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8 **BEFORE THE**
ACUPUNCTURE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against,

Case No. 1A 2008 169

11 **HUI-CHANG CHIH**

12 **3108 Whitesand Drive**
13 **San Jose, CA 95148**

DEFAULT DECISION
AND ORDER

14 **Acupuncturist's License No. AC 11052**

[Gov. Code, §11520]

15 Respondent
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19 FINDINGS OF FACT

20 1. On or about September 24, 2009, Complainant Janelle Wedge, in her official capacity
21 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed
22 Accusation No. 1A 2008 169 against Hui-Chang Chih (Respondent) before the Acupuncture
23 Board.

24 2. On or about April 21, 2006, the Acupuncture Board (Board) issued Acupuncturist's
25 License No. AC 11052 to Respondent. The Acupuncturist's License was in full force and effect
26 at all times relevant to the charges brought herein and will expire on December 31, 2009, unless
27 renewed.

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1 3. On or about September 24, 2009, Kristine Brothers, Enforcement Coordinator for the
2 Acupuncture Board, served by Certified Mail a copy of Accusation No. 1A 2008 169, a Statement
3 to Respondent, two copies of the form Notice of Defense, a Request for Discovery, and copies of
4 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
5 with the Board, which was and is 3108 Whitesand Drive, San Jose, California, 95148. A copy of
6 the Accusation, the related documents, and the Declaration of Service are attached as exhibit A
7 and are incorporated herein by reference.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c).

10 5. Government Code section 11506 states, in pertinent part:

11 "(c) The Respondent shall be entitled to a hearing on the merits if the Respondent files a
12 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
13 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
14 Respondent's right to a hearing, but the agency in its discretion may nevertheless grant a
15 hearing."

16 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
17 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1A 2008
18 169.

19 6. California Government Code section 11520 states, in pertinent part:

20 "(a) If the Respondent either fails to file a notice of defense or to appear at the hearing, the
21 agency may take action based upon the Respondent's express admissions or upon other evidence
22 and affidavits may be used as evidence without any notice to Respondent."

23 7. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and--based on
25 Respondent's express admissions by way of default and the evidence before it, contained in
26 exhibits A, B and C--finds that the allegations in Accusation No. 1A 2008 169 are true.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Hui-Chang Chih has subjected
3 her Acupuncturist's License, No. AC 11052, to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of Service are
5 attached.

6 3. The Board has jurisdiction to adjudicate this case by default.

7 4. The Board is authorized to revoke Respondent's Acupuncturist's License based upon
8 the following violations alleged in the Accusation:

9 a. Business and Professions Code section 4955(b)--Conviction of a Substantially
10 Related Crime.

11 b. Business and Professions Code section 731—Violation of Specific Penal Code
12 Section [647(b)] Constituting Unprofessional Conduct.

13 ORDER

14 IT IS SO ORDERED that Acupuncturist's License No. AC 11052, heretofore issued to
15 Respondent Hui-Chang Chih, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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21 This Decision shall become effective on JAN 14 2010.

22 It is so ORDERED DEC 15 2009

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25 FOR THE ACUPUNCTURE BOARD

26 DEPARTMENT OF CONSUMER AFFAIRS

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Attachments:

Exhibit A: Accusation No.1A 2008 169, Related Documents, and Declaration of Service