

**BEFORE THE MINNESOTA  
BOARD OF OPTOMETRY**

In the Matter of  
Jeffrey Unger, O.D.  
License No. 2218

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

Jeffrey Unger, O.D. ("Licensee"), and the Minnesota Board of Optometry Complaint Resolution Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Optometry ("Board") is authorized pursuant to Minnesota Statutes sections 148.52 to 148.62 and 214.103 to license and regulate optometrists and to take disciplinary action when appropriate.

2. Licensee holds a license from the Board to practice optometry in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

**II.**

**BACKGROUND**

3. On November 14, 2023, the Complaint Resolution Committee, composed of Eric Bailey, O.D.; Sam Villella, O.D.; and Sheri Koll, Public Member, reviewed all available information on this matter and determined that the matter could be resolved by mail with a Stipulation and Order for the suspension of Licensee's license. Licensee is represented by

Fabian Hoffner of The Hoffner Firm Ltd. in Minneapolis, Minnesota. Alex Mountain, Assistant Attorney General, represents the Complaint Resolution Committee.

### III.

#### FACTS

4. The parties agree this Stipulation and Order is based upon the following:
  - a. On July 16, 1988, the Board granted Licensee a license to practice optometry in the State of Minnesota.
  - b. While employed as an optometrist at an eyecare clinic in Blaine, Minnesota, Licensee engaged in unprofessional conduct on numerous occasions.
  - c. On August 8, 2022, Licensee was suspended from employment due to his misconduct.
  - d. On September 26, 2022, Licensee signed an "Employee Interaction and Transitional Employment" form detailing certain conditions Licensee was required to follow in order to continue to work at the eyecare clinic.
  - e. On March 22, 2023, Licensee did not follow the conditions and was terminated from his employment for misconduct.
  - f. Licensee has been diagnosed with a medical condition affecting his ability to practice safely.

#### IV.

#### LAWS

5. The Committee concludes that the conduct described above constitutes a violation of Minnesota Statutes section 148.603 (11) and (12) and justifies the remedy described below V.

#### V.

#### DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

##### A. Voluntary Surrender

6. The Board accepts Licensee's **VOLUNTARY SURRENDER** of his license to practice optometry. Licensee shall not practice optometry in any manner as defined by Minnesota Statutes section 148.56. Licensee shall neither offer nor provide optometry services of any kind within Minnesota, and shall not use the designation "O.D.," "Licensed Optometrist," or any other designation that implies that Licensee is eligible to practice optometry in the State of Minnesota.

##### B. Reinstatement

7. Licensee may petition for reinstatement of his license no sooner than five (5) years from the date of this Order. At the time of Licensee's petition, Licensee may be required to meet with the Committee. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of practicing optometry in a fit and competent manner. At the time of Licensee's request, Licensee shall provide any additional information reasonably requested by the Committee.

8. Licensee shall meet all licensure requirements in effect at the time of his petition for reinstatement, including but not limited to completing the appropriate application, paying requisite fees, and completing any necessary continuing education requirements, as determined by the Board.

9. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 7 above, take any of the following actions:

- a. Reinstatement Licensee's license to practice optometry;
- b. Reinstatement Licensee's license to practice optometry with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or
- c. Deny Licensee's request for license reinstatement upon his failure to meet the burden of proof.

## VI.

### CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Committee shall have the burden of proving by a



preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation shall not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Committee's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148B.371, subdivision 7.

## **VII.**

### **ADDITIONAL REQUIREMENTS**

11. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee shall give the Board written notification of the new location, as well as dates of departure and return. If Licensee leaves the state, the terms of this Order continue to apply unless waived in writing.

## VIII.

### OTHER INFORMATION

12. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

13. Licensee waives any claims against the Board, the Minnesota Attorney General's Office, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

14. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

15. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

16. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

17. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

18. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate action on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

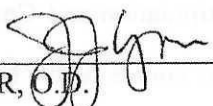
## IX.

### DATA PRACTICES NOTICES

19. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Licensee's name on the Board's website, or by requesting a copy of this Stipulation and Consent Order from the Board. Data regarding this action will be provided to data banks as required by Federal law and consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Stipulation and Consent Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.


20. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

BOARD OF OPTOMETRY  
COMPLAINT RESOLUTION COMMITTEE

  
\_\_\_\_\_  
JEFFREY UNGER, O.D.  
Licensee

Dated: \_\_\_\_\_

1/20/24

  
\_\_\_\_\_  
ERIC BAILEY, O.D.  
Committee Member

Dated: \_\_\_\_\_

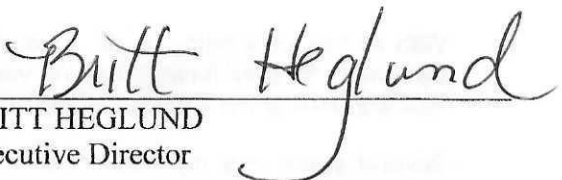
02.13.2024



**ORDER**

Upon consideration of the Stipulation, the Board accepts the **VOLUNTARY SURRENDER** of Licensee's license and adopts all of the terms described above on this 13<sup>th</sup> day of February 2024

MINNESOTA BOARD  
OF OPTOMETRY

  
BRITT HEGLUND  
Executive Director