

**STATE OF VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

In re: Audra J. Pitts
License No. 026.0033373
The

Docket no. 2014-623 (RN)



ENTRY ORDER: MOTION TO DISMISS

By complaint filed May 19, 2015, The Office of Professional Regulation, State of Vermont filed charges against Audra J. Pitts, (hereinafter "Appellant") alleging certain acts of unprofessional conduct. A hearing was held before the Board of Nursing on January 11, 2016. By Order entered on January 15, 2016, the Board of Nursing concluded that the allegations had been established by a preponderance of the evidence, and consequently issued an Order which revoked the Appellant's license as a registered nurse.

On February 1, 2016, Appellant filed a letter with the Office of Professional Regulation which read in pertinent part,

This is to inform you of *my intentions* to appeal the decision of the board of nursing made on January 11, 2016 on docket number 2014-623. . . .

On March 8, 2016, the Prosecuting Attorney for the Office of Professional Regulation filed a Motion to Dismiss Appeal. The motion noted that the Administrative Rules of Procedure for the Office of Professional Regulation (AROPR) 4.1 required an aggrieved party to file a notice of appeal within 30 days of the Board's order. The motion also noted that the Appellant had been advised by letter from the Office of Professional Regulation that she was required to file a Statement of Questions for appeal within 10 days of the filing of the Notice of Appeal in order to perfect the appeal (i.e., "before the appeal can be scheduled").

By letter dated March 8, 2016, the Office of Professional Regulation notified Appellant that she was required to respond to the Motion to Dismiss on or before March 22, 2016. As of today's date, Appellant has not done so.

Strictly speaking, a letter indicating an "intention" to appeal, is not a notice of appeal. However, because Appellant is self-represented, the Office of Professional Regulation has accepted Appellant's letter of February 1 as a notice of appeal, and the undersigned Appellate Officer does as well.

More pertinent is the failure of the Appellant both to file a written Statement of Questions and to respond to the Prosecuting Attorney's Motion to Dismiss. The undersigned is inclined to give self-represented persons considerable leeway in meeting filing deadlines. However, in view of the failure of the Appellant both to file a Statement of Questions and to respond to the Motion

to Dismiss, the undersigned Appellate Office must presume that she no longer wishes to pursue her appeal.¹

ORDER

Accordingly, the appeal herein is *dismissed*,

Dated at Montpelier, Vt., March 24, 2016,


Michael S. Kupersmith
Appellate Officer

Date Entered: 4-5-16

¹ Pursuant to AROPR 2.2, the Vermont Rules of Appellate Procedure (VRAP) apply to the AROPR, except for certain rules enumerated in Rule 2.4. VRAP 42(b) provides, "The Supreme Court on its own motion may dismiss or otherwise dispose of any docketed case in which a party has not complied with a filing deadline provided by these rules. . . ." The Appellate Officer is thereby authorized to dismiss the appeal in this matter for lack of prosecution.