

**Maryland State Bar Association
Administrative Law Section Council
Meeting Minutes
May 4, 2009**

Location: King's Contrivance, Columbia, Maryland

In Attendance: Andy Baida, Judy Bressler, Wayne Brooks, Kathleen Chapman, Thomas Dewberry, Yvette Diamond, Hon. John Fader, Jack Gohn, Nathan Greenbaum, Hon. Joseph H.H. Kaplan, Andrea Leahy-Fuchek, Elissa Levan, Bruce P. Martin, Judy Plymyer, Joel Smith.

Meeting

I. Approval of Minutes

Minutes of the March 26, 2009 meeting were unanimously approved.

II. Chair's Report

None.

III. Announcements:

There were no significant announcements.

IV. Treasurer's Report

The available balance for meals/meetings is approximately \$1,014 and the total available is \$1,775. There has not yet been a decision of the Section Council's budget for the next year. The Board of Governor's vote is scheduled for May 8.

V. Committees

Legislative – There was discussion of bills which passed during the 2009 Session. Of particular note was the environmental standing bill (SB 1065/HB1569) which will eliminate certain contested case hearings at OAH. There was also discussion of issues concerning the health care boards and the workplace fraud act, which deals with the misclassification of employees as independent contractors.

MICPEL – No report.

Spring Dinner – Kathleen Chapman advised that the Spring Dinner will be a Fall Program. This is because of the desire to partner with the University of Maryland Law School and the necessity to schedule far enough in advance to be included in the academic calendar.

Annual Meeting – Bruce Martin reported that the program for the MSBA Annual Meeting that will acknowledge the upcoming 20th anniversary of the legislation creating the OAH was on track and ready to go. The program will be held on June 11 at 8:30 am, with breakfast beginning at 8:00 am.

Public Education Outreach – Yvette Diamond reported that the program for the Asper students at the University of Maryland Law School was successful, and the students were quite engaged. The participants included Joel Smith, Jody Plymyer, Yvette Diamond, Jack Gohn, Elissa Levan, and Judge Fader.

Publication Committee – No report

VI. Membership Report

Nathan Greenbaum discussed the roster of officers for next year and indicated that there was a need to nominate a Treasurer. There was a discussion of several possible candidates for vacancies on the Section Council. There was some agreement that with the loss of Susan Shubin there should be an effort to invite someone from the Legal Aid Bureau or similar non-governmental public interest organization.

VII. OAH Liaison report

Tom Dewberry announced that two ALJ's were retiring. He also reported that OAH had been helping DLLR with UI cases but that due to OAH summer vacation schedules the UI hearings would continue up to July only.

VIII. New Business

There was an intense and extended discussion of the Section Council's process for taking a position on legislation when there is insufficient time to convene a meeting. There was general agreement of the need to formulate an agreed upon process due to the tensions that occurred shortly before the end of the legislative Session regarding Tom Dewberry's request that the Section take a position on the environmental standing bill mentioned above. After much discussion it was agreed that Judy Bressler would draft a procedure with input from Judy Plymyer and Bruce Martin. In general, the process would permit notification of the Section Council members and discussion of the issue by email. The Chair would then present the options to vote on and permit discussion and proposed amendments. If a member has not responded by email there would be an attempt to contact them by telephone if a vote is necessary. After the time for voting designated by the chair has expired the votes would be tallied and the majority would decide the issue. The procedure would be an amendment to the By Laws. The Section Council will review and discuss the proposed procedure at a Fall meeting.

IX. Old Business

None.