

**Leslie R. Maclaren,
O.D.**

**VOLUNTARY SURRENDER
OF LICENSE
EFFECTIVE
MARCH 1, 2012**

**SETTLEMENT AGREEMENT BETWEEN MISSOURI STATE BOARD OF OPTOMETRY
AND LESLIE R. MACLAREN, O.D.**

Come now Leslie R. MacLaren, O.D. ("Licensee") and the Missouri State Board of Optometry ("Board") and enter into this Settlement Agreement for the purpose of resolving discipline of Licensee's license as an optometrist.

Pursuant to the terms of § 536.060, RSMo 2000, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Board under §§ 621.110 and 336.110, RSMo 2000.

Licensee acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him and, subsequently, the right to a disciplinary hearing before the Board at which time he may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against his license. Being aware of these rights provided him by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to him.

Licensee acknowledges that he has received a copy of the draft complaint, the investigative report, and other documents relied upon by the Board in determining there was cause to discipline his license.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's license, numbered T02311, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 336, RSMo.



Joint Stipulation of Facts and Conclusions of Law

1. The Missouri State Board of Optometry ("Board") is an agency of the State of Missouri created and established pursuant to § 336.130, RSMo 2000, for the purpose of executing and enforcing the provisions of Chapter 336.

2. Licensee Leslie R. MacLaren, O.D. is licensed by the Board as an Optometrist, License No. T02311. Licensee's Missouri license was at all times relevant herein, and is now, current and active.

3. On September 29, 2011, the Board investigator Kevin Davidson initiated a complaint pursuant to regulation 20 CSR 2210-2.040(1) against Licensee on the basis of Licensee being convicted by a federal jury in the United States District Court, Western District of Missouri, on charges of evading income taxes, bankruptcy fraud, impeding the work of the Internal Revenue Service and filing a false tax return.

4. On July 20, 2011, Licensee was found guilty by jury in the United States District Court, Western District of Missouri of the following nine counts of the second superseding indictment in case number 08-03031-01-CR-S-RED. Licensee was remanded into custody following the jury verdict. Licensee has not yet been sentenced by the Court.

a. The jury found [Licensee] guilty of the crime of knowingly and fraudulently making a material false declaration, certificate or verification under the penalty of perjury, as permitted under Section 1746 of Title 28, in and in relation to [Licensee's] bankruptcy case, as charged in Count One of the second superseding indictment.

b. The jury found [Licensee] guilty of the crime of knowingly and fraudulently concealing or attempting to conceal property in and in relation to [Licensee's] bankruptcy case, specifically, a 1992 Mitsubishi Eclipse automobile or real property, namely: a 6.33 acre tract of land and house situated thereupon, located at 1574 West Inman Road, Nixa, Missouri 65714, from the trustee charged with control of [Licensee's] property and from the creditors and the United States Trustee as charged in Count Two of the second superseding indictment.

c. The jury found [Licensee] guilty of the crime of willfully attempting to evade or defeat the payment of a large part of the income tax due and owing to the United States, for the calendar years 1993, 1995, 1996, 1997, and 1998, as charged in Count Three of the second superseding indictment.



d. The jury found [Licensee] guilty of the crime of willfully attempting to evade the said income tax due and owing by him to the United States of America for 2003, as charged in Count Six of the second superseding indictment.

e. The jury found [Licensee] guilty of the crime of willfully attempting to evade the said income tax due and owing by him to the United States of America for 2004, as charged in Count Seven of the second superseding indictment.

f. The jury found [Licensee] guilty of the crime of willfully attempting to evade the said income tax due and owing by him to the United States of America for 2005, as charged in Count Eight of the second superseding indictment.

g. The jury found [Licensee] guilty of the crime of willfully attempting to evade the said income tax due and owing by him to the United States of America for 2006, as charged in Count Nine of the second superseding indictment.

h. The jury found [Licensee] guilty of the crime of making or presenting to the United States Treasury Department a claim against the United States for payment of a refund of taxes in the amount of forty million dollars, which he then and there knew to be false and fictitious, as charged in Count Ten of the second superseding indictment.

i. The jury found [Licensee] guilty of the crime of corruptly endeavoring to obstruct or impede the due administration of the internal revenue laws, as charged in Count Eleven of the second superseding indictment.

5. Licensee's actions as described in paragraphs 4 and 5 above constitute being found guilty in a criminal prosecution under the laws of the United States for offenses the essential element of which is fraud or dishonesty and are crimes of moral turpitude for which cause exists for the Board to discipline Licensee's license.

6. Cause exists for the Board to take disciplinary action against Licensee's license under § 336.110.2(2), RSMo, which states in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has



surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed.

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.045.3, RSMo 2000:

7. The terms of discipline shall include that the optometry license be **VOLUNTARILY SURRENDERED IN LIEU OF DISCIPLINE**. Licensee shall immediately return all indicia of licensure to the Board.

8. The parties to this Agreement understand that the Missouri State Board of Optometry will maintain this Agreement as an open record of the Board as provided in Chapters 336, 610, 324, RSMo.

9. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

10. Licensee, together with his heirs and assigns, and his attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in



perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof to be void or unenforceable.

11. If no contested case has been filed against Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement agreement constitute grounds for denying or disciplining the license of the licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.

12. If Licensee has requested review, Licensee and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of act and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

LICENSEE



Leslie R. MacLaren, O.D.

Date 1/16/12

BOARD



Brian Barnett,
Executive Director
Missouri State Board of Optometry

Date 2/15/12

