

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Mitchell R. Miller, M.D.
a/k/a Mitch Miller

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Docket No.: MPC 76-1100

STATE'S RESPONSE TO NON-PARTY WRITING

The State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, responds as follows with regard to the writing sent on or about April 23, 2009 to the Board of Medical Practice (Board) by one Cris Ericson, a non-party to the above-referenced matter. For the reasons set forth below, the State moves that this writing not be considered by the Board.

1. The writing sent to the Board of Medical Practice by Ms. Ericson appears to claim standing or to seek intervention in the above-referenced matter as a party. Further, Ms. Ericson appears to attempt to characterize herself as a "party aggrieved by a final decision of the Board".

2. Ms. Ericson is not a party to the above-referenced matter. 3 V.S.A. § 801(b)(5). Nor has the Board of Medical Practice rendered a "final decision" in the above referenced matter. Therefore, Board Rule 18.1 is inapposite and, in any case, provides no basis for "appeals" by non-parties. Even if a final decision had been rendered, Ms. Ericson would not be a "party aggrieved" by such decision. See 3 V.S.A. § 812(a). Nor would the Board be the proper forum for any such appeal. 3 V.S.A. § 815(a).

3. For the above reasons, Ms. Ericson's various claims, including claims of error and procedural defect, should not be heard or considered by the Board of Medical Practice.

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Petitioner, the State of Vermont, respectfully moves that the Vermont Board of Medical Practice not consider or hear the matter of the writing by Ms. Ericson. If the writing is treated as a motion, the State moves that it be denied, without hearing, for the same reasons set forth above.

Dated at Montpelier, Vermont this 1st day of May 2009.

STATE OF VERMONT

**WILLIAM H. SORRELL
ATTORNEY GENERAL**

by: 
JAMES S. ARISMAN
Assistant Attorney General

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