

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: William A. O'Rourke, M.D.

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MPN 12-0302

STATE'S MOTION FOR CONTINUANCE

The State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, respectfully moves that any currently scheduled hearing or proceeding in the above referenced matter be continued to a later date for the reasons set forth below.

1. By happenstance, the undersigned Assistant Attorney General was advised today by telephone by a member of the Board staff for the first time at approximately 3:00 p.m. that a hearing had been scheduled regarding a motion or writing filed by Respondent as to the sanction imposed upon him in this matter.

2. Apparently, a hearing on the motion has been scheduled for March 28, 2007, time unknown. The State has never been provided written or other notice by the Board of Medical Practice regarding a hearing in this matter and scheduled for March 28, 2007. Nor did the Board provide notice by telephone to the undersigned or inquire as to his availability for any hearing.

3. The State has never received a copy of Respondent's motion or writing from the Board of Medical Practice.

4. The State has never received a copy of Respondent's written motion from the attorney for Respondent. The attorney for Respondent has never contacted or notified the undersigned of the motion or writing filed on behalf of his client.

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5. Today, the undersigned received for the first time, by facsimile transmission, a copy of the Board's final written order regarding the charges against Respondent and the sanction imposed upon him.

6. Had the undersigned received notice of scheduled proceedings or the filing of a motion in this matter, he would have responded promptly on behalf of the State. Any absence of a written response from the State is the result of no prior notice having been provided to the State regarding a pleading from Respondent. Such failure of notice by the Board is prejudicial to the State.

7. Due to the failure to provide proper notice, the State moves that any currently scheduled hearing on a motion from Respondent regarding his sanction be continued by the Board of Medical Practice to later date and until such time as the State has received and reviewed the subject pleading and had a reasonable opportunity to respond to its contents.

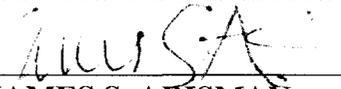
8. The State requests that inquiry be undertaken by the Board of Medical Practice to determine whether public notice, as required by 3V.S.A. § 2222(c), was provided regarding this hearing or meeting.

WHEREFORE, the State of Vermont respectfully moves that its motion be **GRANTED** and that the Board of Medical Practice continue any pending hearing in this matter to a later date, as requested above.

Dated at Montpelier, Vermont this 27th day of March 2007.

STATE OF VERMONT

**WILLIAM H. SORRELL
ATTORNEY GENERAL**

by: 
**JAMES S. ARISMAN
Assistant Attorney General**

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