

AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58

**Fiscal Year 2019–2020
Accountability Report**

SUBMISSION FORM

AGENCY MISSION	<p>The Court’s mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action or proposed action of certain State agencies or departments. The purpose of an administrative court such as the ALC is to separate the adjudicatory proceedings from the investigative and policy-making functions of the agency. Prior to the creation of the Court, citizens who had a dispute with a state agency and wanted to challenge any action related to the dispute had to appear before hearing officers employed or contracted by that particular agency. The creation of this Court provided a forum separate from the agency whose decision was in dispute. The Court places a very high value on its ability to be fair and neutral to all of the litigants that appear before the Court and on continuing efforts to improve its results.</p> <p>The Office of Motor Vehicle Hearings (OMVH) was created in 2005 as an office within the ALC and its mission is to provide a neutral forum for fair, prompt, and objective hearings for persons affected by certain actions or proposed actions of the SC Department of Motor Vehicles, ensuring due process and respecting the dignity of all.</p>
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AGENCY VISION	<p>The Court's vision, including the OMVH, is to provide a technologically advanced court, easily accessible by all customers and stakeholders, to ensure the fair, prompt and objective resolution of all cases.</p>
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Does the agency have any major or minor recommendations (internal or external) that would allow the agency to operate more effectively and efficiently?

	Yes	No
RESTRUCTURING RECOMMENDATIONS:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Is the agency in compliance with S.C. Code Ann. § 2-1-230, which requires submission of certain reports to the Legislative Services Agency for publication online and to the State Library? See also S.C. Code Ann. § 60-2-30.

AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58

REPORT SUBMISSION COMPLIANCE:	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is the agency in compliance with various requirements to transfer its records, including electronic ones, to the Department of Archives and History? See the Public Records Act (S.C. Code Ann. § 30-1-10 through 30-1-180) and the South Carolina Uniform Electronic Transactions Act (S.C. Code Ann. § 26-6-10 through 26-10-210).

RECORDS MANAGEMENT COMPLIANCE:	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

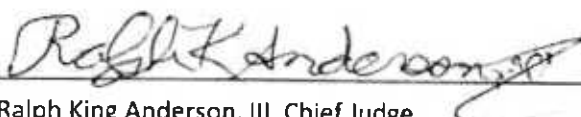
Is the agency in compliance with S.C. Code Ann. § 1-23-120(J), which requires an agency to conduct a formal review of its regulations every five years?

REGULATION REVIEW:	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please identify your agency's preferred contacts for this year's accountability report.

	<i>Name</i>	<i>Phone</i>	<i>Email</i>
PRIMARY CONTACT:	Jana Shealy	803.734.6411	jshealy@scalac.net
SECONDARY CONTACT:	Margaret Sanders	803.734.6414	msanders@scalac.net

I have reviewed and approved the enclosed FY 2019–2020 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN AND DATE):		
(TYPE/PRINT NAME):	Ralph King Anderson, III, Chief Judge	9-15-2020

BOARD/CMSN CHAIR (SIGN AND DATE):		
(TYPE/PRINT NAME):		

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AGENCY CODE:	C05	SECTION:	58

AGENCY'S DISCUSSION AND ANALYSIS

The Administrative Law Court (ALC) is an independent agency and court of record in the Executive Branch. The ALC has six (6) Administrative Law Judges (ALJ), each of whom is elected to a specific seat by the South Carolina General Assembly and may employ other staff as authorized by the General Assembly to hear and dispose of its statutorily mandated jurisdiction. The Office of Motor Vehicle Hearings (OMVH), is a division of the ALC and has five (5) hearings officers and staff, appointed and hired by the Chief Judge, who serves as the Director of the Office. The Court hears certain case types involving all state agencies except those arising under the Consolidated Procurement Code, the Public Service Commission and the Workers' Compensation Commission. (See Age of Disposed Cases below for specific case types filed with the Court). The OMVH conducts contested cases regarding certain decisions issued by the Department of Motor Vehicles.

There are currently no plans in development to change the structure or organizational framework and procedures of the Court or to recommend that the General Assembly make any statutory changes. However, we continue to closely monitor our results and performance measures to determine if any future changes would be necessary.

The Court is always improving upon how we protect data and Information Technology assets against increasing cyber threats and vulnerabilities. The Court depends heavily on network and information systems for essential operations and data security. A culture of awareness regarding security risks is our standard at the Court and we accomplish that with a multi-layered security and defense approach focusing on sophisticated and blended cyber-attacks. The Court places extremely high importance on the cyber security education of all agency employees making sure users stay informed. We recognize that the first line of defense in maintaining the security and integrity of our IT assets and networks starts with informed IT personnel and network users.

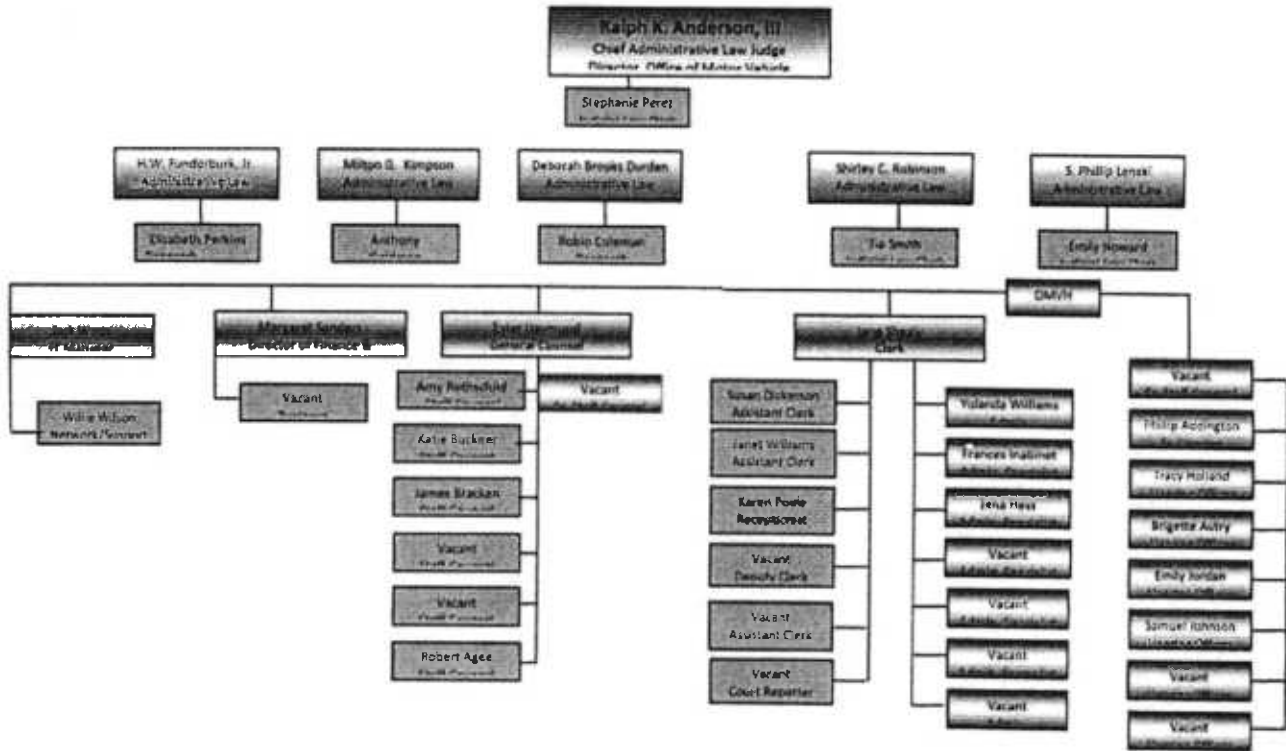
RISK ASSESSMENT AND MITIGATION STRATEGIES

The Chief Judge is statutorily responsible for assigning a specific Administrative Law Judge (ALJ) to each case filed with the Court. At the OMVH, the cases are automatically assigned to a hearing officer based on specific geographic regions. The Chief Judge is also responsible for the administration of the Court and OMVH, including budgetary matters and supervision of the support staff. The other ALJs have supervision of their administrative assistant/law clerk.

Each ALJ is individually responsible for ensuring the fair and prompt disposition of the cases assigned to his or her office. If the Court is unable to accomplish its goals and objectives of the timely disposal of cases, the greatest risk of a negative impact on the public would be for a determination of the case to be delayed or denied. If a case becomes moot due to lack of a timely decision, this could potentially have a negative impact on the parties involved. Although the litigants often ask for continuances due to discovery and scheduling issues, the Court seeks to balance those requests to ensure a court system that is fair and prompt for all litigants. The primary support for a court to efficiently dispose of its docket timely is to have adequate resources to do so. This may be in the form of additional judges, staff or to be fully funded without reliance on fees.

AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58

**SC ADMINISTRATIVE LAW COURT
ORGANIZATIONAL CHART 2020**



AGE OF DISPOSED CASES REPORT

		Total Disposed	Average Age at Disposal	% Meeting Objective
Agency I. Contested Cases Objective = 90 Days		116	109	67
DNR	Hunting/Fishing Violations [ALC CC 90]	4	148	25
DOR	ABC Applications/Renewals [ALC CC 90]	40	111	50
LLR	Wage Disputes [ALC CC 90]	1	44	100
LLR	OSHA Violations [ALC CC 90]	6	286	33
ANY	Injunctive Relief Hearings [ALC IJ 90]	18	100	78
ANY	Public Hearings for Proposed Regulations [ALC RH 90]	32	64	97
ANY	Subpoenas	5	32	100
ANY	Miscellaneous	10	180	40
Agency II. Contested Cases Objective = 120 Days		19	136	53
DCA	Applications/Violations [ALC CC 120]	1	94	100
DNR	Coastal Fisheries Violations [ALC CC 120]	2	96	50
DOI	Insurance Agent Applications [ALC CC 120]	--	--	--
DOI	Insurance Rate Cases [ALC CC 120]	--	--	--

AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58

DOR	ABC violations [ALC CC 120]	16	144	50
SLED	CWP/PI/Security License [ALC CC 120]	--	--	--
Agency	III. Contested Cases Objective = 180 Days	56	134	79
ANY	Setoff Debt Collection [ALC CC 180]	1	140	100
ANY	Tourism Expenditure Review [ALC CC 180]	--	--	--
DHEC	Health Licensing Cases [ALC CC 180]	2	101	100
DNR	Boating Under the Influence [ALC CC 180]	7	74	100
DOI	Insurance Agent Violations [ALC CC 180]	2	116	100
DOR	Bingo Violations [ALC CC 180]	3	90	100
DOR	County Property Tax [ALC CC 180]	33	167	67
DOT	Outdoor Advertisements/DBE/Displacement	--	--	--
PEBA	State Retirement Systems [ALC CC 180]	3	152	67
SOS	Charities [ALC CC 180]	5	31	100
Agency	IV. Contested Cases Objective = 300 Days	70	448	46
DHEC	Certificate of Need [ALC CC 300]	13	353	62
DHEC	Environmental Permitting [ALC CC 300]	12	404	58
DHEC	Ocean and Coastal Resource Management [ALC CC 300]	22	677	5
DOR	State Tax Cases [ALC CC 300]	23	306	70
Agency	V. Appeals Objective = 120	54	138	43
DEW	Employment and Workforce Appeals [Appeals from DEW]	54	138	43
Agency	VI. Appeals (all other non-inmate) Objective = 180	77	203	61
HHS	Medicaid and Provider Appeals [Appeals (all others) 180]	--	--	--
DOA	Employee Grievance Appeals [Appeals (all others) 180]	3	170	67
Any	Charter School Appeals [Appeals (all others) 180]	5	205	40
CJA	Criminal Justice Academy Appeals [Appeals (all others) 180]	7	128	100
OMVH	Administrative License Revocations/Ignition Interlock Appeals	20	189	63
LLR	Professional Licensing Board Appeals [Appeals (all others) 180]	8	238	50
DSS	Daycare/Fostercare Appeals, SNAP (FI) [DSS]	12	219	17
PEBA	PEBA Employee Insurance Program Appeals	22	203	61
Category	IV Case Types: Objective = 120 days	673	105	90
DOC	Inmate grievances [DOC & PPPS]	673	105	90
ALL CASE TYPES		1065	138	78
ALL CASE TYPES excluding inmate grievances		392	196	58

NOTE: DOI: Dept. of Insurance; LLR: Dept. of Labor, Licensing and Regulation; DNR: Dept. of Natural Resources; DOR: Dept. of Revenue; DHEC: Dept. of Health and Environmental Control; HHS: Dept. of Health and Human Services; DSS: Dept. of Social Services; SLED: South Carolina Law Enforcement Division; DOC: Dept. of Corrections; PPPS, Dept. of Probation, Parole and Pardon Services; PEBA: Public Employee Benefit; OMVH: Office of Motor Vehicle Hearings; CA: Dept. of Consumer Affairs; DEW: Dept. of Employment and Workforce; CJA: Criminal Justice Academy, SOS: Secretary of State; DOA: Dept. of Administration; DOT: Dept. of Transportation

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AGENCY CODE:	C05	SECTION:	58

COMBINED COURT AND OMVH WORKLOAD SINCE 2013

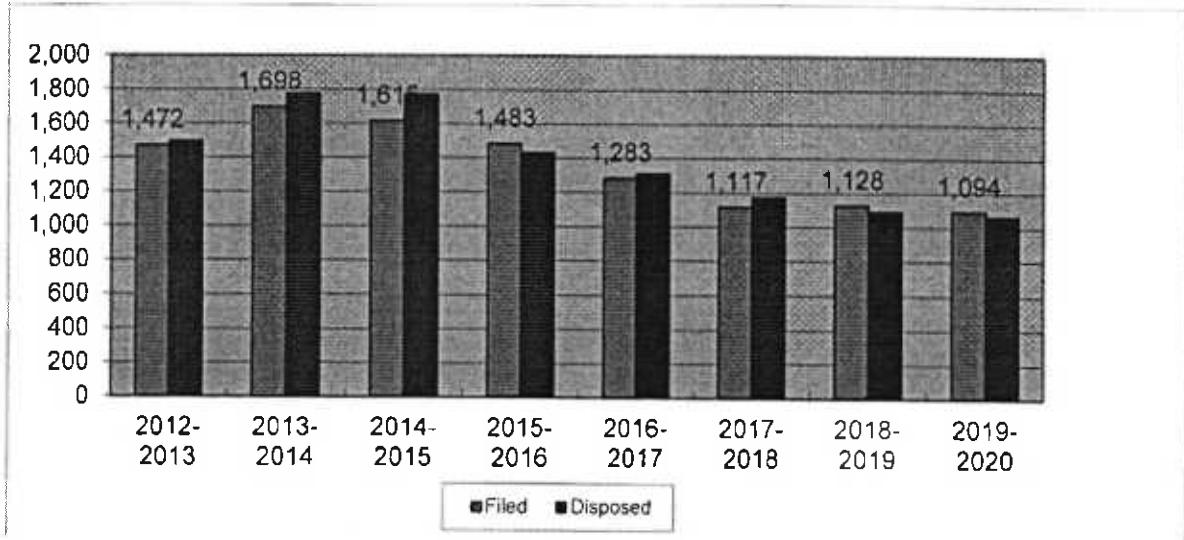
FISCAL YEAR	COURT	OMVH	TOTAL CASES FILED	COURT	OMVH	TOTAL CASES DISPOSED
FY 12-13	1472	6776	8,248	1497	6678	8,175
FY 13-14	1698	6863	8,561	1776	6777	8,553
FY 14-15	1615	6796	8,411	1771	6627	8,398
FY 15-16	1483	6385	7,868	1430	6568	7,998
FY 16-17	1283	6240	7,523	1310	6314	7,624
FY 17-18	1117	6089	7,206	1175	6309	7,426
FY 18-19	1128	6514	7,642	1092	6532	7,624
FY 19-20	1094	5942	7036	1065	5647	6,712

COURT'S WORKLOAD REPORT SINCE 2013

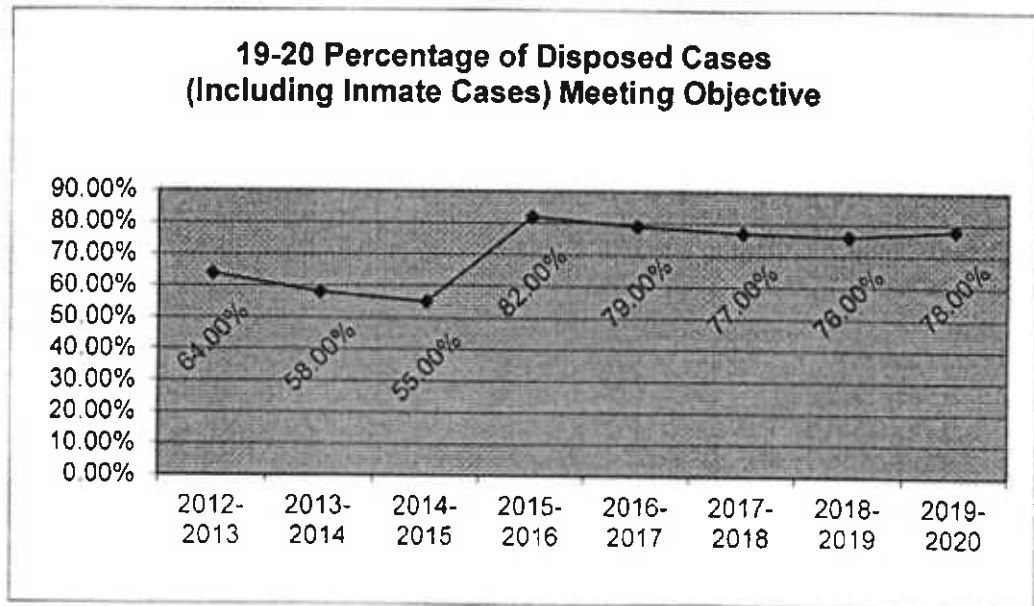
FISCAL YEAR	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals	TOTAL FILED	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals	TOTAL CASES DISPOSED
FY 12-13	567	905	1,472	559	938	1,497
FY 13-14	636	1,062	1,698	670	1106	1,776
FY 15-16	506	977	1,483	543	887	1,483
FY 16-17	492	791	1,283	534	776	1,310
FY 17-18	483	634	1,117	536	639	1,175
FY 18-19	445	683	1,128	458	634	1,092
FY 19-20	413	681	1,094	392	673	1,065

AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58

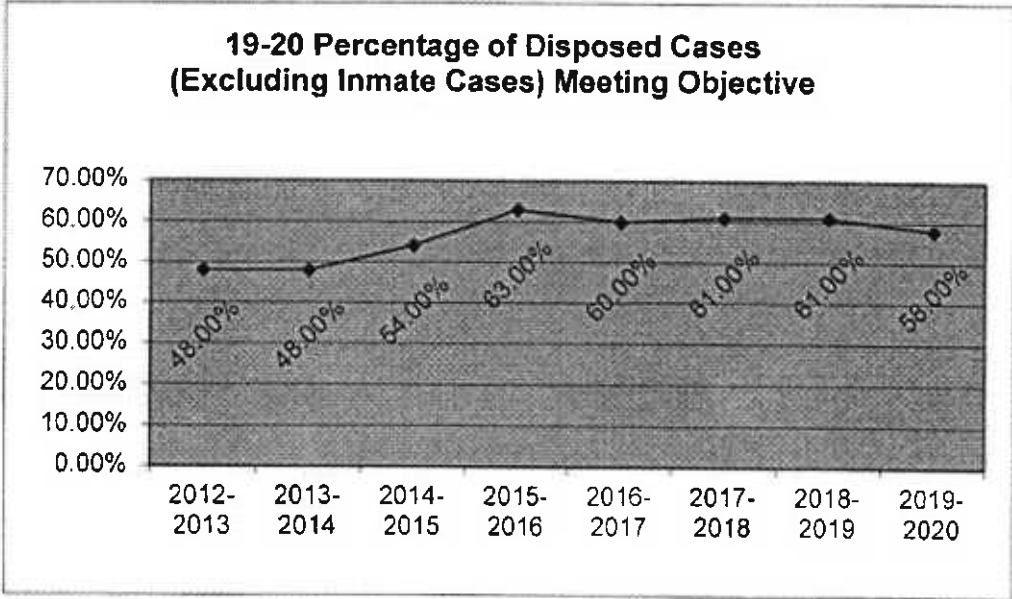
FILINGS AND DISPOSITIONS FOR THE COURT (EXCLUDING OMVH) SINCE 2013



DISPOSITION PERCENTAGES FOR THE COURT (EXCLUDING OMVH) SINCE 2013



AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58



OMVH WORKLOAD REPORT FOR CURRENT YEAR 2019-2020

Case Type #	Description	CASES FILED	CASES DISPOSED
01	Implied Consent or BAC	5783	5459
02	Habitual Offender 1 st Declared	24	38
03	Habitual Offender Reduction	37	40
04	Financial Responsibility	53	57
05	Dealer Licensing	2	3
06	Physical Disqualification	11	12
07	IFTA	1	3
08	Self-Insured	--	--
09	Driver Training School	--	1
10	IRP	1	2
11	Miscellaneous	--	--
12	Points Suspension	5	4
13	HOR 2	4	6
14	IID (Ignition Interlock)	21	22
TOTAL		5942	5647

AGENCY NAME:

South Carolina Administrative Law Court

AGENCY CODE:

C05

SECTION:

58

OMVH WORKLOAD REPORT FOR CURRENT YEAR 2018-2019

Case Type #	Description	CASES FILED	CASES DISPOSED
01	Implied Consent or BAC	6329	6326
02	Habitual Offender 1 st Declared	35	35
03	Habitual Offender Reduction	33	41
04	Financial Responsibility	67	78
05	Dealer Licensing	9	13
06	Physical Disqualification	12	11
07	IFTA	5	4
08	Self-Insured	0	0
09	Driver Training School	1	0
10	IRP	1	0
11	Miscellaneous	0	0
12	Points Suspension	6	6
13	HOR 2	1	5
14	IID (Ignition Interlock)	15	13
TOTAL		6514	6532

OMVH WORKLOAD REPORT FOR CURRENT YEAR 2017-2018

Case Type #	Description	CASES FILED	CASES DISPOSED
01	Implied Consent or BAC	5887	6096
02	Habitual Offender 1 st Declared	38	56
03	Habitual Offender Reduction	32	41
04	Financial Responsibility	67	44
05	Dealer Licensing	9	8
06	Physical Disqualification	15	11
07	IFTA	6	6
08	Self-Insured	0	0
09	Driver Training School	0	0
10	IRP	0	0
11	Miscellaneous	4	6
12	Points Suspension	4	6
13	HOR 2	4	2
14	IID (Ignition Interlock)	23	33
TOTAL		6089	6309

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South Carolina Administrative Law Court

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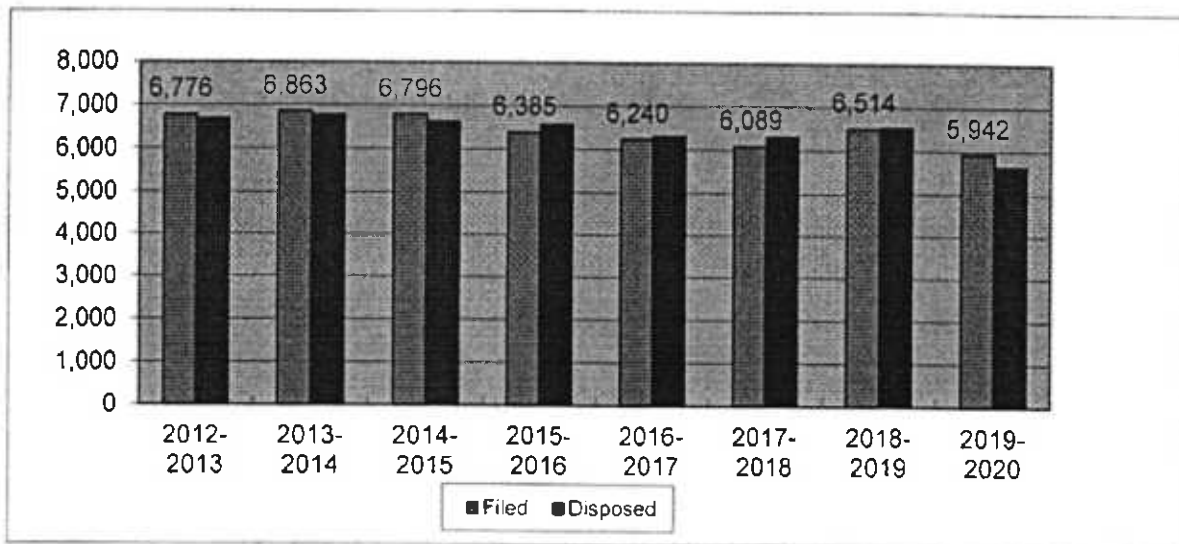
C05

SECTION:

58

OMVH WORKLOAD REPORT FOR 2016-2017

Case Type #	Description	CASES FILED	CASES DISPOSED
01	Implied Consent or BAC	5991	6117
02	Habitual Offender 1 st Declared	53	41
03	Habitual Offender Reduction	51	47
04	Financial Responsibility	53	40
05	Dealer Licensing	16	9
06	Physical Disqualification	8	8
07	IFTA	6	5
08	Self-Insured	0	0
09	Driver Training School	0	0
10	IRP	2	0
11	Miscellaneous	5	3
12	Points Suspension	8	6
13	HOR 2	9	10
14	IID (Ignition Interlock)	38	28
TOTAL		6240	6314

FILINGS AND DISPOSITIONS FOR THE OMVH SINCE 2013

Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective

Description

Data Source and Availability

Critical Path Method

Measurement Use of Measure

Agency Name	Administrative Unit	Category	Metric	Type	Goal #	Strategic Objective	Description	2018-20		Time Applicable	Data Source and Availability	Critical Path Method	Measurement Use of Measure
								Base	Target				
M	1.1.1	Percentage of all ALC cases disposed within internal timeframes	76%	100%	78%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				
M	1.1.2	Percentage of Contested Cases and Regulatory disposed within internal timeframes (90 Days)	50%	100%	67%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				
M	1.1.3	Percentage of Contested Cases II disposed within internal timeframes (120 Days)	55%	100%	57%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				
M	1.1.4	Percentage of Contested Cases III disposed within internal timeframes (180 Days)	63%	100%	75%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				
M	1.1.5	Percentage of Contested Cases IV disposed within internal timeframes (240 Days)	77%	100%	86%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				
M	1.1.6	Percentage of Appeals V disposed within internal timeframes (120 Days)	61%	100%	43%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				
M	1.1.7	Percentage of Appeals VI disposed within internal timeframes (180 Days)	51%	100%	61%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				
M	1.1.8	Percentage of Appeals VII disposed within internal timeframes (240 Days)	87%	100%	90%	FY 19-20	Age of Disposed Cases Report	Excel formula using the age of cases in a category and the age of each case from CMS	To assist in determining any backlog in specific cases types or need for changes in procedures for timely disposal of cases				

Agency Name ADMINISTRATIVE LAW COURT

Agency Code CDS0 Section: 58

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?
1	Article I, Section 22	State	Constitution	Constitutional provisions regarding due process hearings		
2	58.1	State	Proviso	Retention and Expenditure of copying costs and copies of rules		
3	58.2	State	Proviso	County Office Space for Administrative Law Judges		
4	58.3	State	Proviso	Travel - subsistence and mileage for Administrative Law Judges		
5	Al-Shabazz v. State, etc.	State	Case Law	Administrative, non-collateral appeals from Dept. of Corrections and Dept. of Probation, Parole and Pardon Services		
6	§ 1-13-90	State	Statute	Appeals from the State Human Affairs Commission		
7	§ 1-23-111	State	Statute	Preside over certain regulation hearings		
8	§ 1-23-320	State	Statute	Subpoena enforcement		
9	§ 1-23-500, et seq.	State	Statute	Enabling statute creating the Administrative Law Court and setting forth authority and jurisdiction		
10	§ 34-36-40	State	Statute	Contested cases from the Dept. of Consumer Affairs regarding loan brokers		
11	§ 36-9-520	State	Statute	Contested cases regarding the Commercial Code and secured transaction filings from the Secretary of State		
12	§ 37-6-106, § 37-6-108, § 37-6-118, § 37-6-401, § 37-6-414	State	Statute	Contested cases and injunctive relief from the Dept. of Consumer Affairs, Consumer Protection Code, regarding debt collection, retirement communities, prepaid legal services, discount medical plan organizations, mortgage lending and contact lenses		
13	§ 39-91-100 and § 39-61-130	State	Statute	Contested cases and injunctive relief from the Dept. of Consumer Affairs regarding the Motor Club Services Act		
14	§ 38-3-210	State	Statute	Contested Cases, appeals and injunctive relief from the Department of Insurance regarding agent licensing, agent violations, bail bondsmen, rate cases, captive insurance companies, privacy of genetic information, service contracts, etc.		
15	§ 38-5-120	State	Statute	See above		
16	§ 38-9-330	State	Statute	See above		
17	§ 38-9-340	State	Statute	See above		
18	§ 38-9-350	State	Statute	See above		
19	§ 38-9-360	State	Statute	See above		
20	§ 38-13-20	State	Statute	See above		
21	§ 36-13-30	State	Statute	See above		
22	§ 38-21-120	State	Statute	See above		
23	§ 38-21-280	State	Statute	See above		
24	§ 38-21-370	State	Statute	See above		
25	§ 38-25-10	State	Statute	See above		
26	§ 38-25-315	State	Statute	See above		
27	§ 38-27-520	State	Statute	See above		
28	§ 38-29-100	State	Statute	See above		
29	§ 38-31-70	State	Statute	See above		
30	§ 38-33-50	State	Statute	See above		
31	§ 38-33-210	State	Statute	See above		
32	§ 38-39-40	State	Statute	See above		
33	§ 38-43-106	State	Statute	See above		
34	§ 38-43-130	State	Statute	See above		
35	§ 38-44-70	State	Statute	See above		
36	§ 38-53-85	State	Statute	See above		
37	§ 38-53-160	State	Statute	See above		
38	§ 38-59-25	State	Statute	See above		
39	§ 38-70-40	State	Statute	See above		