

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

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MINNESOTA BOARD OF
OPTOMETRY

In the Matter of
Timothy P. Haupert, O.D.
License No. 2244

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Timothy P. Haupert, O.D. ("Respondent"), and the Discipline Committee ("Committee") of the Minnesota Board of Optometry ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice optometry in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent was represented by Paul E. Overson, Attorney at Law, 310 Fourth Avenue South, Suite 1100, Minneapolis, Minnesota 55415, telephone (612) 312-1556. The Committee was represented by Nathan W. Hart, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 297-8784.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. On December 28, 2000, Respondent's license was renewed for 2001. He was issued Renewal Certificate #555. Printed on the certificate was an effective date of 01/01/2001 and an expiration date of 12/31/2001.

b. On January 3, 2002, the Board received Respondent's application for his 2002 license renewal. On that date, Board staff wrote to Respondent requesting certification of attendance for the Continuing Education reported as part of his renewal and advising him that his license renewal could not be executed until such time as the certification was received by the Board.

c. On January 22, 2002, the Board received a telephone request for licensure verification for Respondent from [redacted], who was in the process of credentialing Respondent. The Board informed [redacted] that Respondent's license to practice optometry had not yet been renewed for 2002.

d. On January 23, 2002, the Board received another telephone request for licensure verification for Respondent from [redacted]. Again, [redacted] was informed that Respondent's license had not been renewed for 2002. [Redacted] provided the Board with a copy of Respondent's Renewal Certificate #555, which [redacted] had been provided by Respondent. However, the printed effective date had been altered from 01/01/2001 to 01/01/2002 and the expiration date altered from 12/31/2001 to 12/31/2002. [Redacted] indicated the certificate had been received from Respondent in this form.

e. On January 28, 2002, the Board received Respondent's Certification of Attendance forms. His license was renewed for 2002, and he was issued Renewal Certificate #793.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.57, subd. 3, and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order reprimanding and conditioning Respondent's license to practice in the State of Minnesota as follows:

a. Respondent is hereby **REPRIMANDED** for the conduct described in paragraph 3 above.

b. Respondent's license is hereby placed in a **CONDITIONAL** status. Retention of Respondent's license to practice is conditioned upon payment of a **CIVIL PENALTY** in the amount of \$2500 to be paid on or before December 31, 2002. The Board shall issue an Order of Unconditional License for Respondent at its next regularly scheduled Board meeting following receipt of payment by Respondent of the civil penalty.

6. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this Stipulation and Order.

7. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this Stipulation and Order, including requests for explanations, documents, office inspections, and/or appearances at conferences.

8. Within seven days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Laurel E. Mickelson at the Board of Optometry, University Park Plaza, 2829 University Avenue S.E., Suite 550, Minneapolis, Minnesota 55414-3222.

9. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his/her residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's limited or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with this Stipulation and Order.

10. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceeding upon which this order is based. The investigative reports, other documents, or summaries thereof, may be filed with the Board with the stipulation. Any reports or other material related to this matter which are received after the date the Board approves the Stipulation and Order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

11. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

12. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

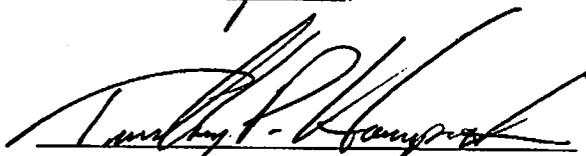
13. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the

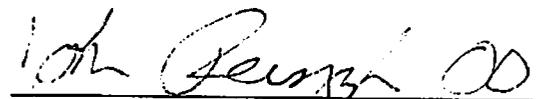
parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

14. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, if they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this Stipulation and Order to the Health Integrity Protection Data Bank.

Dated: May 15, 2002

Dated: 7-12, 2002


TIMOTHY P. HAUPERT, O.D.
Respondent


FOR THE COMMITTEE

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 12 day of July, 2002.

MINNESOTA BOARD OF OPTOMETRY

By: Laurel Mickelson