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8. 02 041 C.M.R. ch. 13 § 3 allows a licensing board to conduct random audits of continuing education compliance, during which licensees selected for audit are notified by the licensing board to submit documentation of the continuing education activities certified by the licensee at the time of renewal.
9. 32 M.R.S. § 9909(2) and the Board's Rules, Chapter 2, Section 3(B)(1)(b) require all dietetic technicians, including Ms. Shute, to acquire ten (10) hours of continuing professional education units during each licensing year, four (4) of which must be from category I.
10. Pursuant to 32 M.R.S. § 9910(2)(D), any violation of a rule adopted by the Board is grounds for disciplinary action.
11. The Board has voted to offer this Consent Agreement to Ms. Shute in order to ensure her compliance with the continuing education requirements.
12. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Cathy Neumann, Complaint Coordinator, 35 State House Station, Augusta, Maine 04333-0035 by April 25, 2009, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

13. Ms. Shute admits that she failed to complete and provide proof of satisfactory completion of continuing professional education as required by 32 M.R.S. §9909(2) and Board Rules Chapter 2, Section 3(B)(1)(b), and admits that such failure constitutes grounds for discipline pursuant to 32 M.R.S. § 9910(2)(D).
14. As discipline for the conduct admitted in paragraph 13 above, Ms. Shute accepts the following disciplinary action:
 - a. a WARNING from the Board; and
 - b. within ninety (90) days of signing this agreement, Ms. Shute will obtain, and provide the Board with documentary proof of the completion of, one (1) hour of any category of continuing professional education. The one (1) hour shall not be used for any other licensing purpose, including meeting the continuing education requirements accruing during the next licensing period.
15. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
16. The Board and Ms. Shute agree that violation of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including

Linda S. Shute
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modification, suspension, or revocation of licensure and denial of licensure or re-licensure.

17. Nothing herein shall prohibit the Board from making an order to revoke, suspend, or modify Ms. Shute's license or from assessing any other penalty, in the event that Ms. Shute does not comply with the terms of this Consent Agreement or in the event that the Board otherwise deems it advisable in the performance of its duties.
18. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be made available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
19. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
20. Ms. Shute understands that execution of this agreement is completely voluntary and that she has the right to consult with an attorney before signing the consent agreement.
21. Ms. Shute acknowledges by her signature hereto that she has read this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

Dated: 4/25/09

Linda S. Shute
LINDA S. SHUTE, Licensee

Dated: 5/16/09

Cecilia Ohmart
CECILIA R. OHMART, Chairperson
Board of Licensing of Dietetic Practice

Dated: 5-11-09

Carrie L. Carney
CARRIE L. CARNEY
Assistant Attorney General

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Office of the
Attorney General

State of New York

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