

September 30, 2014

Michael Cohen, Director
Department of Finance
State Capitol, Room 1145
Sacramento, CA 95814

Dear Director Cohen:

Pursuant to the requirements of Supplemental Budget Report of the 2014-15 Budget Package Item 7760-001-0666, the Department of General Services, Office of Administrative Hearings is submitting the First Annual Caseload Statistics and Hearing Timeframe Report to the Legislature.

In keeping with our commitment to encourage conservation, we have posted this report to our website. The report can be viewed at <http://www.dgs.ca.gov/ola/home/2014Reports.aspx>. The report is titled First Annual Caseload Statistics and Hearing Timeframe Report to the Legislature.

If you wish to receive a printed copy of this report, please contact Linda A. Cabatic, Director and Chief Administrative Law Judge at (916) 263-0550.

Sincerely,



Fred Klass
Director

cc: See attached distribution list
Linda A. Cabatic, Director and Chief Administrative Law Judge

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ORIGINAL LETTER TO EACH OF THE FOLLOWING:

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Sacramento, CA 95814

The Honorable Mark Leno, Chair **(Hand carry 2 copies & ltr)**
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Legislative Analyst
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And Myisha Haynes @lao.ca.gov)**

COPY OF JLBC NOTIFICATION TO EACH OF THE FOLLOWING:

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Office of Legislative Counsel **(HARD COPY OF REPORT)**
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Office of Administrative Hearings

State of California



First Annual Caseload Statistics and Hearing Timeframe Report to the Legislature

September 2014

**Department of General Services
Office of Administrative Hearings**

**Report to the Legislature, the Legislative Analyst’s Office
and the Department of Finance**

Executive Summary

This report is required by supplemental budget language Item Number 7760-001-0666 of the California State Budget Act. This is the first annual report to the Legislature. The supplemental budget language item 7760-001-0666 requires the Office of Administrative Hearings (OAH) to provide the following:

The OAH within the Department of General Services shall submit a report to the Department of Finance and the Joint Legislative Budget Committee no later than September 1 of each year for the five years beginning in 2014. This report shall include, but not be limited to, the following caseload statistics and hearing timeframe information, covering the previous fiscal year:

- a) For all OAH cases, excluding Keyhea, State Hospital, and Public Works Contract Arbitration cases where only Pro Tem administrative law judges (ALJs) are used:

Section A – Office of Administrative Hearings (broken down by OAH Office)	LA	OAK	SAC	SD	Sp Ed	TOTAL
i. Number of cases filed during the fiscal year.	3,255	1,482	1,942	1,483	3,657	11,819
ii. Number of cases closed during the fiscal year.	3,139	1,477	1,647	1,316	3,397	10,976
iii. Number of decisions issued during the fiscal year.	1,219	688	569	362	119	2,957
iv. Number of authorized ALJ positions.	19	9	9	8	26	71
v. Number of filled ALJ positions as of the end of the fiscal year.	19	9	9	7	26	70
vi. Number of Pro Tem hours billed during the fiscal year.	4,591.50	1,330.25	2,997.50	2,422.25	5,100.50	16,442.00

b) For all cases filed in the Special Education Division:

Section B Special Education Division	Sp Ed
i. Number of due cases filed during the fiscal year.	3,657
a. Due process only	21
b. Mediation only	271
c. Hearing and mediation	3,365
ii. Number of cases closed without decision during the fiscal year.	3,397
iii. Number of decisions issued during the fiscal year.	121
iv. Average number of days per hearing conducted during the fiscal year.	4
v. Average number of days between the filing of a district-filed due process complaint and the issuance of a decision during the fiscal year.	112
vi. Average number of days between the filing of a student-filed due process complaint and the issuance of a decision during the fiscal year.	134
vii. Number of filled ALJ positions as of the end of the fiscal year.	26
viii. Number of Pro Tem hours billed during the fiscal year.	5,100.50

- c) For all cases filed in the General Jurisdiction Division (cases to be broken down by OAH office where the case was filed):

Section C General Jurisdiction Division		LA	OAK	SAC*	SD	TOTAL
i.	Number of cases filed during the fiscal year.	3,255	1,482	3,356	1,483	9,576
ii.	Number of cases closed without decision during the fiscal year.	1,921	792	1,126	957	4,796
iii.	Number of cases that went to hearing** during the fiscal year.	1,757	819	2,369	546	5,491
iv.	Average number of days per hearing during the fiscal year.	1.54	1.29	1.58	1.36	1.38
v.	Total number of decisions issued*** during the fiscal year.	1,219	688	1,911	362	4,180
vi.	Total number of filled ALJ positions as of the end of the fiscal year.	19	9	9	7	44
vii.	Total number of Pro Tem hours billed during the fiscal year.	4,591.50	1,330.25	2,997.50	2,422.25	11,341.50

*Sacramento cases include Department of State Hospitals and Department of Corrections and Rehabilitation (Keyhea) hearings for all of OAH.

**“Went to hearing,” for item C-iii, was defined to include evidentiary hearings, law & motion hearings, interim order hearings and petition hearings.

***“Decisions issued” for item C-v, was defined to mean an administrative decision after an evidentiary hearing. Many cases in which some form of hearing was conducted did not result in an administrative decision.

- d) All Department of Consumer Affairs' (DCA) cases filed in the General Jurisdiction Division (cases to be broken down by DCA Board and Bureau, and by OAH office where the case was filed):

Section D Department of Consumer Affairs Totals		LA	OAK	SAC	SD	TOTAL
i.	Number of cases filed during the fiscal year.	1,616	753	1,163	871	4,403
ii.	Total number of cases that went to hearing* during the fiscal year.	710	378	430	297	1,815
iii.	Average number of days per hearing held during the fiscal year.	1.16	1.23	1.20	1.27	1.20
iv.	Number of decisions issued** during the fiscal year.	568	303	278	180	1,329
v.	Average number of days between case submission to issuance of the proposed decision for proposed decisions issued during the fiscal year.	28.05	22.54	21.10	27.40	25.25
vi.	Average number of days between the filing of a request to set a hearing and the issuance of the proposed decision for proposed decisions issued during the fiscal year.	216	161	210	230	204

*"Went to hearing," for item D-ii, was defined to include evidentiary hearings, law & motion hearings, interim order hearings and petition hearings.

**"Decisions issued" for item D-iv, was defined to mean an administrative decision after an evidentiary hearing. Many cases in which some form of hearing was conducted did not result in an administrative decision.

Section D – DCA	LA	OAK	SAC	SD	TOTAL
i. Number of cases filed during the fiscal year.	1,616	753	1,163	871	4,403
Accountancy, Board of	16	8	6	5	35
Acupuncture Board	8	4	3	1	16
Architects Board, California	1	1	0	0	2
Automotive Repair, Bureau of	29	56	47	43	175
Automotive Repair, Bureau of – SMOG	77	0	30	40	147
Barbering and Cosmetology, Board of	41	13	20	29	103
Behavioral Sciences, Board of	31	9	20	21	81
Cemetery and Funeral Bureau	4	3	0	6	13
Chiropractic Examiners, Board of	20	10	10	12	52
Contractors State License Board	342	86	362	121	911
Court Reporters Board	1	2	2	0	5
Dental Board of California	34	17	16	24	91
Dental Hygiene Committee of California	2	2	2	0	6
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Bureau of	3	2	2	0	7
Engineers, Land Surveyors, and Geologists, Board for Professional	0	0	4	0	4
Landscape Architects Technical Committee	0	0	0	1	1
Medical Board of California	108	91	81	67	347
Occupational Therapy, California Board of	8	1	2	0	11
Optometry, Board of	10	2	2	1	15
Osteopathic Medical Board of California	4	5	4	5	18
Pharmacy, Board of	92	39	93	71	295
Physical Therapy Board of California	10	14	17	6	47
Physician Assistant Board	3	3	11	2	19
Podiatric Medicine, Board of	1	2	1	1	5
Private Postsecondary Education, Bureau for	3	1	1	4	9
Professional Fiduciaries Bureau	0	0	0	1	1
Psychology, Board of	9	5	6	5	25
Real Estate Appraisers, Bureau of	6	3	2	3	14
Real Estate, Bureau of	337	85	91	65	578
Registered Nursing, Board of	237	234	215	249	935
Respiratory Care Board	16	5	4	9	34
Security and Investigative Services, Bureau of	40	14	13	13	80
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	2	1	2	2	7
Structural Pest Control Board	20	6	8	13	47
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	12	7	10	13	42
Vocational Nursing and Psychiatric Technicians, Board of	89	22	76	38	225

Section D - DCA	LA	OAK	SAC	SD	TOTAL
ii. Total number of cases that went to hearing during the fiscal year.	710	378	430	297	1,815
Accountancy, Board of	9	1	1	2	13
Acupuncture Board	3	1	2	2	8
Architects Board, California	0	0	0	0	0
Automotive Repair, Bureau of	7	34	30	23	94
Automotive Repair, Bureau of - SMOG	37	1	7	9	54
Barbering and Cosmetology, Board of	34	8	9	10	61
Behavioral Sciences, Board of	14	1	9	10	34
Cemetery and Funeral Bureau	3	1	1	2	7
Chiropractic Examiners, Board of	9	5	3	1	18
Contractors State License Board	75	39	68	33	215
Court Reporters Board	0	2	1	0	3
Dental Board of California	16	9	11	8	44
Dental Hygiene Committee of California	0	0	1	0	1
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Bureau of	2	0	3	0	5
Engineers, Land Surveyors, and Geologists, Board for Professional	0	0	1	0	1
Landscape Architects Technical Committee	0	0	1	0	1
Medical Board of California	55	48	25	40	168
Occupational Therapy, California Board of	6	1	0	0	7
Optometry, Board of	6	1	4	0	11
Osteopathic Medical Board of California	3	2	3	2	10
Pharmacy, Board of	42	19	43	14	118
Physical Therapy Board of California	5	7	7	5	24
Physician Assistant Board	5	0	4	2	11
Podiatric Medicine, Board of	2	2	0	1	5
Private Postsecondary Education, Bureau for	0	0	0	2	2
Professional Fiduciaries Bureau	0	0	0	0	0
Psychology, Board of	2	4	4	3	13
Real Estate Appraisers, Bureau of	1	1	0	3	5
Real Estate, Bureau of	190	49	56	29	324
Registered Nursing, Board of	66	105	65	57	293
Respiratory Care Board	14	2	4	2	22
Security and Investigative Services, Bureau of	41	15	17	8	81
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	2	2	0	1	5
Structural Pest Control Board	10	2	5	8	25
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	2	0	4	7	13
Vocational Nursing and Psychiatric Technicians, Board of	49	16	41	13	119

Section D - DCA		LA	OAK	SAC	SD	TOTAL
iii.	Average number of days per hearing held during the fiscal year.	1.16	1.23	1.20	1.27	1.20
	Accountancy, Board of	1.11	1.00	1.00	1.00	1.08
	Acupuncture Board	2.00	1.00	1.00	1.00	1.38
	Architects Board, California	0.00	0.00	0.00	0.00	0.00
	Automotive Repair, Bureau of	1.00	1.09	1.10	1.22	1.12
	Automotive Repair, Bureau of - SMOG	1.00	2.00	1.00	1.22	1.06
	Barbering and Cosmetology, Board of	1.00	1.00	1.00	1.10	1.02
	Behavioral Sciences, Board of	1.07	1.00	2.00	1.20	1.35
	Cemetery and Funeral Bureau	1.00	1.00	1.00	1.00	1.00
	Chiropractic Examiners, Board of	1.00	1.20	1.00	1.00	1.06
	Contractors State License Board	1.16	1.23	1.12	1.12	1.15
	Court Reporters Board	0.00	2.50	1.00	0.00	2.00
	Dental Board of California	1.50	1.11	1.09	1.00	1.23
	Dental Hygiene Committee of California	0.00	0.00	1.00	0.00	1.00
	Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Bureau of	1.00	0.00	1.00	0.00	1.00
	Engineers, Land Surveyors, and Geologists, Board for Professional	0.00	0.00	1.00	0.00	1.00
	Landscape Architects Technical Committee	0.00	0.00	1.00	0.00	1.00
	Medical Board of California	1.96	1.23	1.92	1.85	1.72
	Occupational Therapy, California Board of	1.17	2.00	0.00	0.00	1.29
	Optometry, Board of	1.00	1.00	1.00	0.00	1.00
	Osteopathic Medical Board of California	1.67	1.00	3.33	1.00	1.90
	Pharmacy, Board of	1.00	1.00	1.02	1.21	1.03
	Physical Therapy Board of California	1.00	1.00	1.14	1.80	1.21
	Physician Assistant Board	1.40	0.00	1.00	2.00	1.36
	Podiatric Medicine, Board of	1.00	1.00	0.00	1.00	1.00
	Private Postsecondary Education, Bureau for	0.00	0.00	0.00	1.00	1.00
	Professional Fiduciaries Bureau	0.00	0.00	0.00	0.00	0.00
	Psychology, Board of	1.00	2.00	2.00	2.00	1.85
	Real Estate Appraisers, Bureau of	1.00	1.00	0.00	1.00	1.00
	Real Estate, Bureau of	1.05	1.02	1.30	1.07	1.09
	Registered Nursing, Board of	1.06	1.46	1.11	1.28	1.26
	Respiratory Care Board	1.14	1.50	1.25	1.00	1.18
	Security and Investigative Services, Bureau of	1.02	1.07	1.18	1.00	1.06
	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	1.00	1.00	0.00	1.00	1.00
	Structural Pest Control Board	1.40	1.50	1.00	1.00	1.20
	Veterinary Medical Board and Registered Veterinary Technician Examining Committee	4.00	0.00	1.00	1.00	1.46
	Vocational Nursing and Psychiatric Technicians, Board of	1.04	1.06	1.07	1.15	1.07

Section D - DCA	LA	OAK	SAC	SD	TOTAL
iv. Number of decisions issued during the fiscal year.	568	303	278	180	1,329
Accountancy, Board of	4	1	2	0	7
Acupuncture Board	3	1	0	2	6
Architects Board, California	0	0	0	0	0
Automotive Repair, Bureau of	5	35	13	14	67
Automotive Repair, Bureau of - SMOG	33	1	4	4	42
Barbering and Cosmetology, Board of	25	6	8	7	46
Behavioral Sciences, Board of	14	2	7	7	30
Cemetery and Funeral Bureau	3	1	1	2	7
Chiropractic Examiners, Board of	7	6	0	0	13
Contractors State License Board	51	32	32	19	134
Court Reporters Board	0	2	1	0	3
Dental Board of California	12	7	7	6	32
Dental Hygiene Committee of California	0	0	1	0	1
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Bureau of	0	0	3	0	3
Engineers, Land Surveyors, and Geologists, Board for Professional	0	0	1	0	1
Landscape Architects Technical Committee	0	0	1	0	1
Medical Board of California	42	39	16	28	125
Occupational Therapy, California Board of	4	1	0	0	5
Optometry, Board of	6	1	4	0	11
Osteopathic Medical Board of California	3	2	3	1	9
Pharmacy, Board of	24	13	34	8	79
Physical Therapy Board of California	5	4	5	3	17
Physician Assistant Board	3	0	4	2	9
Podiatric Medicine, Board of	1	2	0	1	4
Private Postsecondary Education, Bureau for	0	1	0	0	1
Professional Fiduciaries Bureau	0	0	0	0	0
Psychology, Board of	2	3	2	2	9
Real Estate Appraisers, Bureau of	0	0	0	3	3
Real Estate, Bureau of	167	38	42	25	272
Registered Nursing, Board of	62	76	37	23	198
Respiratory Care Board	14	1	3	2	20
Security and Investigative Services, Bureau of	27	12	8	4	51
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	2	2	0	0	4
Structural Pest Control Board	7	2	1	4	14
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	2	0	3	6	11
Vocational Nursing and Psychiatric Technicians, Board of	40	12	35	7	94

Section D - DCA	LA	OAK	SAC	SD	TOTAL
v. Average number of days between case submissions to issuance of the proposed decision for proposed decisions issued during the fiscal year.	28.05	22.54	21.10	27.40	25.25
Accountancy, Board of	50.50	4.00	19.50	0.00	35.00
Acupuncture Board	38.67	15.00	0.00	29.50	31.67
Architects Board, California	0.00	0.00	0.00	0.00	0.00
Automotive Repair, Bureau of	24.60	17.80	17.92	24.21	19.67
Automotive Repair, Bureau of - SMOG	21.61	29.00	18.25	34.50	22.69
Barbering and Cosmetology, Board of	21.92	23.33	18.63	26.29	22.20
Behavioral Sciences, Board of	30.64	22.00	28.29	27.29	28.73
Cemetery and Funeral Bureau	31.00	34.00	17.00	14.00	24.57
Chiropractic Examiners, Board of	11.57	45.50	0.00	0.00	27.23
Contractors State License Board	42.86	26.84	20.97	27.74	31.66
Court Reporters Board	0.00	18.50	13.00	0.00	16.67
Dental Board of California	32.00	21.00	15.29	22.00	24.06
Dental Hygiene Committee of California	0.00	0.00	25.00	0.00	25.00
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Bureau of	0.00	0.00	6.67	0.00	6.67
Engineers, Land Surveyors, and Geologists, Board for Professional	0.00	0.00	1.00	0.00	1.00
Landscape Architects Technical Committee	0.00	0.00	20.00	0.00	20.00
Medical Board of California	15.64	18.51	26.56	27.64	20.62
Occupational Therapy, California Board of	24.00	30.00	0.00	0.00	25.20
Optometry, Board of	24.00	31.00	29.00	0.00	26.45
Osteopathic Medical Board of California	13.33	18.50	24.00	0.00	16.56
Pharmacy, Board of	20.13	18.50	22.35	36.13	22.13
Physical Therapy Board of California	21.00	27.50	14.20	21.00	22.13
Physician Assistant Board	19.33	0.00	24.00	49.00	28.00
Podiatric Medicine, Board of	4.00	31.00	0.00	31.00	24.25
Private Postsecondary Education, Bureau for	0.00	210.00	0.00	0.00	210.00
Professional Fiduciaries Bureau	0.00	0.00	0.00	0.00	0.00
Psychology, Board of	31.50	27.67	23.00	2.00	21.78
Real Estate Appraisers, Bureau of	0.00	0.00	0.00	28.00	28.00
Real Estate, Bureau of	34.02	21.18	23.33	24.68	29.72
Registered Nursing, Board of	28.35	22.61	17.22	29.52	24.20
Respiratory Care Board	15.64	31.00	8.67	28.00	16.60
Security and Investigative Services, Bureau of	29.56	23.08	22.25	21.00	26.22
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	2.50	23.50	0.00	0.00	13.00
Structural Pest Control Board	21.29	28.50	24.00	22.25	22.79
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	30.00	0.00	4.00	23.17	19.18
Vocational Nursing and Psychiatric Technicians, Board of	18.38	15.83	24.51	42.29	22.12

Section D - DCA		LA	OAK	SAC	SD	TOTAL
vi.	Average number of days between the filing of a Request to Set a hearing and the issuance of the Proposed Decision (PD) for PDs issued during the fiscal year.	216	161	210	230	204
	Accountancy, Board of	233	28	252	0	209
	Acupuncture Board	249	169	0	142	200
	Architects Board, California	0	0	0	0	0
	Automotive Repair, Bureau of	126	203	296	298	235
	Automotive Repair, Bureau of - SMOG	184	491	269	338	214
	Barbering and Cosmetology, Board of	221	121	252	291	224
	Behavioral Sciences, Board of	201	165	66	125	149
	Cemetery and Funeral Bureau	164	147	212	133	159
	Chiropractic Examiners, Board of	44	318	0	0	170
	Contractors State License Board	290	181	254	291	256
	Court Reporters Board	0	205	69	0	160
	Dental Board of California	295	129	164	209	214
	Dental Hygiene Committee of California	0	0	41	0	41
	Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Bureau of	0	0	170	0	170
	Engineers, Land Surveyors, and Geologists, Board for Professional	0	0	22	0	22
	Landscape Architects Technical Committee	0	0	525	0	525
	Medical Board of California	214	120	231	242	193
	Occupational Therapy, California Board of	193	203	0	0	195
	Optometry, Board of	47	56	221	0	111
	Osteopathic Medical Board of California	150	123	182	21	140
	Pharmacy, Board of	233	109	140	252	174
	Physical Therapy Board of California	246	135	141	182	178
	Physician Assistant Board	287	0	135	176	195
	Podiatric Medicine, Board of	68	75	0	87	76
	Private Postsecondary Education, Bureau for	0	507	0	0	507
	Professional Fiduciaries Bureau	0	0	0	0	0
	Psychology, Board of	164	133	78	159	133
	Real Estate Appraisers, Bureau of	0	0	0	305	305
	Real Estate, Bureau of	241	179	326	138	236
	Registered Nursing, Board of	187	161	161	273	182
	Respiratory Care Board	109	244	120	155	122
	Security and Investigative Services, Bureau of	231	124	276	265	216
	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	266	91	0	0	178
	Structural Pest Control Board	196	129	276	169	185
	Veterinary Medical Board and Registered Veterinary Technician Examining Committee	383	0	113	171	193
	Vocational Nursing and Psychiatric Technicians, Board of	150	126	160	255	159

This report provides the required data requested by the California State Budget Act.

If you have any questions regarding this report, please contact Carlos Trejo by phone at (916) 263-0759 or by email at Carlos.Trejo@dgs.ca.gov.

You can find this report on the Office of Administrative Hearings website at <http://www.dgs.ca.gov/oah/Home.aspx> and the Department of General Services website at [http://www.dgs.ca.gov/ola/home/2014 Reports.aspx](http://www.dgs.ca.gov/ola/home/2014%20Reports.aspx). If you need a copy of this report, please contact Carlos Trejo at (916) 263-0759 or by email at Carlos.Trejo@dgs.ca.gov.