

Government of the District of Columbia
Commission on the Selection and Tenure of
Administrative Law Judges

Testimony of

Rob Hawkins,
Voting Cost Member

Council of the District of Columbia Committee on Government
Operations and Facilities

Robert C. White, Jr., Chair

February 25, 2021

The Committee on Government Operations and Facilities has scheduled a Performance Oversight Hearing on the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (“the Commission”) for Thursday, February 25th, 2021, at 12:00 PM. The Committee requests your assistance in ensuring the attendance of the Chairperson or a designated Commissioner of the Commission to participate in the hearing.

The Performance Oversight Hearing will be held virtually. Log-in instructions will be provided to participants in advance of the hearing. Members of the public may sign up to testify or submit written testimony by e-mail to facilities@dccouncil.us. The hearing will be viewable live for those not participating at <https://www.facebook.com/RobertWhiteAtLarge/Live> and will be broadcast on Channel 13.

The Committee requests that the Commission submit written testimony to the Committee at least 48 hours prior to the commencement of the hearing. The representative should limit their testimony at the hearing to approximately 10 minutes.

Finally, it is the practice of the Committee to send each agency a series of written questions in advance of an oversight hearing. To that end, please review the attached list of questions and return your answers by the close of business, Monday, February 22, 2021 to facilities@dccouncil.us. If the documents are too large to send by e-mail, please return via Dropbox here: <https://www.dropbox.com/request/bTjZpaf207Ax1HrskbYX>. The Committee requests an electronic version with text responses in a single document, with clearly marked attachments where necessary. Please do not submit any sensitive, non-public, or personally identifiable information.

If you have any questions, please feel free to contact the Committee on Government Operations and Facilities at facilities@dccouncil.us. Thank you in advance for your assistance and for facilitating a timely response on behalf of the Commission.

Sincerely,

Robert C. White, Jr.
Councilmember, At-Large
Chair, Committee on Government Operations and Facilities
Council of the District of Columbia

GENERAL QUESTIONS

1. Please provide the agency's mission statement.

To ensure the recruitment and retention of a well-qualified, efficient, and effective corps of Administrative Law Judges in the Office. § 2–1831.06 (a).

2. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the agency is required to complete in FY 20 and FY 21, to date. For each requirement, please list the date the report was required and the date it was produced. If the agency did not produce the report on the mandated timeline, please explain why.

N/A

3. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in FY 21.

1. To appoint eligible and qualified Administrative Law Judges consistent with § 2–1831.06 (d)(1)–(6).¹

2. To receive and vote on requests for reappointment prior to the expiration of an Administrative Law Judge's term. § 2–1831.10(c).

3. To timely reappoint Administrative Law Judges upon the expiration of their 2-year and/or their 6-year terms. § 2–1831.10(a).

4. To, if necessary, discipline and remove, only for cause, an Administrative Law Judge's unexcused failure to meet performance standards or other grounds for removal or discipline. § 2–1831.10(d).

5. Continue to maintain a strong relationship with the Chief Judge and her designated administrative appointee to the Commission so that there is timeliness, accountability, and transparency as it relates to the Commission's operations.

The Commission intends to address each of these priorities consistent with the Regulations which create and govern them.

¹ (d) To be eligible for appointment or reappointment, an Administrative Law Judge shall:
(1) At the time of appointment or reappointment, be a member in good standing of the District of Columbia Bar and remain in good standing throughout his or her tenure as an Administrative Law Judge;
(2) Repealed.
(3) Repealed.
(4) Have at least 5 years' experience in the practice of law, including experience with court, administrative, or arbitration litigation;
(5) Possess judicial temperament, expertise, experience, and analytical and other skills necessary and desirable for an Administrative Law Judge; and
(6) Satisfy all other requirements specified in rules promulgated pursuant to § 2-1831.11(a) and (b);

4. Please describe any new initiatives or programs that the agency implemented in FY 20 and FY 21, to date, to improve the operations of the agency. Please describe any funding utilized for these initiative or program and the results, or expected results, of each initiative.

N/A

5. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to financial liability or will result in a change in agency practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success.

	Case Name, Court or Agency Action Brought/Nature of Action	Lawsuit that may expose city to sig. financial liability?	Will this Suit result in a change in Agency practices?	Current Status of Litigation
1.	<ul style="list-style-type: none"> • <u>Claudia Barber v. D.C. Commission on the Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings</u> • Docket No.: 19-CV-0266 • D.C. Court of Appeals • Appeal of D.C. Superior Court Case No. 2016 CA 006576 P(MPA) which dismissed the Plaintiff's Petition for Review of an Agency Decision to remove a former OAH ALJ. <p>CONSOLIDATED WITH:</p> <ul style="list-style-type: none"> • Jesse Goode v. COST (Docket No.: 19-CV-0670) and Caryn Hines v. COST (Docket No.: 19-CV-1242). 	Yes	To be determined.	On March 26, 2019, Plaintiff filed a Notice of Appeal with the D.C. Court of Appeals. The parties have submitted briefs but a decision has not been issued by the DCCA. An oral argument has been scheduled for March 9, 2021.
2.	<ul style="list-style-type: none"> • <u>Jesse Goode v. D.C. Commission on the Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings</u> • Docket No.: 19-CV-0670 • D.C. Court of Appeals • Appeal of D.C. Superior Court Case No. 2017 CA 007291 P(MPA) which dismissed the 	Yes	To be determined.	On July 24, 2019, Plaintiff filed a Notice of Appeal with the D.C. Court of Appeals. The parties have submitted briefs but a decision has not been issued by the DCCA. An oral

	<p>Plaintiff's Petition for Review of an Agency Decision not to reappoint a former OAH ALJ.</p> <p>CONSOLIDATED WITH:</p> <ul style="list-style-type: none"> • Claudia Barber v. COST (Docket No.: 19-CV-0266) and Caryn Hines v. COST (Docket No.: 19-CV-1242). 			argument has been scheduled for March 9, 2021.
3.	<ul style="list-style-type: none"> • <u>Caryn Hines v. D.C. Commission on the Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings</u> • Docket No.: 19-CV-1242 • Appeal of D.C. Superior Court Case No. 2016 CA 005382 P(MPA) which dismissed the Plaintiff's Petition for Review of an Agency Decision not to reappoint a former OAH ALJ. <p>CONSOLIDATED WITH:</p> <p>Claudia Barber v. COST (Docket No.: 19-CV-0266) and Jesse Goode v. COST (Docket No.: 19-CV-0670).</p>	Yes	To be determined.	On December 20, 2019, a Notice of Appeal was filed in the D.C. Court of Appeals. The parties have submitted briefs but a decision has not been issued by the DCCA. An oral argument has been scheduled for March 9, 2021.
4.	<ul style="list-style-type: none"> • <u>Jesse Goode v. D.C., Eugene Adams, Nadine Wilburn, Robert Hawkins, Joseph Onok and Yvonne Williams</u> • Docket No.: 20-cv-1332-RJL • U.S. District Court for the District of Columbia • Plaintiff has brought two claims under 42 U.S.C. § 1983 against the District of Columbia and the members of its Commission on Selection and Tenure of Administrative Law Judges. 	Yes	To be determined.	On August 3, 2020 Defendants filed a Motion to Dismiss Plaintiff's Amended Complaint.

6. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 20 or FY 21, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

N/A

7. Please provide the number of FOIA requests for FY 20, and FY 21, to date, that were submitted to your agency. Include the number granted, partially granted, denied and pending. In addition, please provide the average response time, the estimate number of FTEs required to process requests, the estimated number of hours spend responding to these requests, and the cost of compliance.

N/A

8. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency that were completed during FY 20 and FY 21, to date.

N/A

9. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or funded during FY 20 and FY 21, to date. Please submit a hard copy to the Committee of any study, research paper, report, or analysis that is complete.

N/A

COMMISSION ON SELECTION AND TENURE OF ADMINISTRATIVE LAW JUDGES OF THE OFFICE OF ADMINISTRATIVE HEARINGS

10. Please provide a current list of all voting and ex officio members and designees who serve on the Commission. Please include the following:

a. Their date of appointment;

- a. Judge Yvonne Williams - May 1, 2018
- b. Joe Onek – November 20, 2020
- c. Rob Hawkins – May 1, 2019
- d. Nadine Wilburn – November 13, 2013
- e. M. Collen Currie – November 8, 2020

b. The date their term expires;

- a. Judge Yvonne Williams - April 30, 2021.
- b. Joe Onek – November 19, 2023
- c. Rob Hawkins – April 30, 2022
- d. Nadine Wilburn – No expiration date (non-voting member)
- e. M. Collen Currie – Upon expiration of term, if not reappointed as Chief Judge

c. The number of meetings attended in FY 20 and FY 21, to date; and

- a. Judge Yvonne Williams - 6
- b. Joe Onek - 6
- c. Rob Hawkins- 6
- d. Nadine Wilburn - 6
- e. M. Colleen Currie - 2

d. Whether there are any vacancies.

No Current Vacancies

11. For every meeting of the Commission in FY 20 and FY 21, to date, please provide the agenda, the minutes, a list of all members in attendance, and whether a quorum was present.

Please see attachments (A) for this question: A quorum was present for all of the meetings.

12. Please provide any rules of procedure that have been adopted by the Commission.

None. However, the COST's duties are highly regulated by the following two Regulations:

D.C. Official Code § 2-1831 -- OAH Establishment Act (recognizes and enforces all provisions relating to the duties and powers of the COST)

DC Official Code §2-574(1) -- Open Meetings Act (adheres to the provisions of the Act as it relates to official meetings conducted by the COST)

13. How many Administrative Law Judges (ALJs) has the Commission appointed, or reappointed, in FY 20 and 21, to date?

8 appointed

7 re-appointed

14. How many ALJs has the Commission disciplined in FY 20 and FY 21, to date?

None.

15. How many ALJs has the Commission removed in FY20 and FY 21, to date?

None.

16. What information is evaluated by the Commission in making its decisions on appointment, reappointment, discipline, or removal?

Reappointment: § 2-1831.10(b) –

“Administrative Law Judge’s performance with regard to that judge’s efficiency, efficacy, and quality of performance over the period of his or her appointment.” This also includes one year of decisions authored by the Administrative Law Judge, data on how the Administrative Law Judge has met applicable objective performance standards, the Chief Administrative Law Judge’s recommendation as to whether the reappointment should be made, and any other information requested by one or more members of COST.

Discipline:– § 2-1831.10(d)

“an Administrative Law Judge shall be subject to discipline and removal, only for cause, with a right to notice and a hearing before COST pursuant to this chapter and rules issued pursuant to § 2-1831.11(a) and (b). An Administrative Law Judge’s unexcused failure to meet annual performance standards in any 2 years within a 3-year period shall be among the grounds constituting cause for removal.”

Removal: § 2-1831.10(e)

“Any disciplinary action against an Administrative Law Judge proposed by the Chief Administrative Law Judge that would result in a suspension of 10 days or more, a reduction in grade, or removal of the Administrative Law Judge shall take effect only if a majority of the voting members of COST approve the action.”

17. Please provide the total amount of expenses of COST members that were reimbursed in FY 20 and FY 21, to date.

Zero Dollars.

18. Please describe the process used by the Commission in making its decisions and how the Commission is supported by the Office of Administrative Hearings in reaching its decisions.

§ 2-1831.10(b). At least 6 months before the expiration of any term, an Administrative Law Judge seeking reappointment to a new term shall file a statement with COST specifying that he or she requests reappointment to a new term.

For any Administrative Law Judge who timely files such a statement, the Chief Administrative Law Judge shall prepare a record of the Administrative Law Judge’s performance with regard to that judge’s efficiency, efficacy, and quality of performance over the period of his or her appointment.

The record shall be prepared and transmitted to COST within 120 days of the filing of the statement. At a minimum, the record shall contain

- at least one year of decisions authored by the Administrative Law Judge
- data on how the Administrative Law Judge has met applicable objective performance standards
- the Chief Administrative Law Judge’s recommendation as to whether the reappointment should be made
- and any other information requested by one or more members of COST.

The members of COST shall consider all information received with regard to reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless it is determined that the recommendation is not founded on substantial evidence.

The Chief Judge of the Office of Administrative Hearings designates an administrative liaison from OAH to assist the COST in such matters as arranging and scheduling meetings, drafting

and publishing meeting notices, arranging locations for meetings, taking minutes of meetings and passing along information regarding COST meetings and notices to the all Agency personnel.

19. How has the COVID-19 pandemic affected the Commission's efforts in FY 20 and FY 21, to date?

COVID-19 has affected the COST only in that all meetings are now carried out virtually, rather than in-person. Otherwise, it has not had a significant effect on the COST's operations.

What additional support is needed to meet its goals? NA

20. Please describe any additional challenges that the Commission has faced that are impacting its ability to meet its goals.

None

**Performance Oversight Hearing on the
Commission on Selection and Tenure of
Administrative Law Judges of the Office of
Administrative Hearings (“the Commission”)**

QUESTION #11

ATTACHMENT A

***COST NOTICES, AGENDA,
AND MINUTES –
FY ’20 AND ’21***

**Performance Oversight Hearing on the
Commission on Selection and Tenure of
Administrative Law Judges of the Office of
Administrative Hearings (“the Commission”)**

QUESTION #11
ATTACHMENT A
***COST NOTICES, AGENDA,
AND MINUTES –
FY ’20 AND ’21***

**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS
NOTICE OF PUBLIC MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that, in light of the Government of the District of Columbia's shutdown of in-person public services due to the Coronavirus epidemic, it will conduct a teleconference meeting on **January 6, 2021 at 1:00 p.m.** in order to consider the reappointments of two (2) Administrative Law Judges. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to "discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials." The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Vote on Reappointment of Eligible Administrative Law Judges**
 - a. John Rooney**
 - b. Margaret Mangan**
- V. Discussion of Next Meeting**
- VI. Adjournment (Board Chair)**

MEETING MINUTES
DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS
COMMISSION ON THE SELECTION AND TENURE
OF ADMINISTRATIVE LAW JUDGES

January 6, 2021

The Commission on the Selection and Tenure of Administrative Law Judges of the District of Columbia Office of Administrative Hearings (OAH) met on Wednesday, January 6, 2021 at 1:00 p.m. via Microsoft Teams Meeting.

Committee Members

Chair Judge Yvonne Williams

Joseph Onek

Nadine Wilburn

Rob Hawkins

M. Colleen Currie

Attendance

Louis Neal

Call to Order

The meeting was called to order at 1:00 p.m. by Chair Judge Yvonne Williams

Judge Williams: This meeting of the Commission on the Selection and Tenure of Administrative Law Judges is called to Order. This meeting is called for the purpose of considering and voting on the reappointment of two (2) administrative law judges.”

I will now conduct a roll call. Each member will please indicate their presence by saying “present.”

I, Judge Yvonne Williams, am PRESENT

Joe Onek: Present

Nadine Wilburn: Present

Rob Hawkins: Present

Chief Judge Currie: Present

Judge Williams: I ascertain that all of the voting members are present. Therefore, a quorum is established.

Adoption of Agenda

Judge Williams: I have reviewed the Agenda, and move that it be adopted as the official Agenda for this meeting.

Rob Hawkins: Second.

Judge Williams: This Agenda is therefore adopted as the official Agenda for this meeting.

Executive/Closed Session (non-public).

Judge Williams: As the Chair, I move to close this meeting pursuant to D.C. Official Code § 2-575(b)(10), to discuss, amongst other things, the appointment of government appointees – specifically here, the reappointment of two (2) OAH ALJs.”

I will now take a vote to close:

I, Judge Yvonne Williams, vote to close this meeting. Agree?

Joe Onek: Aye.

Nadine Wilburn: Aye.

Rob Hawkins: Aye.

Chief Judge Currie: Aye.

Judge Williams: All members of the Commission have voted in favor of closing this meeting. Therefore, this meeting is officially closed for now.

[CLOSED SESSION – pursuant to D.C. Official Code § 2-575(b)(10).]

Resumption of Public Meeting

Judge Williams: The public session of this meeting is reconvened and called to order. I will call for a vote to officially reopen this meeting.

I, Judge Yvonne Williams, vote to re-open this meeting. Agree?

Joe Onek: Aye.

Nadine Wilburn: Aye.

Rob Hawkins: Aye.

Chief Judge Currie: Aye.

Judge Williams: All members of the Commission have voted in favor of re-opening this meeting. Therefore, this meeting is officially re-opened to the public. All members are again present and a quorum retained.”

During the Closed Session, the Commission voted on the reappointees as follows:

Judge John Rooney has been voted on to be reappointed;

Judge Margaret Mangan has been voted on to be reappointed;

Judge Williams: Reappointment letters will be delivered to all reappointees - hopefully by the end of the day.

Is there any other Commission business that does not require closed session? If not, this meeting is ADJOURNED at 1:15pm.

**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS
NOTICE OF PUBLIC MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that, in light of the Government of the District of Columbia's shutdown of in-person public services due to the Coronavirus epidemic, it will conduct a teleconference meeting on November 16th at 10:00 a.m. to 3:00 p.m. and, if necessary, November 17th at 1:00 p.m. to 3:00 p.m. in order to consider the reappointments of two (2) Administrative Law Judges and to conduct interviews for administrative law judge candidates. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to "discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials." The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Vote on Reappointment of Eligible Administrative Law Judges**
 - a. Samuel McClendon**
 - b. Elizabeth Figueroa**
- V. Interviews and Selections of ALJ Candidates**
- VI. Discussion of Next Meeting**
- VII. Adjournment (Board Chair)**

MEETING MINUTES
DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS
COMMISSION ON THE SELECTION AND TENURE
OF ADMINISTRATIVE LAW JUDGES

November 16, 2020

The Commission on the Selection and Tenure of Administrative Law Judges of the District of Columbia Office of Administrative Hearings (OAH) met on Monday, November 16, 2020 at 10:00 a.m. via Microsoft Teams Meeting.

Committee Members

Chair Judge Yvonne Williams

Joseph Onek

Nadine Wilburn

Rob Hawkins

M. Colleen Currie

Attendance

Louis Neal

Call to Order

The meeting was called to order at 10:00 a.m. by Chair Judge Yvonne Williams

Judge Williams: This meeting of the Commission on the Selection and Tenure of Administrative Law Judges is called to Order. This meeting is called for the purpose of considering and voting on the reappointment of two (2) administrative law judges and to conduct interviews for four OAH ALJ positions.”

I will now conduct a roll call. Each member will please indicate their presence by saying “present.”

I, Judge Yvonne Williams, am PRESENT

Joe Onek: Present

Nadine Wilburn: Present

Rob Hawkins: Present

Chief Judge Currie: Present

Judge Williams: I ascertain that all of the voting members are present. Therefore, a quorum is established.

Adoption of Agenda

Judge Williams: I have reviewed the Agenda, and move that it be adopted as the official Agenda for this meeting.

Rob Hawkins: Second.

Judge Williams: This Agenda is therefore adopted as the official Agenda for this meeting.

Executive/Closed Session (non-public).

Judge Williams: As the Chair, I move to close this meeting pursuant to D.C. Official Code § 2-575(b)(10), to discuss, amongst other things, the appointment of government appointees – specifically here, the reappointment of two (2) OAH ALJs and to interview candidates for four ALJ positions.”

I will now take a vote to close:

I, Judge Yvonne Williams, vote to close this meeting. Agree?

Nadine Wilburn: Aye.

Joe Onek: Aye.

Rob Hawkins: Aye.

Chief Judge Currie: Aye.

Judge Williams: All members of the Commission have voted in favor of closing this meeting. Therefore, this meeting is officially closed for now.

[CLOSED SESSION – pursuant to D.C. Official Code § 2-575(b)(10).]

Resumption of Public Meeting

Judge Williams: The public session of this meeting is reconvened and called to order. I will call for a vote to officially reopen this meeting.

I, Judge Yvonne Williams, vote to re-open this meeting. Agree?

Joe Onek: Aye.

Nadine Wilburn: Aye.

Rob Hawkins: Aye.

Chief Judge Currie: Aye.

Judge Williams: All members of the Commission have voted in favor of re-opening this meeting. Therefore, this meeting is officially re-opened to the public. All members are again present and a quorum retained.”

During the Closed Session, the Commission voted on the reappointees as follows:

Judge Samuel McClendon has been voted on to be reappointed;
Judge Elizabeth Figueroa has been voted on to be reappointed;

Conducted interviews with eight (8) candidates for four ALJ positions at OAH.

Is there any other Commission business that does not require closed session? If not, this meeting is ADJOURNED at 3:15pm.

**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS
NOTICE OF PUBLIC MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that, in light of the Government of the District of Columbia's shutdown of in-person public services due to the Coronavirus epidemic, it will conduct a teleconference meeting on November 16th at 10:00 a.m. to 3:00 p.m. and, if necessary, November 17th at 1:00 p.m. to 3:00 p.m. in order to consider the reappointments of two (2) Administrative Law Judges and to conduct interviews for administrative law judge candidates. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to "discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials." The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Vote on Reappointment of Eligible Administrative Law Judges**
 - a. Samuel McClendon**
 - b. Elizabeth Figueroa**
- V. Interviews and Selections of ALJ Candidates**
- VI. Discussion of Next Meeting**
- VII. Adjournment (Board Chair)**

**MEETING MINUTES
DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS
COMMISSION ON THE SELECTION AND TENURE
OF ADMINISTRATIVE LAW JUDGES**

November 17, 2020

The Commission on the Selection and Tenure of Administrative Law Judges of the District of Columbia Office of Administrative Hearings (OAH) met on Tuesday, November 17, 2020 at 1:00 p.m. via Microsoft Teams Meeting.

Committee Members

Chair Judge Yvonne Williams

Joseph Onek

Nadine Wilburn

Rob Hawkins

M. Colleen Currie

Attendance

Louis Neal

Call to Order

The meeting was called to order at 1:00 p.m. by Chair Judge Yvonne Williams

Judge Williams: This meeting of the Commission on the Selection and Tenure of Administrative Law Judges is called to Order. This meeting is called for the purpose of continuing to conduct interviews for four OAH ALJ positions.”

I will now conduct a roll call. Each member will please indicate their presence by saying “present.”

I, Judge Yvonne Williams, am PRESENT

Joe Onek: Present

Nadine Wilburn: Present

Rob Hawkins: Present

Chief Judge Currie: Present

Judge Williams: I ascertain that all of the voting members are present. Therefore, a quorum is established.

Adoption of Agenda

Judge Williams: I have reviewed the Agenda, and move that it be adopted as the official Agenda for this meeting.

Rob Hawkins: Second.

Judge Williams: This Agenda is therefore adopted as the official Agenda for this meeting.

Executive/Closed Session (non-public).

Judge Williams: As the Chair, I move to close this meeting pursuant to D.C. Official Code § 2-575(b)(10), to discuss, amongst other things, the appointment of government appointees – specifically here, to interview candidates for four ALJ positions.”

I will now take a vote to close:

I, Judge Yvonne Williams, vote to close this meeting. Agree?

Nadine Wilburn: Aye.

Joe Onek: Aye.

Rob Hawkins: Aye.

Chief Judge Currie: Aye.

Judge Williams: All members of the Commission have voted in favor of closing this meeting. Therefore, this meeting is officially closed for now.

[CLOSED SESSION – pursuant to D.C. Official Code § 2-575(b)(10).]

Resumption of Public Meeting

Judge Williams: The public session of this meeting is reconvened and called to order. I will call for a vote to officially reopen this meeting.

I, Judge Yvonne Williams, vote to re-open this meeting. Agree?

Joe Onek: Aye.

Nadine Wilburn: Aye.

Rob Hawkins: Aye.

Chief Judge Currie: Aye.

Judge Williams: All members of the Commission have voted in favor of re-opening this meeting. Therefore, this meeting is officially re-opened to the public. All members are again present and a quorum retained.”

During the Closed Session, the Commission voted on the reappointees as follows:

Conducted interviews with three (3) candidates for four ALJ positions at OAH.
Chose 4, waitlisted 1.

Is there any other Commission business that does not require closed session? If not, this meeting is
ADJOURNED at 3:05pm.

**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS
NOTICE OF PUBLIC MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that, in light of the Government of the District of Columbia's shutdown of in-person public services due to the Coronavirus epidemic, it will conduct a teleconference meeting on Friday, May 8, 2020, at 2:00 p.m. in order to consider the reappointments of three Administrative Law Judges. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to "discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials." The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Vote on Reappointments of Eligible Administrative Law Judges**
 - a. Christopher Costa**
 - b. John "JP" Howard**
 - c. Tannisha Bell**
- V. Discussion of Next Meeting**
- VI. Adjournment (Board Chair)**

MEETING MINUTES
DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS
COMMISSION ON THE SELECTION AND TENURE
OF ADMINISTRATIVE LAW JUDGES

May 8, 2020

The Commission on the Selection and Tenure of Administrative Law Judges of the District of Columbia Office of Administrative Hearings (OAH) met on Wednesday, May 8, 2020 at 2:00 p.m. via Zoom Meeting.

Committee Members

Chair Judge Yvonne Williams

Joseph Onek

Nadine Wilburn

Rob Hawkins

Eugene Adams

Attendance

Louis Neal

Call to Order

The meeting was called to order at 2:00 p.m. by Chair Judge Yvonne Williams

Judge Williams: This meeting of the Commission on the Selection and Tenure of Administrative Law Judges is called to Order. This meeting is called for the purpose of reappointing three (3) OAH ALJ.”

I will now conduct a roll call. Each member will please indicate their presence by saying “present.”

I, Judge Yvonne Williams, am PRESENT

Joe Onek: Present

Nadine Wilburn: Present

Rob Hawkins: Present

Chief Judge Adams: Present

Judge Williams: I ascertain that all of the voting members are present. Therefore, a quorum is established.

Adoption of Agenda

Judge Williams: I have reviewed the Agenda, and move that it be adopted as the official Agenda for this meeting.

Rob Hawkins: Second.

Judge Williams: This Agenda is therefore adopted as the official Agenda for this meeting.

Executive/Closed Session (non-public).

Judge Williams: As the Chair, I move to close this meeting pursuant to D.C. Official Code § 2-575(b)(10), to discuss, amongst other things, the appointment of government appointees – specifically here, to consider and vote on the reappointment of three ALJs.”

I will now take a vote to close:

I, Judge Yvonne Williams, vote to close this meeting. Agree?

Nadine Wilburn: Aye.

Joe Onek: Aye.

Rob Hawkins: Aye.

Chief Judge Adams: Aye.

Judge Williams: All members of the Commission have voted in favor of closing this meeting. Therefore, this meeting is officially closed for now.

[CLOSED SESSION – pursuant to D.C. Official Code § 2-575(b)(10).]

Resumption of Public Meeting

Judge Williams: The public session of this meeting is reconvened and called to order. I will call for a vote to officially reopen this meeting.

I, Judge Yvonne Williams, vote to re-open this meeting. Agree?

Joe Onek: Aye.

Nadine Wilburn: Aye.

Rob Hawkins: Aye.

Chief Judge Adams: Aye.

Judge Williams: All members of the Commission have voted in favor of re-opening this meeting. Therefore, this meeting is officially re-opened to the public. All members are again present and a quorum retained.”

During the Closed Session, the Commission voted as follows:

ALJ Christopher Costa is reappointed to a 6 year term.
ALJ John “JP” Howard is reappointed to a 6 year term
ALJ Tannisha Bell is reappointed to a 6 year term

Is there any other Commission business that does not require closed session? If not, this meeting is
ADJOURNED at 2:20pm.

**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS
NOTICE OF PUBLIC MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that it will meet to interview candidates for vacant administrative law judge positions. These interviews will be closed the public pursuant to D.C. Code § 2-575(b)(10) as they involve confidential personnel matters.

The interviews will be conducted on Monday, December 11, 2019 beginning at 10:00 a.m. The interviews will be conducted at the following location:

Office of Administrative Hearings
441 Fourth Street NW, Suite 450 North
Washington, DC 20001

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Executive Session (non-public). Vote to enter closed session to conduct business regarding personnel pursuant to D.C. Official Code § 2-575(b)(10) – specifically, to interview candidates for administrative law judge positions.**
 - a) Interviews of administrative law judge candidates**
- V. Resumption of Public Meeting**
- VI. Adjournment (Board Chair)**

**MEETING MINUTES
DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS
COMMISSION ON THE SELECTION AND TENURE
OF ADMINISTRATIVE LAW JUDGES**

December 11, 2019

The Commission on the Selection and Tenure of Administrative Law Judges of the District of Columbia Office of Administrative Hearings (OAH) met on Wednesday, December 11, 2019 at 10:00 a.m. in the Office of Administrative Hearings, 441 4th Street NW, Washington, DC, 20001.

Committee Members

Chair Judge Yvonne Williams

Joseph Onek

Nadine Wilburn

Rob Hawkins

Eugene Adams

Attendance

Louis Neal

Call to Order

The meeting was called to order at 10:00 a.m. by Chair Judge Yvonne Williams

Judge Williams: This meeting of the Commission on the Selection and Tenure of Administrative Law Judges is called to Order. This meeting is called for the purpose of conducting interviews for vacant administrative law judge positions.

I will now conduct a roll call. Each member will please indicate their presence by saying "present."

I, Judge Yvonne Williams, am PRESENT

Joe Onek: Present

Nadine Wilburn: Present

Rob Hawkins: Present

Chief Judge Adams: Present

Judge Williams: I ascertain that all of the voting members are present. Therefore, a quorum is established.

Adoption of Agenda

Judge Williams: I have reviewed the Agenda, and move that it be adopted as the official Agenda for this meeting.

Joe Onek, Nadine Wilburn: Second.

Judge Williams: This Agenda is therefore adopted as the official Agenda for this meeting.

Executive/Closed Session (non-public).

Judge Williams: As the Chair, I move to close this meeting pursuant to D.C. Official Code § 2-575(b)(10), to discuss, amongst other things, the appointment of government appointees – specifically here, to interview alj candidates for vacant positions.”

I will now take a vote to close:

I, Judge Yvonne Williams, vote to close this meeting. Agree?

Joe Onek: Aye.

Nadine Wilburn: Aye.

Rob Hawkins: Aye.

Chief Judge Adams: Aye.

Judge Williams: All members of the Commission have voted in favor of closing this meeting. Therefore, this meeting is officially closed for now.

[CLOSED SESSION – pursuant to D.C. Official Code § 2-575(b)(10).]

The COST members conducted interviews of nine (9) candidates for administrative law judge positions.

Resumption of Public Meeting

Judge Williams: The public session of this meeting is reconvened and called to order. I will call for a vote to officially reopen this meeting.

I, Judge Yvonne Williams, vote to re-open this meeting. Agree?

Joe Onek: Aye.

Nadine Wilburn: Aye.

Rob Hawkins: Aye.

Chief Judge Adams: Aye.

Judge Williams: All members of the Commission have voted in favor of re-opening this meeting. Therefore, this meeting is officially re-opened to the public. All members are again present and a quorum retained.”

During the Closed Session, the Commission interviewed nine (9) candidates for administrative law judge positions.

A vote was taken and three (3) candidates were chosen and one (1) candidate was waitlisted.

Judge Williams: Is there any other Commission business that does not require closed session? If not, this meeting is ADJOURNED.