

Hameli

OUR VIEW

ADMINISTRATIVE NIGHTMARE

Revised law would stop agency heads from acting as prosecutor and judge

During her re-election campaign, state Insurance Commissioner Donna Lee Williams mentioned how she chose to avoid being prosecutor, judge and jury in complicated

WHERE WE STAND

This change would have forced the state to deal more fairly with Dr. Ali Hameli.

cases. Under the state Administrative Procedures Act, she could hire a hearing officer in matters likely to come back to her on appeal.

The wisdom of this has universal application. This system could have avoided the costly mess resulting from an effort to fire Dr. Ali Z. Hameli, Delaware's medical examiner and widely respected forensic pathologist, on sexual harassment charges.

Under the law, Health and Social Services Secretary Carmen Nazario had the option of using a hearing officer. At the outset she chose not to, acting instead as chief prosecutor and judge in the first go-around of the sexual harassment case against Dr. Hameli.

Insurance Commissioner Williams, a lawyer, was not addressing the Hameli case when she said she would like to see the law amended to require the department head to step aside for a hearing officer in those cases.

Consider the mischief, cost and embarrassment officials brought on themselves and the state in the three years since Department of Health and Social Services officials decided to fire Dr. Hameli.

Most embarrassing was when Secretary Nazario decided not to abide by a promise to accept a ruling by an outside arbitrator that went in Dr. Hameli's favor.

Commissioner Williams' proposal to require use of hearing officers makes sense. It deserves the careful attention of the General Assembly.

The Hameli case already has cost Delaware taxpayers more than \$1 million, an amount that would pay for several years' worth of hearing officers' fees.