

**TRUE AND EXACT  
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE**

In the Matter of the  
Medical License of  
Mark W. Eakes, M.D.  
Year of Birth: 1964  
License Number: 56051

**STIPULATION TO CEASE  
PRACTICING MEDICINE**

WHEREAS, the Minnesota Board of Medical Practice (“Board”) received a report related to alleged activities that would affect the license to practice medicine and surgery of Mark Wendell Eakes, M.D. (“Respondent”);

WHEREAS, the report alleged that Respondent engaged in unethical or improper conduct;

WHEREAS, the report alleged that Respondent engaged in conduct that departs from, or fails to, conform to the minimal standards of acceptable and prevailing medical practice, in which case proof of actual injury need not be established;

WHEREAS, the report alleged that Respondent engaged in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual;

WHEREAS, the report alleged that Respondent has engaged in conduct that is in violation of Minnesota Statutes section 147.091, subdivision 1(g), (k), and (t) (2020) and

WHEREAS, the Board initiated an investigation relating to alleged activities that could affect the license of Respondent to practice medicine and surgery.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Respondent and the Board that:

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 medicine and surgery in the State of Minnesota.

2. Respondent agrees to cease and desist from practicing medicine in any manner in the State of Minnesota and shall neither offer nor provide any medical services of any nature within the State until such time as the Board has resolved any allegations pending against him or until this Stipulation is rescinded or modified. This Stipulation is not disciplinary action.

3. This Stipulation shall be in effect until: (a) the Board issues a final order, which may occur after a contested case proceeding held pursuant to Minnesota Statutes chapter 14; (b) the Board adopts a final stipulation between the parties; or (c) the Board dismisses the proceedings against Respondent or determines that disciplinary action is not warranted.

4. Respondent's violation of this Stipulation shall be considered a violation of Minnesota Statutes Chapter 147 and constitute grounds for disciplinary action.

5. Respondent agrees that should he violate the terms of this Stipulation, the following actions may be taken:

a. The Board may, pursuant to Minnesota Statutes Chapter 14 (2020) and Minnesota Rules 1400.5100 to 1400.8400 (2020), refer any alleged violation of this Stipulation to the Office of Administrative Hearings.

b. Should a violation be alleged, Respondent agrees that the issue before the administrative law judge may be limited as to whether a violation did in fact occur and whether there was sufficient or reasonable cause to excuse such violation. If the administrative law judge finds that there has been a violation and there is not sufficient or reasonable cause to excuse such, he or she may make a recommendation of discipline.

c. Respondent agrees that in the event the Board receives findings of the administrative law judge that there has been a violation of this Stipulation, the Board may order a suspension or revocation of Respondent's license to practice medicine or such lesser action or remedy as the Board deems appropriate.

d. Upon application of the Board, any appropriate court may enter a decree enforcing the terms of this Stipulation and prohibiting Respondent's practice of medicine until and unless the conditions of this Stipulation are fulfilled.

6. This Stipulation shall be classified as public data for purposes of Minnesota Statutes sections 13.02, subdivision 15, and 13.41, subdivision 5 (2020). Data regarding this Stipulation may be provided to data banks as required by Federal law or consistent with Board policy.

7. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent is represented by Andrew S. Birrell, Esq., Birrell Law Firm, PLLC.

8. This Stipulation contains the entire agreement between the Board and Respondent, there being no agreement of any kind, verbal or otherwise, which varies this Stipulation.

MINNESOTA BOARD OF  
MEDICAL PRACTICE

*Mark Eakes*

MARK W. EAKES, M.D.



Ruth M. Martinez  
Executive Director

Dated: 11/11/2021

Dated: November 12, 2021