

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License  
of Eric J. Utes, P.T.  
Date of Birth: 8/20/1982  
License Number: 8565

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Eric J. Utes, P.T. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("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 physical therapy in the State of Minnesota.

2. Respondent was represented by Jon Geffen, Esq. The Committee was represented by Geoffrey Karls, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1254.

**FACTS**

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

a. Respondent was licensed to practice physical therapy in Minnesota on July 15, 2010.

b. On May 10, 2011, Respondent self-reported to the Board that he failed to disclose his complete legal history on his license application. Respondent failed to disclose a 1997 adjudication, which occurred while Respondent was a juvenile.

c. The Minnesota Department of Health's background study revealed Respondent's legal history, which resulted in a Disqualification on April 15, 2011. The Disqualification was set aside on May 3, 2011.

#### STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(3) and (5) (2010). 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 as follows:

a. Respondent is hereby **REPRIMANDED** for the conduct referenced above.

6. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent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.

7. 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.

8. 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.

Dated: 10-12-2011

Dated: 11-17-2011

SIGNATURE ON FILE

SIGNATURE ON FILE

ERIC J. UTES, P.T.  
Respondent

~~FOR THE COMMITTEE~~  
*(Chair)*

**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 17<sup>th</sup> day of November, 2011.

MINNESOTA BOARD OF  
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING  
Executive Director

