

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

In the Matter of the Accusation Against:

Lucas Hedrick
7940 44th Place South
Seattle, WA 98118

Acupuncture License No. AC 11399

Respondent

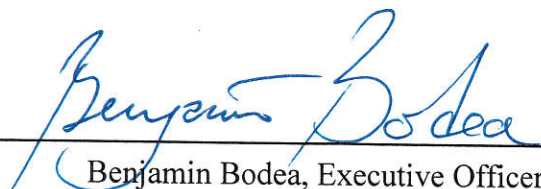
Case No. 1A-2017-144

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on June 10, 2019.

IT IS SO ORDERED May 31, 2019.



Benjamin Bodea, Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California

1 XAVIER BECERRA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

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10 **BEFORE THE**
11 **ACUPUNCTURE BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 1A-2017-144

15 LUCAS HEDRICK
7940 44th Place South
16 Seattle, WA 98118

OAH No. 2019021094

17 Acupuncturist License No. AC 11399

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18 Respondent.

19
20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Benjamin Bodea ("Complainant") is the Executive Officer of the Acupuncture Board
24 ("Board"). He brought this action solely in his official capacity and is represented in this matter
25 by Xavier Becerra, Attorney General of the State of California, by John S. Gatschet, Deputy
26 Attorney General.

27 2. Lucas Hedrick ("Respondent") is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 3. On or about October 18, 2006, the Board issued Acupuncturist License No. AC
2 11399 to Respondent. That License expired on August 31, 2016, and has not been renewed and it
3 is currently in delinquent status and therefore not valid. The Board continues to retain
4 jurisdiction until the license is cancelled by operation of law.

5 JURISDICTION

6 4. Accusation No. 1A-2017-144 was filed before the Board, and is currently pending
7 against Respondent. The Accusation and all other statutorily required documents were properly
8 served on Respondent on November 6, 2018. Respondent timely filed his Notice of Defense
9 contesting the Accusation. A copy of Accusation No. 1A-2017-144 is attached as Exhibit A and
10 incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 1A-2017-144. Respondent also has carefully read, and understands the effects of
14 this Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent understands and agrees that the charges and allegations in Accusation
26 1A-2017-144, if proven at hearing, constitute cause for imposing discipline upon his
27 Acupuncturist License.

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1 9. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
4 those charges.

5 10. Respondent agrees that his Acupuncturist License is subject to discipline and he
6 agrees to be bound by the Board's Order as set forth in the Disciplinary Order below.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Board. Respondent understands
9 and agrees that counsel for Complainant and the staff of the Board may communicate directly
10 with the Board regarding this stipulation and surrender, without notice to or participation by
11 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
12 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
13 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
14 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
15 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
16 be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
19 thereto, shall have the same force and effect as the originals.

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

22 **ORDER**

23 **IT IS HEREBY ORDERED** that Acupuncturist License No. AC 11399, issued to
24 Respondent Lucas Hedrick, is surrendered and accepted by the Board.

25 1. The surrender of Respondent's Acupuncturist License and the acceptance of the
26 surrendered license by the Board shall constitute the imposition of discipline against Respondent.

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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board.

3 2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of
4 the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
11 contained in Accusation No. 1A-2017-144 shall be deemed to be true, correct and admitted by
12 Respondent when the Board determines whether to grant or deny the petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$2,152.00 prior to issuance of a new or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 1A-2017-144 shall be
18 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED:

5/10/2019



LUCAS HEDRICK
Respondent

ENDORSEMENT


The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

Dated:

5/10/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General



JOHN S. GATSCHET
Deputy Attorney General
Attorneys for Complainant

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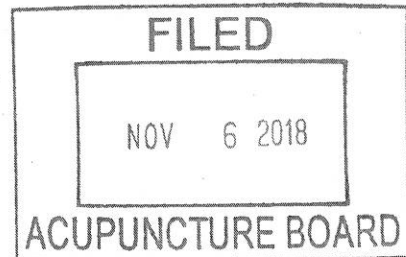
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Exhibit A

Accusation No. 1A-2017-144

1 XAVIER BECERRA
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7 Facsimile: (916) 327-2247

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10 **BEFORE THE**
11 **ACUPUNCTURE BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 1A-2017-144

15 **LUCAS HEDRICK**
16 3904 42nd Avenue S.
17 Seattle, WA 98118

ACCUSATION

18 Acupuncturist License No. AC 11399

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Benjamin Bodea ("Complainant") brings this Accusation solely in his official
24 capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs
25 ("Board").

26 2. On or about October 18, 2006, the Acupuncture Board issued Acupuncturist License
27 Number AC 11399 to Lucas Hedrick ("Respondent"). That license expired on August 31, 2016,
28 has not been renewed and it is currently in delinquent status and therefore not valid.

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2 JURISDICTION

3 3. This Accusation is brought before the Board under the authority of the following
4 laws. All section references are to the Business and Professions Code (“Code”) unless otherwise
5 indicated.

6 4. Section 4955 of the Code states, in pertinent part:

7 “The board may deny, suspend, or revoke, or impose probationary conditions upon, the
8 license of any acupuncturist if he or she is guilty of unprofessional conduct.

9 “Unprofessional conduct shall include, but not be limited to, the following:

10 “...

11 “(b) Conviction of a crime substantially related to the qualifications, functions, or
12 duties of an acupuncturist, the record of conviction being conclusive evidence thereof.

13 “...

14 “(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the
15 violation of the terms of this chapter or any regulation adopted by the board pursuant to this
16 chapter.

17 “...”

18 5. Section 4955.1 of the Code states, in pertinent part:

19 “The board may deny, suspend, revoke, or impose probationary conditions upon the license
20 of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not be
21 limited to, any of the following:

22 “...

23 “(b) Committing a fraudulent or dishonest act as an acupuncturist.

24 “(c) Committing any act involving dishonesty or corruption with respect to the
25 qualifications, functions, or duties of an acupuncturist.

26 “...”

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1 6. Section 4956 of the Code states:

2 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
3 charge which is substantially related to the qualifications, functions, or duties of an acupuncturist
4 is deemed to be a conviction within the meaning of this chapter.

5 "The board may order a license suspended or revoked, or may deny a license, or may
6 impose probationary conditions upon a license, when the time for appeal has elapsed, or the
7 judgment of conviction has been affirmed on appeal, or when an order granting probation is made
8 suspending the imposition of sentence irrespective of a subsequent order under the provisions of
9 Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to
10 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
11 complaint, information, or indictment."

12 7. California Code of Regulations, title 16, section 1399.469.2 states, in pertinent part:

13 "In addition to the conduct described in Section 4955 of the Business and Professions Code,
14 'unprofessional conduct' also includes but is not limited to the following:

15 "...

16 "(d) Failure to report to the board within 30 days any of the following:

17 "(1) The bringing of an indictment or information charging a felony against the licensee.

18 "(2) The arrest of the licensee.

19 "(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no
20 contest, of any felony or misdemeanor.

21 "...

22 **COST RECOVERY**

23 8. Section 4959 of the Code states, in pertinent part:

24 "(a) The board may request the administrative law judge, under his or her proposed
25 decision in resolution of a disciplinary proceeding before the board, to direct any licensee found
26 guilty of unprofessional conduct to pay to the board a sum not to exceed actual and reasonable
27 costs of the investigation and prosecution of the case.

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1 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in
2 any event be increased by the board. When the board does not adopt a proposed decision and
3 remands the case to an administrative law judge, the administrative law judge shall not increase
4 the amount of any costs assessed in the proposed decision.

5 “(c) When the payment directed in the board's order for payment of costs is not made by the
6 licensee, the board may enforce the order for payment in the superior court in the county where
7 the administrative hearing was held. This right of enforcement shall be in addition to any other
8 rights the board may have as to any licensee directed to pay costs.

9 “(d) In any judicial action for the recovery of costs, proof of the board's decision shall be
10 conclusive proof of the validity of the order of payment and the terms for payment.

11 “(e) All costs recovered under this section shall be considered a reimbursement for costs
12 incurred and shall be deposited in the Acupuncture Fund.”

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Conviction of a Crime Substantially Related to the Practice of an Acupuncturist)

15 9. Respondent is subject to disciplinary action under sections 4955, subdivisions (b) and
16 (d), and 4956 of the Code in that Respondent was convicted of a crime substantially related to the
17 practice of Acupuncture. The circumstances are as follows:

18 10. On or about April 27, 2015, Respondent was charged with thirteen felony counts
19 related to fraud and perjury in a felony criminal complaint in a case entitled *The People of the*
20 *State of California v. Lucas Andrew Hedrick*. The criminal matter was filed in Placer County
21 Superior Court and assigned Court case number 62-137590. A review of the investigative reports
22 related to the criminal case revealed that Respondent had been receiving welfare benefits between
23 2009 and 2013 and that he repeatedly failed to report the receipt of income that he received while
24 working for a private school. Respondent had both used the income to pay for his daughter's
25 school tuition and as personal income. Respondent also failed to notify the welfare program
26 when a close relative moved out of his residence which should have resulted in a change in the
27 benefits that he was receiving. In total, between January 1, 2009, and December 31, 2013, the

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1 criminal investigation revealed that Respondent had received \$14,560.25 in welfare benefits that
2 he was not entitled to receive.

3 11. On May 18, 2017, pursuant to a plea agreement, Respondent pled no contest to a
4 single misdemeanor violation of Welfare and Institutions Code section 10980, subdivision (c)(2),
5 which involved the use of false statements, misrepresentations, and other fraudulent devices to
6 obtain and retain aid that he was not entitled to an amount of \$14,560.25. All other counts and
7 charges were dismissed. Respondent was sentenced to three years' informal probation, ordered to
8 perform 150 hours of community service, and enroll in a theft class.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Commission of a Dishonest and Corrupt Act)

11 12. Respondent is subject to disciplinary action under section 4955.1 of the Code in that
12 he committed multiple dishonest and corrupt acts to obtain money that he was not entitled to
13 receive from a government benefits program. The circumstances are as follows:

14 13. Complainant realleges paragraphs 10 through 11, and those paragraphs are
15 incorporated by reference as if fully set forth herein.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Failure to Report a Conviction to the Board)

18 14. Respondent is subject to disciplinary action under Title 16, California Code of
19 Regulations section 1399.469.2 in that Respondent failed to report his arrest and conviction to the
20 Board within 30 days of occurrence. The circumstances are as follows:

21 15. Complainant realleges paragraphs 10 through 11, and those paragraphs are
22 incorporated by reference as if fully set forth herein.

23 16. On or about June 11, 2017, the Board received a subsequent arrest notification from
24 the Department of Justice that Respondent had been booked and released on a misdemeanor
25 violation of Welfare and Institutions Code section 10980, subdivision (c)(2). On or about July
26 21, 2017, the Board sent Respondent a letter notifying him that the Board had received the
27 subsequent arrest notification, that the Board requested a written explanation, and reminded the
28 Respondent of his reporting obligations under Title 16 California Code of Regulations section

1 1399.469.2. On or about February 18, 2018, the Board received a subsequent disposition
2 notification from the Department of Justice that Respondent had been convicted of a
3 misdemeanor violation of Welfare and Institutions Code section 10980, subdivision (c)(2) and
4 placed on probation. On or about April 17, 2018, the Board sent Respondent a letter notifying
5 him that the Board had received the subsequent disposition notification, that the Board requested
6 a written explanation, and reminded the Respondent of his reporting obligations under Title 16
7 California Code of Regulations section 1399.469.2. Respondent never responded to the Board's
8 two written requests for information and failed to report both his arrest and conviction to the
9 Board within 30 days as required by law.

10 **PRAYER**

11 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Acupuncture Board issue a decision:

- 13 1. Revoking or suspending Acupuncturist License Number AC 11399, issued to Lucas
14 Hedrick;
- 15 2. Ordering Lucas Hedrick to pay the Acupuncture Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 4959; and,
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20
21 DATED: NOV 06 2018


22 BENJAMIN BODEA
23 Executive Officer
24 Acupuncture Board
25 Department of Consumer Affairs
26 State of California
27 Complainant

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