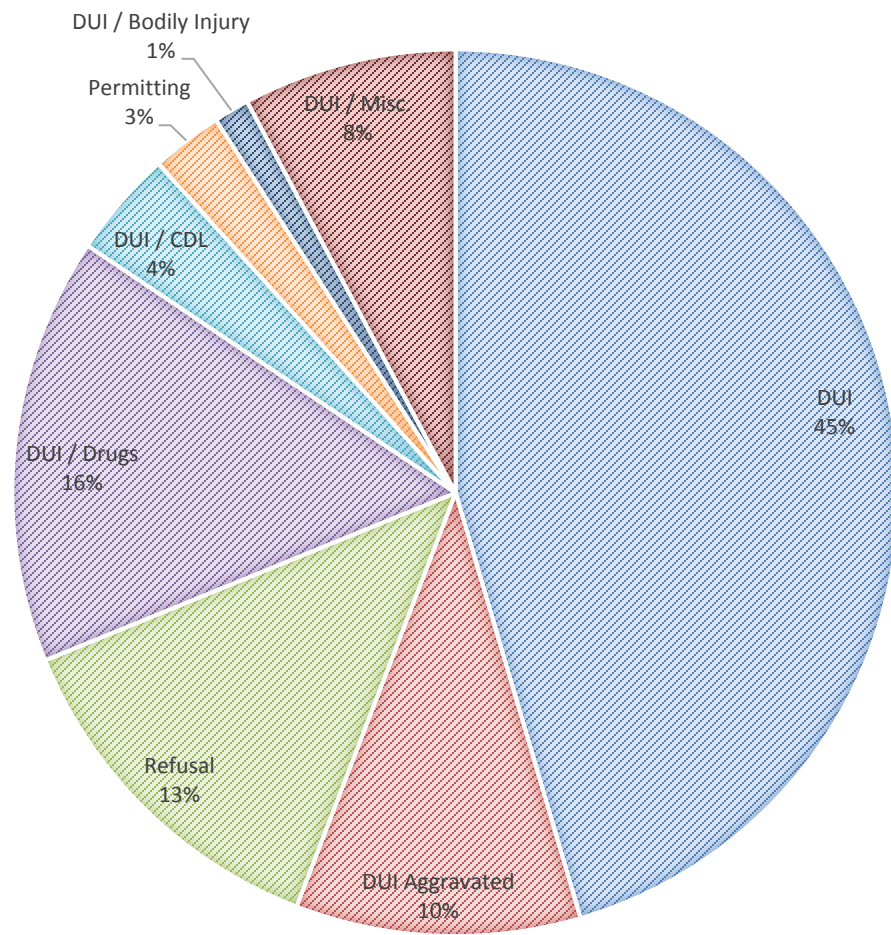


Fiscal Year 2018 Orders Reversing Order of Revocation by Alleged Offense (78)

Total Orders Entered	78
DUI	35
DUI Aggravated	08
DUI Refusal	10
DUI / Drugs	12
DUI with CDL	03
Knowingly Permitting	02
DUI / Bodily Injury	01
DUI Misc.	06

**ORDERS REVERSING REVOCATION ORDERS
78**

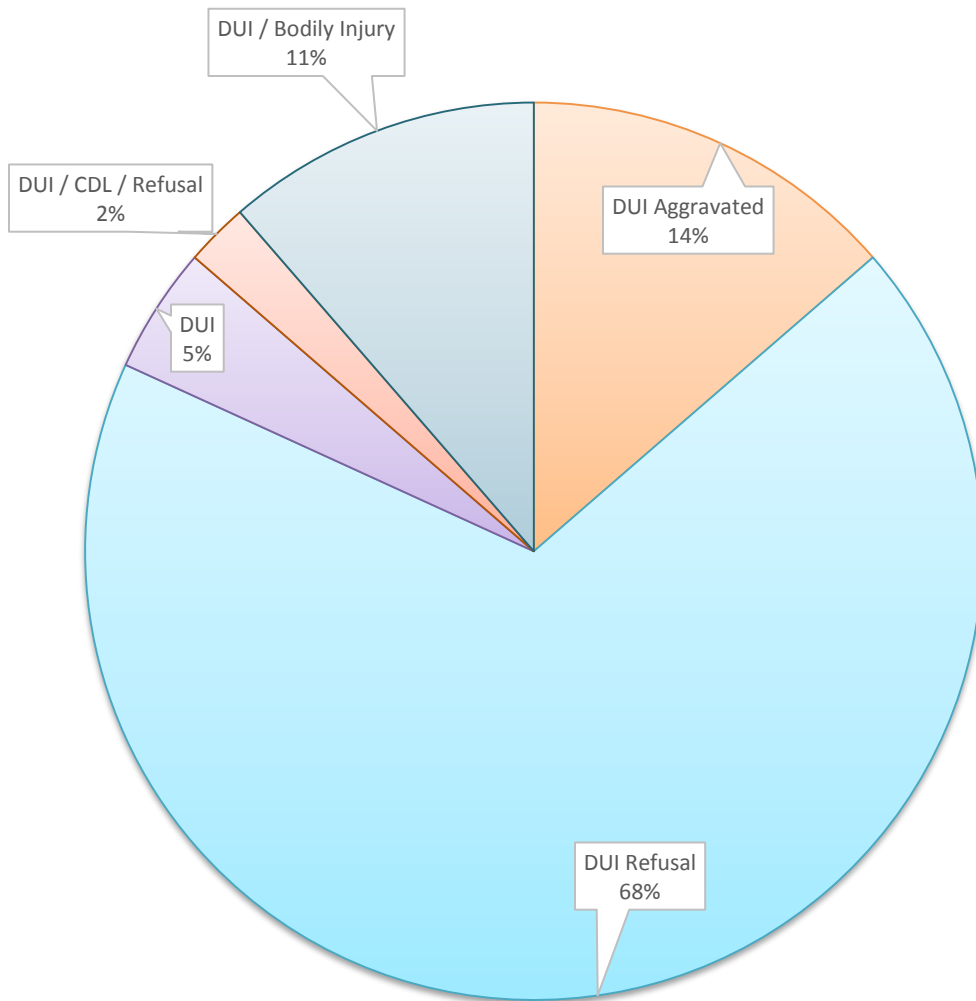
- DUI
- DUI Aggravated
- Refusal
- DUI / Drugs
- DUI / CDL
- Permitting
- DUI / Bodily Injury
- DUI / Misc.



Fiscal Year 2018 Orders Modifying Order of Revocation by Alleged Offense (44)	
Total Orders Entered	44
DUI / Aggravated	06
DUI / Bodily Injury	05
DUI / Refusal	30
DUI / CDL / Refusal	01
DUI	02

ORDERS MODIFYING REVOCATION ORDERS

44

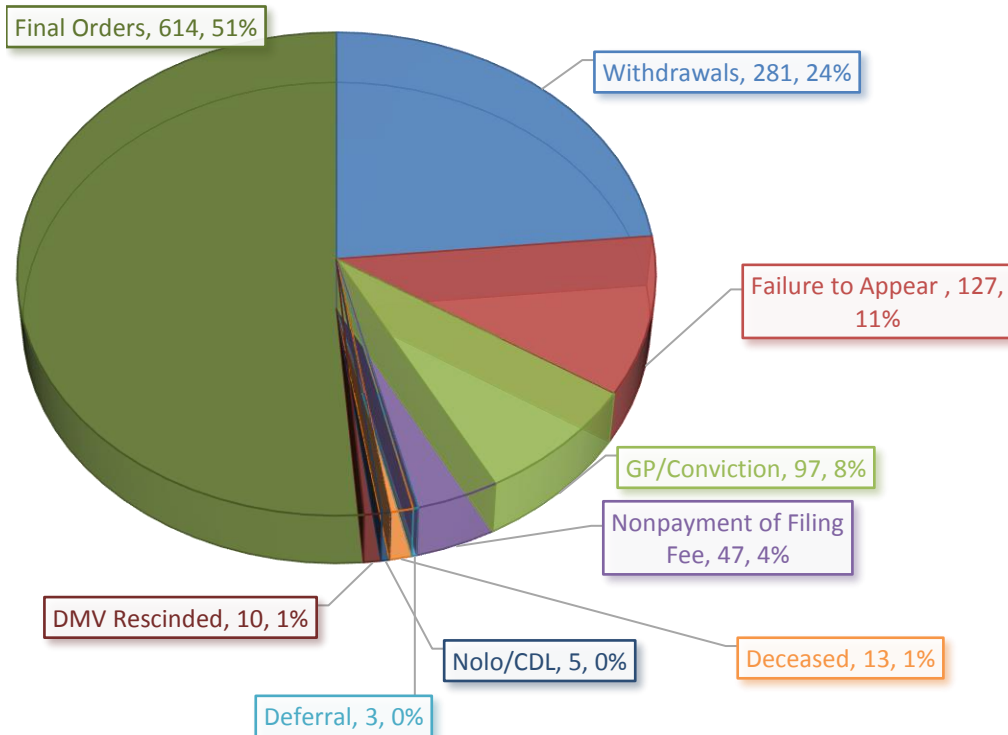


RESOLUTION OF WRITTEN OBJECTIONS

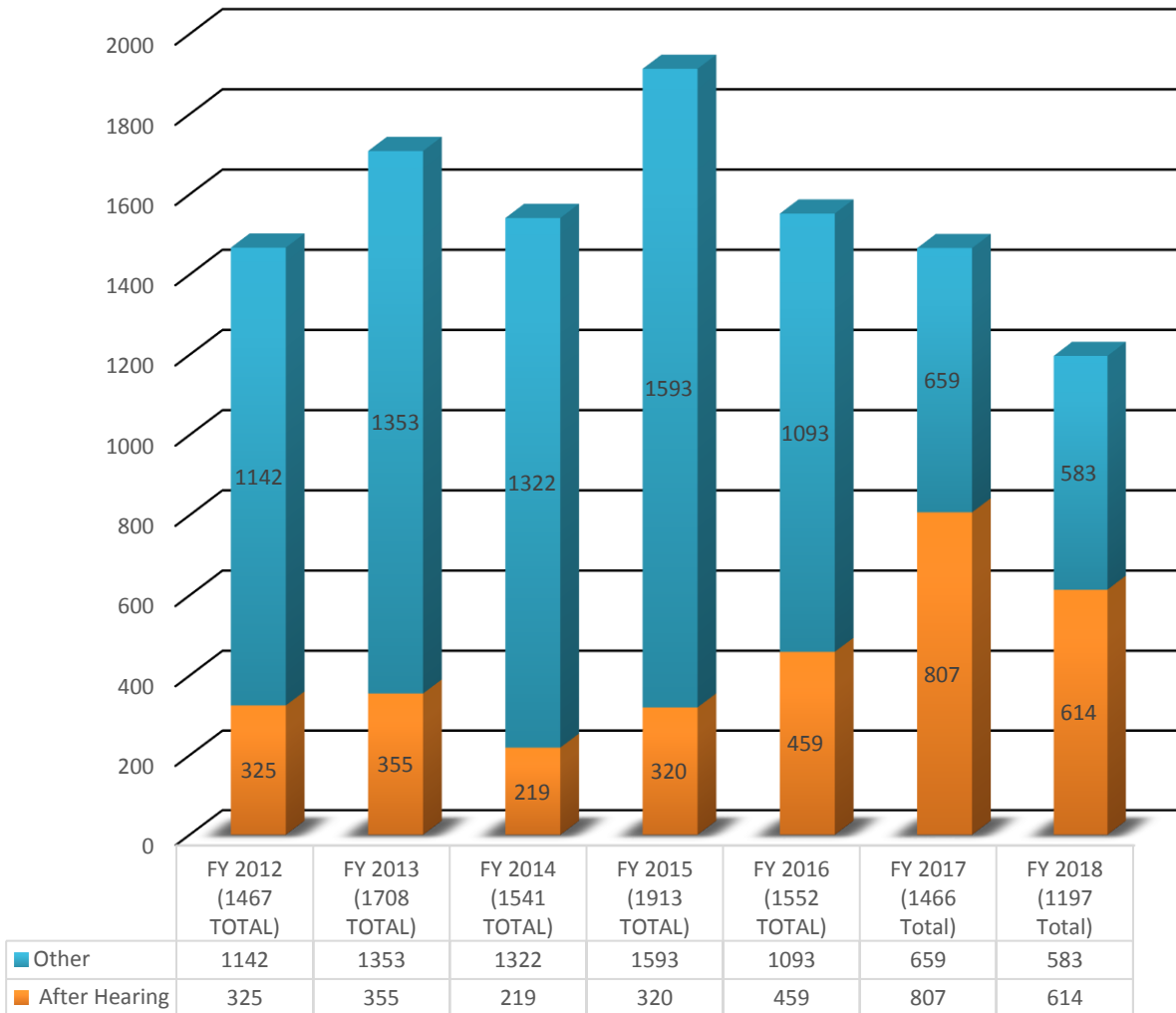
In addition to the Final Orders entered after an administrative hearing, the OAH Legal Department is also responsible for generating Orders issued as a result of withdrawals of the written objection, failure of the Petitioner to appear at the administrative hearing, the Petitioner’s entry into the deferral program, convictions or guilty pleas to the parallel criminal charge, death of the Petitioner, and the withdrawal of the revocation order by DMV. During Fiscal Year 2018, OAH issued Orders, which resolved a total of thousand one hundred ninety-seven (1,197) Written Objections.

Fiscal Year 2018 Resolution of Written Objections (1197)	
Total Orders Entered	1197
Final Orders	614
Withdrawals	281
Failure to Appear	127
Deferrals	3
Guilty Pleas/Conviction	97
Deceased	13
Nolo/CDL	05
DMV Rescinded	10
Nonpayment of Filing Fee	47

DISPOSITION OF ALL WRITTEN OBJECTIONS (1197)

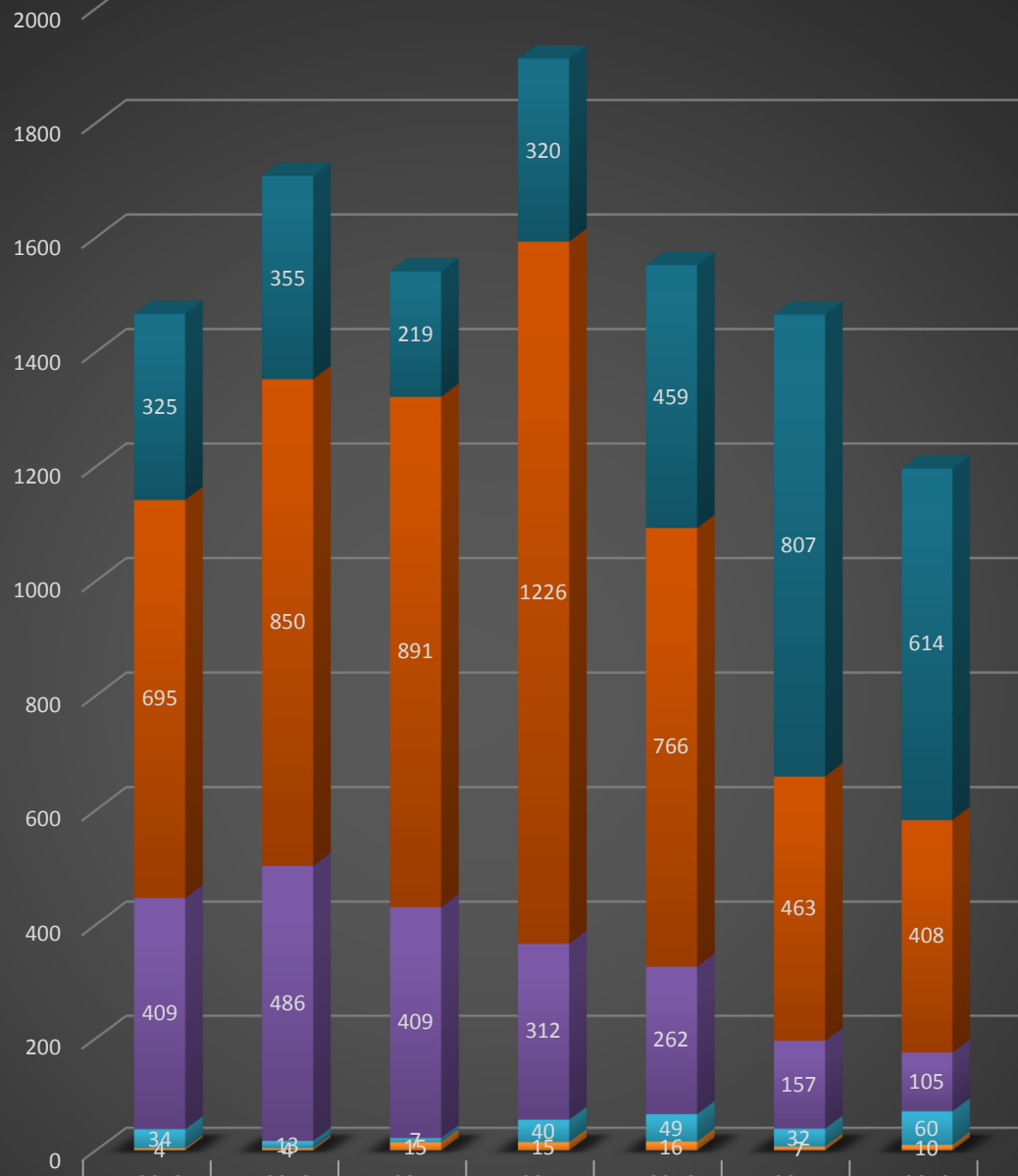


Overview of All Orders Issued During Fiscal Year 2012 Through Fiscal Year 2018



NOTE: There was a significant increase in the number of withdrawals processed during Fiscal Year 2015 because of the passage Senate Bill 434 / Deferral Program.

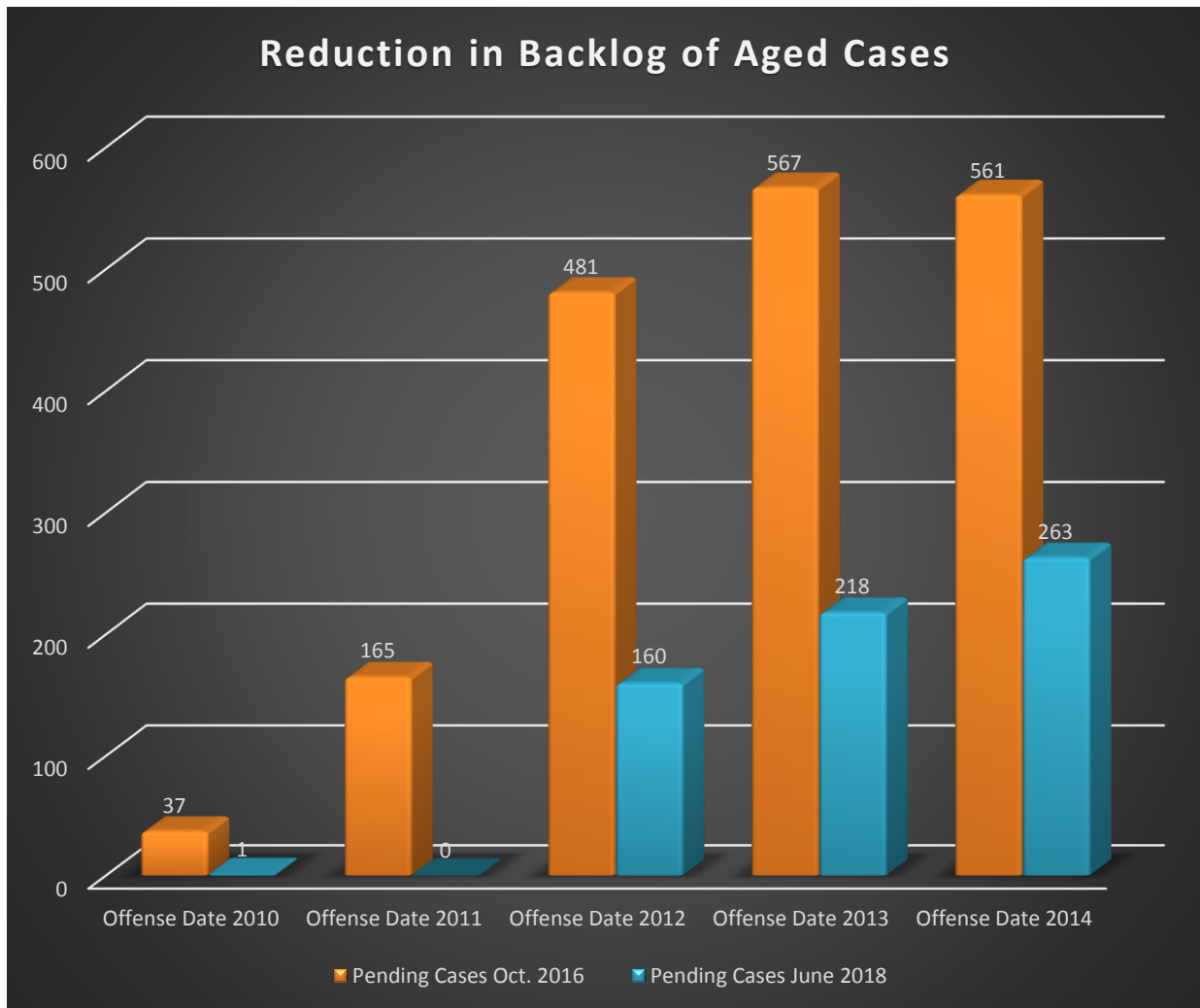
Overview of All Orders Issued (by Resolution) for Fiscal Year 2012 Through Fiscal Year 2018



	FY 2012 (1467 Total)	FY 2013 (1708 Total)	FY 2014 (1541 Total)	FY 2015 (1913 Total)	FY 2016 (1552 Total)	FY 2017 (1466 Total)	FY 2018 (1197 Total)
Final Orders	325	355	219	320	459	807	614
WD/FTA	695	850	891	1226	766	463	408
GP/Deferrals	409	486	409	312	262	157	105
Misc.	34	13	7	40	49	32	60
DMV Rescinded	4	4	15	15	16	7	10

SHIFTING AGENCY POLICY REGARDING ISSUANCE OF FINAL ORDERS

Initially, it was the goal of OAH to ensure that the time period existing between the date that the evidentiary hearing is conducted and the subsequent issuance of a final order does not exceed nine (9) months. However, the current Chief Hearing Examiner changed the prior administration’s emphasis on issuing Final Orders within ninety (90) days from the date of the administrative hearing to prioritizing cases based upon the date of the alleged DUI offense. This reformation of Agency policy has resulted in a significant reduction in the number of aged cases pending resolution before this Agency. The chart below illustrates the reduction in the total number of pending cases with an alleged offense date in 2010 through 2015 as of October 2016 (orange) to the total number of pending cases with an alleged offense date in 2010 through 2015 as of June 2018 (turquoise).



NOTE: A motion affecting the status of the case involving an alleged DUI offense occurring in 2010 has been pending a ruling by the Kanawha County Circuit Court for approximately five years. No action can be taken by OAH until such ruling is issued, and therefore, the case continues to remain on the OAH Docket.

APPEALS OF OFFICE OF ADMINISTRATIVE HEARINGS ORDERS

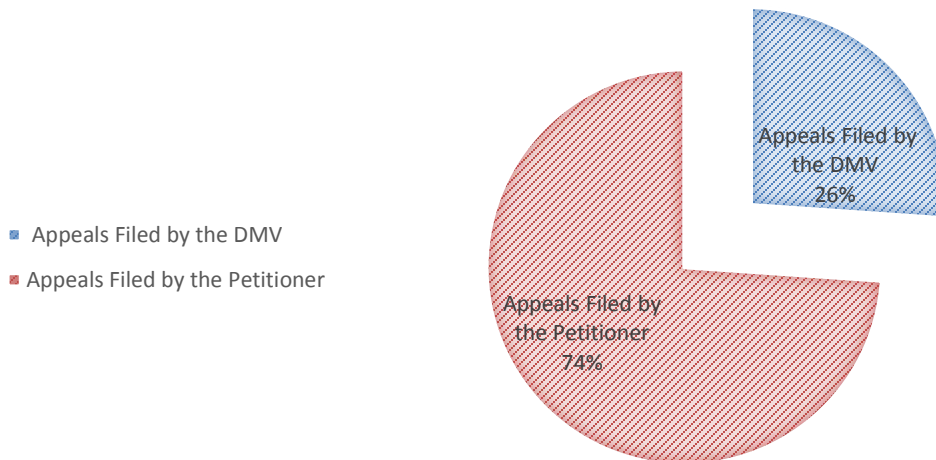
After the issuance of the “Decision of the Hearing Examiner and Final Order of the Chief Hearing Examiner”, either party aggrieved by the Final Order may petition for appeal in Circuit Court in accordance with the provisions of West Virginia Code §29A-5-4. Once OAH is notified that an appeal of the administrative order has been filed, the OAH Legal Department is responsible for preparing a certified copy of the record of the case, including a transcript of the administrative hearing, and filing the same along with a Statement of Matters with the appropriate Circuit Clerk within ninety (90) days. During Fiscal Year 2018, forty-six (46) appeals of Final Orders entered by OAH have been filed in various Circuit Courts throughout the State. Twelve (12) appeals were filed by DMV, and thirty-four (34) appeals were filed by the Petitioner.

*Orders issued by the Circuit Court may be appealed to the West Virginia Supreme Court. The OAH Legal Department is responsible to monitor these appeals, obtain the decisions entered by the Supreme Court, and advise the Hearing Examiners and other staff of the relevant effect of these Orders.

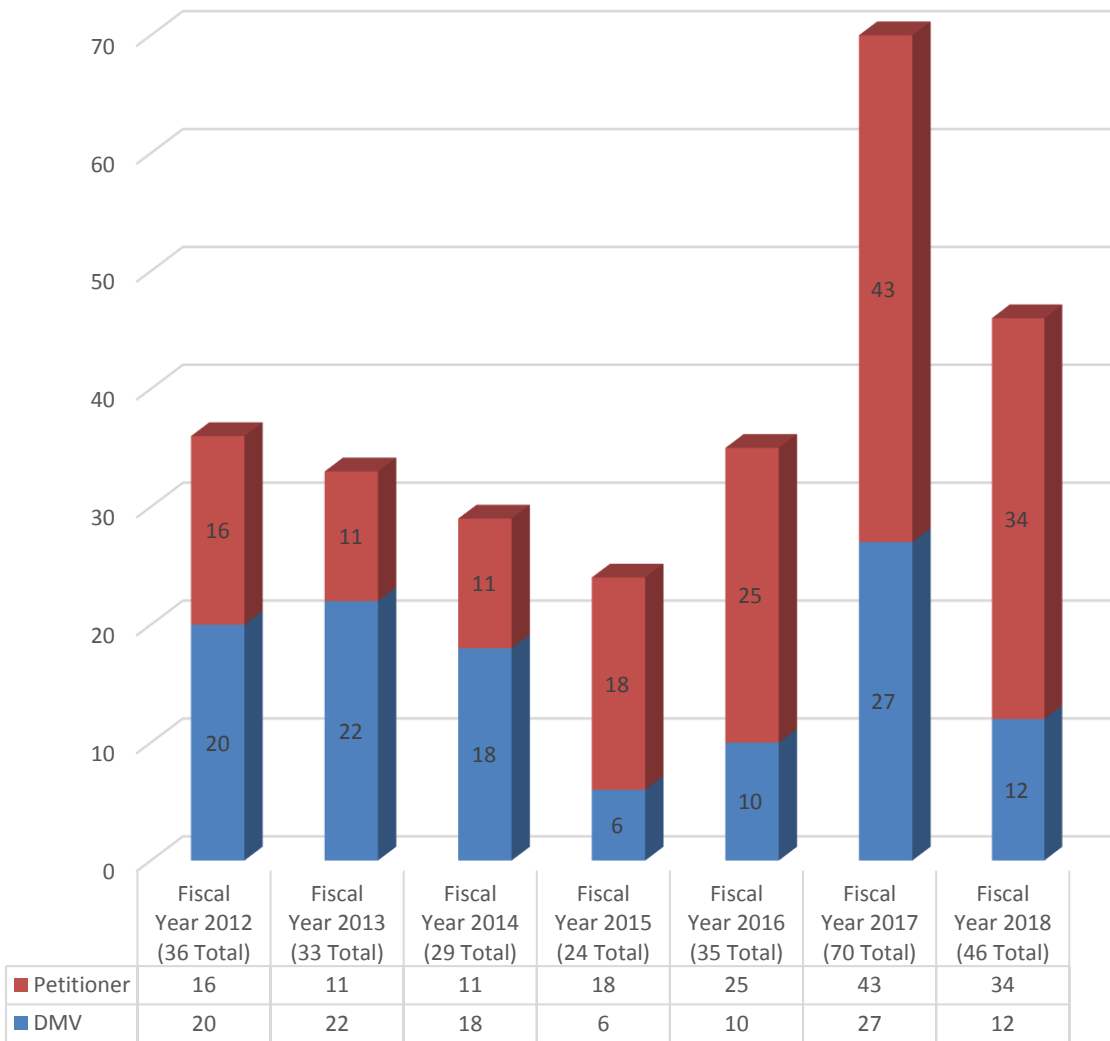
Fiscal Year 2018 Appeals of OAH Final Orders (47)	
Final Orders Entered After Hearing	614
TOTAL Appeals Filed	46
Appeals Filed by the DMV	12
Appeals Filed by the Petitioner	34

FINAL ORDERS APPEALED

46



Overview of Appeals of Final Orders for Fiscal Year 2012 Through Fiscal Year 2018



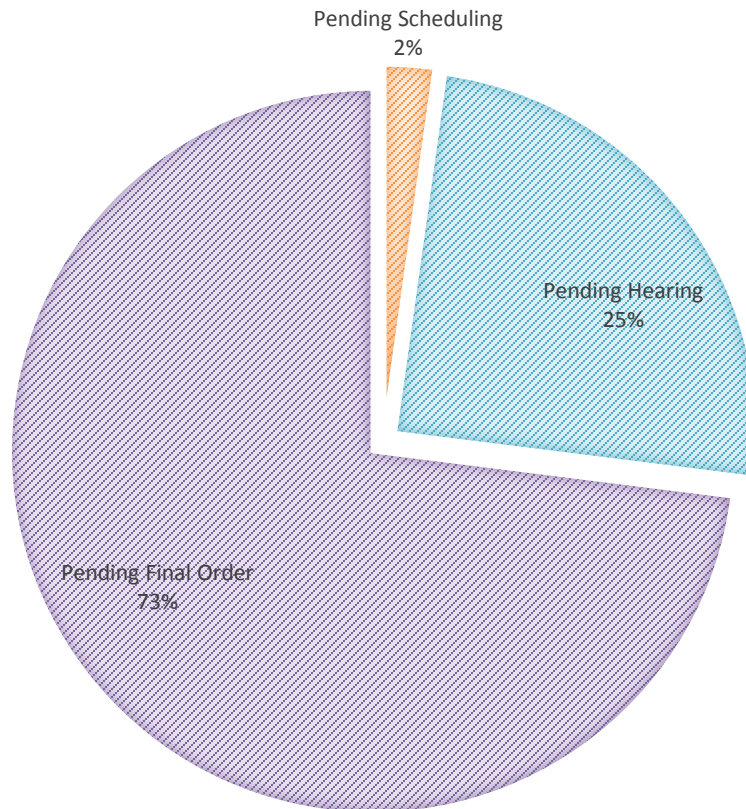
MATTERS PENDING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

There are currently two thousand thirty-seven (2,037) cases pending before OAH. Of these forty-six (46) are pending scheduling by the OAH Docketing Department; four hundred seventy (470) are pending an administrative hearing; the remaining one thousand five hundred twenty-one (1,521) cases are pending the submission of a draft Final Order by the Hearing Examiners or are pending review, approval and issuance by the Agency.

FISCAL YEAR 2018 TOTAL OPEN CASES - 2037

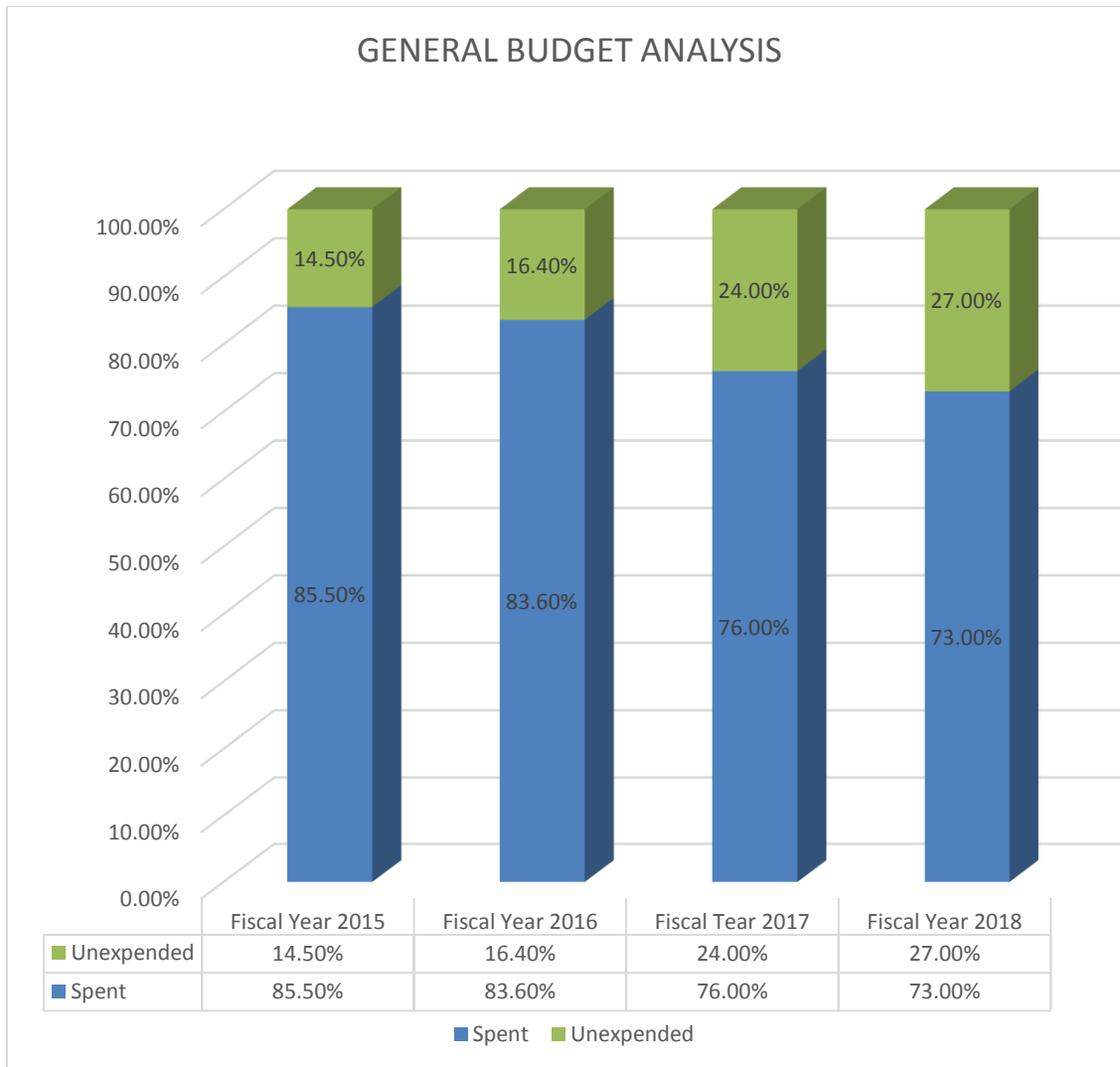
Pending Scheduling	46
Pending Hearing	470
Pending Final Order	1521

TOTAL OPEN CASES - 2037



BUDGET ANALYSIS

Since its inception, the Office of Administrative Hearings has consistently operated with a surplus. For example, during Fiscal Year 2015, the Office of Administrative Hearings used only 85.5% of its operating funds, leaving 14.5% unexpended. In Fiscal Year 2016, the agency expended only 83.6% of its budget, which left a surplus of 16.4%. At the end of Fiscal Year 2017, the Agency had expended 76% of its annual budget, leaving a surplus of \$462,456.52 (24%). Due to continued good financial management this trend continued in Fiscal Year 2018, which ended with a surplus of twenty-seven percent (27%). It is noted, however, that filling critical vacant positions within the Agency will result in an increase in the amount of funds expended during the upcoming Fiscal Year.



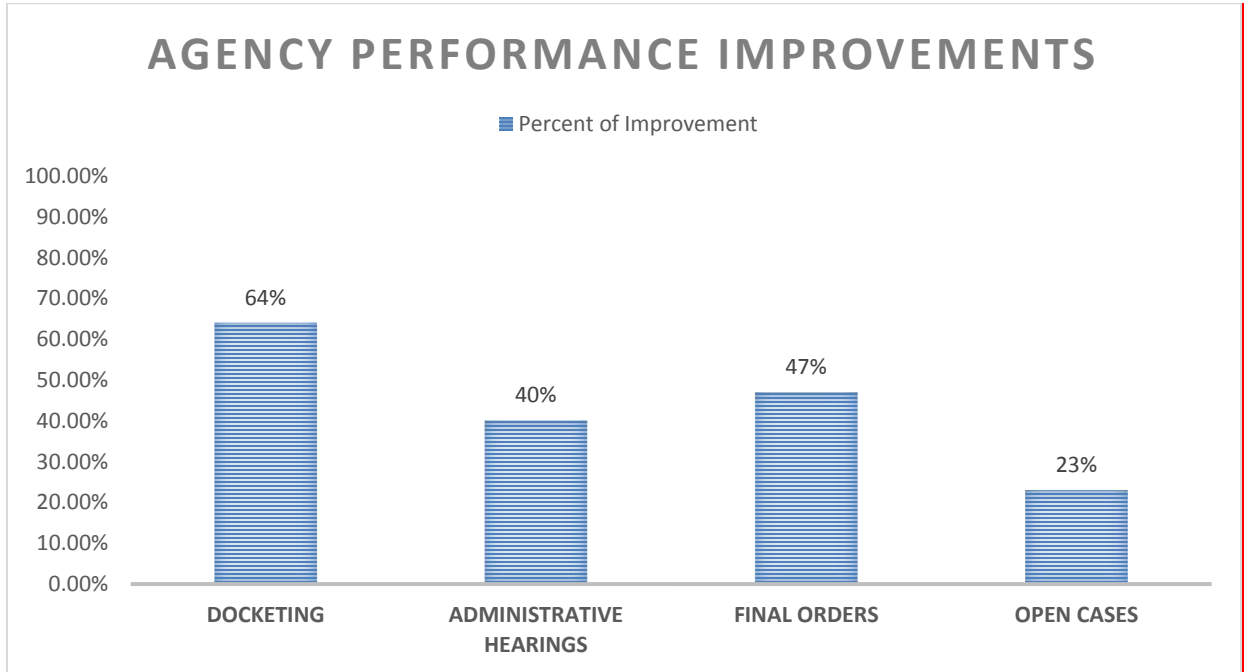
FEES COLLECTED

On December 1, 2016, and in accordance with the Agency’s Legislative Rules, the Office of Administrative Hearings implemented the assessment of a fifty-dollar (\$50.00) filing fee for each written objection filed. During Fiscal Year 2018, the Agency collected \$31,950 from these Filing Fees.

The Office of Administrative Hearings also assesses fees for providing audios and transcripts of administrative hearings and for the preparation of a Certified File/Statement of Matters when appeals are filed:

Fiscal Year 2018 Current Invoices:		\$23,581.21	[26,602.21]
Audios:	91	\$ 1,212.00	[3,021.00]
Petitioner	36	\$ 1,178.50	
DMV	54	N/C	[1,809.00]
County DA	01	\$ 33.50	
Transcripts:	07	\$ 1,846.83	
Petitioner	07	\$ 1,846.83	
DMV	0	00.00	
Statement of Matters:	46	\$20,522.38	
Petitioner	34	\$15,963.43	
DMV	12	\$ 4,558.95	

ACCOMPLISHMENTS OF THE OFFICE OF ADMINISTRATIVE HEARINGS



Docketing:

OAH continues to strive to improve and streamline the internal docketing system to ensure an efficient scheduling process for all matters before OAH. Such efforts have resulted in affording the OAH Docketing Department, currently consisting of five (5) employees, the ability to accurately process eight hundred eighteen (818) Written Objection/Hearing Request forms during the last reporting period and to schedule (or reschedule after a continuance was granted) three thousand six hundred thirty-four (3,634) administrative hearings.

Administrative Hearings:

The Hearing Examiners are assigned to specific geographical regions throughout the State and are required to travel to various DMV regional offices to conduct hearings. OAH continues to realign the Hearing Examiners' areas of assignment in an effort to decrease the amount of travel time expended and the number of State vehicles assigned.

In addition, such realignment has also resulted in a decrease in the backlog of older cases which are pending an administrative hearing in most areas. There was a 100% decrease in the number of cases with an incident date of 2011, and a 91% decrease in the number of cases pending an administrative hearing, which involve an alleged DUI incident occurring in 2012. Currently only seven (7) Written Objections involving an alleged DUI incident occurring in 2013 are still pending an administrative hearing; while twenty-two (22) involving an alleged DUI incident in

2014 and fifty (50) involving an alleged DUI incident in 2015 are awaiting hearing. The average number of cases per geographic region which are pending an administrative hearing, with the exception of one area, is fewer than thirty-four (34). The Chief Hearing Examiner has taken appropriate action to address the issues in the one non-conforming region.

Further, consistent adherence to the Agency's rules regarding requests to continue an administrative hearing filed by the parties has resulted in a significant reduction in the number of administrative hearings which were continued and a ten percent (10%) increase in the number of administrative hearings conducted during this fiscal year. There has also been a reduction in the number of cases which are resolved prior to the administrative hearing.

Final Orders:

The Agency experienced the loss of five employees during this fiscal year however has continued to work diligently to reduce the number of cases for which the administrative hearing has been conducted but that are pending a Final Order. Filling the vacant positions with competent staff, combined with the improvements to the Final Order format, will ensure that the Agency continues to increase the number of Final Orders entered after evidentiary hearing in a judicious manner. During Fiscal Year 2016, OAH issued four hundred fifty-nine (459) Final Orders after the administrative hearing was conducted. However, during Fiscal Year 2018, the Legal Department has issued six hundred fourteen (614) Final Orders after administrative hearing, which is an increase of thirty-four percent (34%).

Finally, the OAH has observed a significant shift in the manner in which appeals of Revocation Orders are resolved, noting that during Fiscal Year 2018, there was a twenty-one percent (21%) increase in the number of cases resolved by a Final Order issued after an evidentiary hearing has been conducted. During Fiscal Year 2016, the Agency reported that 30% of the pending matters were resolved after an administrative hearing. Currently a majority, fifty-one percent (51%), of the Written Objections are now resolved by a Final Order issued after an administrative hearing.

Open Cases:

The implementation of the improvements to the Office of Administrative Hearings' policies, procedures, work flow processes and staffing development has resulted in a significant improvement of the Agency's overall performance of its legislatively mandated duties. As a result, the Agency has reduced the overall number of pending cases by twenty-three percent (23%) just since Fiscal Year 2016.

GOALS AND OBJECTIVES

OAH has defined the following specific goals and objectives:

Expand the electronic file system and reassign certain responsibilities regarding updating the electronic file to the Hearing Examiners, which will allow the Legal Department to assign additional duties to the OAH and increase productivity.

Continue to realign the geographic locations assigned to each Hearing Examiner so as to reduce travel time and travel costs.

Continue to streamline the process utilized to process Final Orders and to revise the Final Order format. This should result in increased productivity, and the expeditious issuance of consistent Final Orders.

Continue to evaluate assignment of duties to the paralegals in the Legal Department and the current procedure associated with the review of recommended final orders and the compilation of a certified record.

Continue to conduct seminars for the Hearing Examiners and other staff members to ensure adequate training and consistent recommended decisions from the Hearing Examiners and paralegals.

Purchase software to enable the audio recordings of administrative hearings to be sent to the requesting party via electronic transmission, which would result in a significant reduction in the time expended by the Legal Department responding to such requests.

Continue efforts to complete and implement the use of "template" Orders, which would be quickly generated by the mainframe database system in instances where a written objection is resolved through a withdrawal of the request for an administrative hearing, the Petitioner's election to participate in the deferral program, the entry of a guilty plea or other such manner that does not require an administrative hearing.

Pursue hiring competent experienced employees with the necessary expertise to assist the Agency on a short-term basis to address and resolve the remaining backlog of Final Orders which need to be drafted after an administrative hearing has been conducted. Such backlog was created when multiple former Hearing Examiners failed to complete and submit recommended decisions or draft proposed Final Orders before leaving employment with OAH.

Create policy regarding the timely submission of draft Final Orders by the Hearing Examiners to prevent additional future backlog and implement procedure to assist individual Hearing Examiners to meet submission requirements.