

**BEFORE THE MINNESOTA
DEPARTMENT OF HEALTH
HEALTH OCCUPATIONS PROGRAM**

**In the Matter of Eric Weisman,
Unlicensed Complementary and Alternative
Health Care Practitioner**

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Eric Weisman [hereinafter "Mr. Weisman"], and the Health Occupations Programs [hereinafter "HOP"], within the Minnesota Department of Health [hereinafter "Department"], that and without trial or adjudication of any issue of fact or law herein, and without any evidence or admission by any party with respect to any issue or fact herein:

1. Except as otherwise specified herein, this Stipulation and Consent Order [hereinafter, "Stipulation"], investigative reports, and related documents shall constitute the entire record upon which this Stipulation is based and shall be filed with the Department. The Stipulation document is public data pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 ("MGDPA") and Minnesota Statutes, section 146A.06, subdivision 2. All other data comprising the record shall not be considered a part of this Stipulation and shall maintain the data classifications to which they are entitled under the MGDPA and Minnesota Statutes, section 146A.06, subdivision 2.

2. Mr. Weisman has been, and is, subject to the jurisdiction of the Department because he has engaged in unlicensed complementary and alternative health care practice as defined in Minnesota Statutes, section 146A.01.
3. Mr. Weisman is not licensed or registered by the Minnesota health-related licensing boards or the commissioner of health in Minnesota.
4. Pursuant to Minnesota Statutes, section 146A.01, subdivision 4(a), complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (11) healing practices utilizing food, food supplements and nutrients; and (14) herbology or herbalism.
5. Minnesota Statutes, section 146A.08, subdivision 1(e) prohibits advertising that is false, fraudulent, deceptive, or misleading.
6. Minnesota Statutes, section 146A.08, subdivision 1(f) prohibits conduct likely to deceive, defraud or harm the public, or any other practice that may create danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.
7. Minnesota Statutes, section 146A.08, subdivision 1(v) prohibits use of the title "doctor," "Dr.," or "physician" alone or in combination with any other words, letters, or insignia to describe the complementary and alternative health care practices.
8. When violations of law are found, the Department has authority to revoke, suspend or condition a person's right to practice [Minnesota Statutes, sections 146A.09,

subdivisions 1(1) and (2)], to impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed as to deprive the person of any economic advantage gained by reason of the violation or to reimburse the Department for all costs of the investigation and proceeding [Minnesota Statutes, section 146A.09, subdivision 1(4)], or to impose a fee on the person to reimburse the Department for all or part of the cost of the proceedings resulting in disciplinary action including, but not limited to, the amount paid by the Department for services from the office of administrative hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by the Department [Minnesota Statutes, section 146A.09, subdivision 1(6)].

9. The Department alleges, and Mr. Weisman unconditionally admits, for purposes of these and any future disciplinary proceedings before the Department, the following facts:

A. Mr. Weisman is Chief Executive Officer of Evolution Pet Food, Supplements and Health Consulting Service, 1081 Highway 36 East, Maplewood, Minnesota, 55109. He is a graduate of the University of Toronto, Northwestern Health Sciences University.

B. Mr. Weisman is subject to the jurisdiction of the Department because Practitioner engages in unlicensed complementary and alternative health care practice as defined in Minnesota Statutes, section 146A.01.

C. Mr. Weisman provides these consulting services to consumers and stated he offers “a consulting service so that people can explain what conditions dog, cat and human conditions they are dealing with. I sell supplements and tell people about the effects of the supplements I use in a given situation.” Mr. Weisman stated “consumers sometimes send their veterinary or human medical records to him and he reviews them “at no cost.”

D. Mr. Weisman uses the letters “DC” after his name in his advertising and Client Bill of Rights form. The letters “DC” indicate “Doctor of Chiropractic” of which Mr. Weisman had his license to practice chiropractic medicine revoked on November 5, 2002.

10. Mr. Weisman waives any claim that he may have against the Department, the State of Minnesota, or any employee thereof, under the Equal Access to Justice Law, Minnesota Statutes, sections 15.471 to 15.475.
11. For purposes of this Stipulation, Mr. Weisman expressly waives all procedures and proceedings before the Department to which he may be entitled under the Minnesota and/or United States Constitutions, statutes, rules, and also waives the right to any judicial review or appeal under the Administrative Procedures Act, by writ of certiorari under Minnesota Statutes, section 480A.06, or otherwise from the Order issued by the Assistant Division Director pursuant to this Stipulation.
12. Except as otherwise specified herein, this Stipulation, investigative reports, and related documents shall constitute the entire record of the proceedings herein upon which this Stipulation is based and shall be filed with the Department. Any report or other material

related to this action and received after the date this Stipulation is executed shall become part of the record and may be considered by the Department in future aspects of this proceeding. These items shall maintain data classification to which they are entitled under the MGDPA, Minnesota Statutes, Chapter 13, and Minnesota Statutes, section 146A.06, subdivision 2. They shall not be considered a part of this Stipulation and shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

13. In the event the Assistant Division Director, in her discretion, does not approve this Stipulation, or a lesser remedy than specified herein, this Stipulation shall be null and void and shall not be used for any purpose by either party hereto; provided, however, that should this occur and thereafter an administrative contested case is initiated pursuant to Minnesota Statutes, Chapter 14, Mr. Weisman agrees he will not raise any objections on any administrative level or in any court action to the Department's proceeding and hearing the case on the basis that the Assistant Division Director has become disqualified due to the Assistant Division Director's review and consideration of this Stipulation and record.
14. This Stipulation shall not in any way or manner limit or affect the authority of the Department to proceed against Mr. Weisman by initiating a contested-case hearing or by other appropriate means on the basis of any act, conduct, or omission of Mr. Weisman justifying action which occurred after the date of this Stipulation and which is not directly related to specific facts and circumstances set forth herein.

15. Any appropriate federal or state court shall, upon application of the Assistant Division Director, enter an order of enforcement of any or all of the terms of this Stipulation.
16. Mr. Weisman hereby acknowledges that he has read, understood, and agreed to this Stipulation, and has freely and voluntarily signed it. In signing this Stipulation, Mr. Weisman acknowledges that he is fully aware that the Assistant Division Director must approve it. The Assistant Division Director may either approve the Stipulation as proposed, or approve it subject to specific changes, or reject it. If the Assistant Division Director either approves the Stipulation or makes a change acceptable to Mr. Weisman, the Assistant Division Director will issue the Order and it will take effect. If the changes are either unacceptable to Mr. Weisman, or the Assistant Division Director rejects the Stipulation, it will be of no effect, except as specified in paragraph 13, above.
17. Mr. Weisman's violation of this Stipulation will be considered a violation of Minnesota Statutes, section 146A.08, subdivision 1(s), and will constitute grounds for further disciplinary action.
18. Upon this Stipulation, and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Mr. Weisman does hereby consent that until further order of the Assistant Division Director, made after notice and hearing or after agreement between the Department and Mr. Weisman, the Assistant Division Director may make and enter an Order for the following:

A. Mr. Weisman must immediately cease the diagnosis of consumers conditions and any advertising that claim products sold by his company can successfully reverse late stage cancers and organ failure diseases in humans.

B. Mr. Weisman must immediately cease any and all advertising using the title "Doctor of Health Sciences" or letters "DC" in his advertising until such time Mr. Weisman can show proof he has a doctoral degree in health sciences. Every attempt will be made by Mr. Weisman that past informational material is not in circulation. Recorded programs, flyers, business cards or brochures which are in circulation prior to this Stipulation will not be deemed a violation of this Stipulation if evidence shows that material was recorded or distributed prior to this Order.

C. Mr. Weisman is prohibited from holding himself out or practicing as an unlicensed complementary and alternative health care in Minnesota.

D. Mr. Weisman may submit a request to the Commissioner of Health, Minnesota Department of Health, to be authorized to practice unlicensed complementary and alternative health care in Minnesota. The request must document how Mr. Weisman will abide by Minnesota Statutes, 146A.01, including how he plans to market, educate and explain the uses of the human supplements he would sell to the public.

E. Mr. Weisman must post a notice on any advertisements that documents he does not provide complementary or alternative health care practices, including nutritional supplements, to humans until authorized by the Minnesota health-related licensing

boards or the commissioner of health in Minnesota.

F. Mr. Weisman is hereby assessed a civil penalty of \$1,763.00. However, \$1,500.00 of the civil penalty shall be stayed so long as Mr. Weisman complies with the corrective action set forth in Paragraph B below, and pays a penalty of \$263.00, which reflects the department's costs of investigation. Payment will pay a civil penalty of \$263.00, representing the costs of investigations in these proceedings, to date. Payment of the penalty amount of \$263.00 must be made payable to "State of Minnesota, Treasurer" and mailed to the Health Occupations Program, Minnesota Department of Health, PO Box 64882, Saint Paul, MN, 55164-0882, or other address as designated by Department staff. The payment is due within 30 days of the effective date of this Stipulation.

G. The penalty may be referred to the Minnesota Department of Revenue (MDOR) or any other source for collection, if Mr. Weisman misses a monthly payment by 14 calendar days after the established deadline. When this Order for the penalty becomes public and the Department refers the matter to MDOR, MDOR is authorized by Minnesota Statutes, section 16D.17, to obtain a judgement against Mr. Weisman without further notice or additional proceedings.

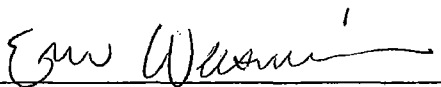
H. Mr. Weisman shall cooperate fully during the process of the Department's enforcement and monitoring of compliance with this Stipulation and shall respond to the Department's correspondence within the time provided by law or by the deadline of Department staff.

I. Should Mr. Weisman violate Minnesota Statutes, section 146A.08, subdivisions 1(e), 1(f) and 1(v) again and it is so determined by the Department, his right to practice complementary and alternative health care practices in Minnesota will be revoked.


19. 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.

20. Mr. Weisman agrees that service of this Stipulation by regular mail to his address of 1081 Highway 36 East, Maplewood, Minnesota, 55109 shall be due and sufficient service on Mr. Weisman.

Dated: FEB 12, 2018



Eric Weisman

Dated: February 15, 2018


Catherine Dittberner Lloyd, Manager
Health Occupations Program
Health Regulation Division

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 Division Director this 15th day of February, 2018

MINNESOTA DEPARTMENT OF HEALTH

By: 
Susan Winkelmann
Assistant Division Director
Health Regulation Division