

GRANTED/APPROVED

Within 10 days from the date of this order, the moving party is directed to furnish a copy of this order to any pro se party who has entered an appearance in this action.

Richard V. Hall

Richard V. Hall
District Court Judge
Date of order indicated on attachment

FILED Document

CO El Paso County District Court 4th JD
Filing Date: Sep 13 2005 8:40AM MDT
Filing ID: 6683033
Review Clerk: Deborah Moore

<p>District Court, El Paso County, State of Colorado</p> <p>Court Address: 20 East Vermijo Avenue</p> <p>Colorado Springs, Colorado 80903</p>	<p>COURT USE ONLY</p>
<p>Plaintiff: THE PEOPLE OF THE STATE OF COLORADO, EX REL. JOHN W. SUTHERS, ATTORNEY GENERAL AND THE COLORADO STATE BOARD OF MEDICAL EXAMINERS</p> <p>Defendant(s): MARK COOPER, D/B/A ALPINE NATUROPATHIC CLINIC</p>	<p>Case Number: 2005CV2881</p> <p>Division/Courtroom: 2</p>
<p>Attorneys for Plaintiff:</p> <p>John W. Suthers, Attorney General Betty J. Wytias, Assistant Attorney General* 1525 Sherman Street, 5th floor Denver, Colorado 80203 (303) 866-5247 Atty. Reg. #24855 *Counsel of Record</p> <p>Attorneys for Defendant:</p> <p>Gary Lozow, Esq. Isaacson Rosenbaum P.C. 633 17th Street, Suite 2200 Denver, Colorado 80202</p> <p>Phone Number: (303) 292-5656 FAX Number: (303) 292-3152 E-mail: glozow@ir-law.com Atty. Reg. #: 2031</p>	
<p>ORDER VACATING PRELIMINARY INJUNCTION HEARING AND OF DISMISSAL</p>	

<p>District Court, El Paso County, State of Colorado</p> <p>Court Address: 20 East Vermijo Avenue</p> <p>Colorado Springs, Colorado 80903</p>	<p>COURT USE ONLY</p>
<p>Plaintiff: THE PEOPLE OF THE STATE OF COLORADO, EX REL. JOHN W. SUTHERS, ATTORNEY GENERAL AND THE COLORADO STATE BOARD OF MEDICAL EXAMINERS</p> <p>Defendant(s): MARK COOPER, D/B/A ALPINE NATUROPATHIC CLINIC</p>	<p>Case Number: 2005CV2881</p> <p>Division/Courtroom: 2</p>
<p>Attorneys for Plaintiff:</p> <p>John W. Suthers, Attorney General Betty J. Wytias, Assistant Attorney General* 1525 Sherman Street, 5th floor Denver, Colorado 80203 (303) 866-5247 Atty. Reg. #24855 *Counsel of Record</p> <p>Attorneys for Defendant:</p> <p>Gary Lozow, Esq. Isacson Rosenbaum P.C. 633 17th Street, Suite 2200 Denver, Colorado 80202</p> <p>Phone Number: (303) 292-5656 FAX Number: (303) 292-3152 E-mail: glozow@ir-law.com Atty. Reg. #: 2031</p>	
<p>STIPULATED ORDER FOR INJUNCTION AND JUDGMENT BY CONSENT OF THE PARTIES</p>	

The Colorado State Board of Medical Examiners ("Plaintiff") in the name of the People of the State of Colorado and Mark Cooper d/b/a Alpine Naturopathic Clinic ("Defendant"), by and through counsel, hereby stipulate to the following resolution of this matter:

PURPOSE

1. Pursuant to §§ 12-36-106(1), 12-36-132, 6-1-105, 6-1-110, C.R.S. (2004), and C.R.C.P. 65. Plaintiff has filed Motion for Preliminary Injunction ("Motion") and a Complaint for Permanent Injunction ("Complaint"), seeking to enjoin Defendant from engaging in the unlicensed practice of medicine in the State of Colorado.

2. The parties wish to resolve this matter by Stipulation. Plaintiff and Defendant have consented to the entry of this Order for Injunction and Judgment. They have done so without trial or adjudication of any issue of fact or law; without Defendant either admitting or denying that any of the allegations and grounds contained in the Complaint are true; and without waiver by Defendant of any defense to the allegations contained in the Complaint; and without waiver by Defendant of any defense to the allegations contained in the Complaint except with respect to the jurisdiction of this Court.

**ACTS THAT CONSTITUTE THE PRACTICE OF MEDICINE
IN COLORADO, AND EXCEPTIONS**

3. The Complaint alleges that Defendant has held himself out to members of the public and conducted himself in violation of C.R.S. § 12-36-106, *et seq.* (2004).

4. The Complaint alleges that Defendant has recommended treatment and performed surgery for the intended palliation, relief, or cure of a physical condition of a person with the intention of receiving a fee or compensation for such treatment. § 12-36-106(1)(b), C.R.S. (2004). The Defendant admits that he performed surgery, specifically, he admits that he lanced and removed a large perianal abscess, specifically a thrombosed hemorrhoid. Defendant alleges that this procedure was undertaken due to the emergency needs of a patient.

5. The Complaint further alleges that Defendant has used the title "physician" to indicate or induce others to believe that he is licensed to practice medicine in Colorado and has engaged in the diagnosis and treatment of persons afflicted with disease, injury, or defect of body or mind, § 12-36-106(1)(d), C.R.S. (2004), except for those acts authorized due to his licensure as an acupuncturist, § 12-36-101 *et seq.*, C.R.S. (2004). Defendant alleges that he only uses the title of physician to apply to his status as a licensed naturopath in Montana. Defendant further alleges that he has not held himself out as licensed to practice medicine in Colorado.

6. Defendant is duly licensed as an acupuncturist in Colorado pursuant to § 12-29.5-101 to 116, C.R.S. (2004) and may practice in accordance with those statutory and other regulatory provisions.

7. The parties agree that Respondent is licensed as a naturopath in Montana, is licensed as an acupuncturist in Colorado and is certified by the National Certification Commission for Acupuncture and Oriental Medicine. The intent of this Stipulation is to resolve disputed issues between Plaintiff and Defendant in the State of Colorado. Plaintiff does not intend, by initiating this Complaint and resolving this matter between the parties, to affect Defendant's licensure status in Montana or his licensure and certification as an acupuncturist.

PERMANENT INJUNCTION

WHEREFORE, UPON THE BASIS OF THE CONSENT OF THE PARTIES AND BEING DULY ADVISED THEREON, Defendant Mark Cooper d/b/a Alpine Naturopathic Clinic, and Plaintiff, the Colorado State Board of Medical Examiners, hereby stipulate to the following Permanent Injunction to be incorporated into an Order of the El Paso County District Court and enforceable by contempt proceedings in said Court:

1. Defendant agrees he will never, in the State of Colorado, engage in the practice of medicine, as defined at C.R.S. § 12-36-106, *et seq.* (2004).
2. Defendant agrees that he will not perform any kind of surgical operation upon a human being.
3. For the purposes of this Injunction against Defendant, surgery is defined as any act that involves lancing, cutting, abrading, suturing, laser or otherwise physically changing body tissues and organs.
4. Defendant agrees that he will not practice proctology, surgery, the writing of or dispensing of prescriptions for prescription drugs, intravenous therapy, vitamin and mineral injections, topical anesthesia injections, and obstetrics.

ORDER

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. This Court has jurisdiction over the subject matter of this action and over the parties to this action. The Complaint alleges a claim for relief against Defendant under § 12-36-132, C.R.S. (2004) and C.R.C.P. 65.
2. The provisions of this Order apply to Defendant.
3. Defendant is hereby permanently and perpetually enjoined, commencing on the date that the Court signs this Stipulated Order for Injunction and Judgment by Consent of the parties, from performing any act for which a license to practice medicine is required in the State of Colorado without first obtaining a license to do so. The prohibited acts include proctology, surgery, writing of or dispensing of prescriptions for prescription drugs, intravenous therapy,

vitamin and mineral injections, topical anesthesia injections, and obstetrics, as well as any other acts defined under § 12-36-106, C.R.S. (2004) which require a medical license in the State of Colorado.

4. This Order constitutes the entire agreement between the parties, there are no other agreements or promises, written or oral, that modify, interpret, construe or affect this Order.

5. Each provision of this Order is separate. In the event of litigation involving compliance with one of the terms or provisions of this Order, the issues will be restricted to only those provisions challenged by the interested parties. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

6. Defendant's failure to comply with this Order may be punished as contempt of Court.

7. If Plaintiff believes that this Permanent Injunction has been violated, the parties agree that they will make a good-faith effort to informally initiate and resolve any disputes within 30 days of the date notice of the violation is mailed to Defendant. The notice will be sent, the same date, to Defendant at Defendant's last known address, by certified mail, and to undersigned counsel for Defendant. The parties agree to initiate such informal resolution prior to Plaintiff petitioning the Court for an Order of Contempt. The Board expressly does not waive any other statutory remedies available pursuant to Colorado law.

8. This Court retains jurisdiction over this matter.

DATED this 31st day of August, 2005.

DISTRICT COURT JUDGE

The parties hereby stipulate, agree, and consent to the terms and conditions of this Order and to its entry. By their signatures, the parties jointly move this Honorable Court to adopt this Stipulated Order in its entirety as an Order of this Court.

Mark Cooper

DEFENDANT

Mark Cooper
Alpine Naturopathic Clinic
1420 South 21 Street
Colorado Springs, CO 80903

Mark Cooper Subscribed and sworn before me in the City and County of Colorado Springs, State of Colorado, this 31st day of August, 2005.

Yvette Martinez
NOTARY PUBLIC



My Commission as Notary Public expires the 29th day of October, 2006.

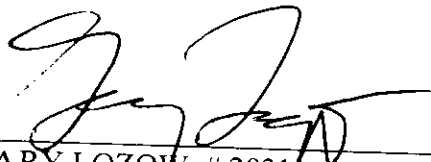
**FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS**

By: Ned Calonge, M.D.
Ned Calonge, M.D., President
Colorado State Board of Medical Examiners

Dated: 9/1/05

APPROVED AS TO FORM:

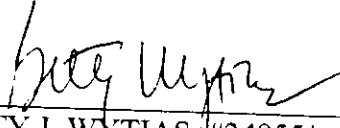
FOR THE DEFENDANT
ISAACSON ROSENBAUM P.C.



GARY LOZOW, # 2031
BYEONGSOOK SEO, #30914
Attorneys at Law
633 17th Street
Suite 2200
Denver, CO 80202
Telephone: (303) 292-5656

FOR THE BOARD OF MEDICAL EXAMINERS

JOHN W. SUTHERS
Attorney General



BETTY J. WYTIAS, #24855*

Assistant Attorney General
Business and Licensing Section

Attorneys for the Colorado State
Board of Medical Examiners

1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: (303) 866-5247

*Counsel of Record