

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

In the Matter of the Accusation Against:

**THOMAS CHARLES FLACH, L.A.C.
PO BOX 3507
Lake Arrowhead, CA 92352**

Acupuncturist License No. 11773

Respondent.

Case No. 1A-2018-80

OAH No. 2020010276

DECISION AND ORDER

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 17, 2020.

It is so ORDERED July 7, 2020.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
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8 *Attorneys for Complainant*

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10 **BEFORE THE**
ACUPUNCTURE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
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13 In the Matter of the Accusation Against:

14 **THOMAS CHARLES FLACH, L.A.C.**
15 **PO BOX 3507**
Lake Arrowhead, CA 92352

16 **Acupuncturist License No. 11773**

17 Respondent.

Case No. 1A-2018-80

OAH No. 2020010276

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

21 **PARTIES**

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

26 2. Thomas Charles Flach, L.Ac. (Respondent) is represented in this proceeding by
27 attorney, Jehan N Jayakumar, Esq., whose address is: 2424 S. E. Bristol, Suite 300, Newport
28 Beach, CA 92660.

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 1A-2018-80, agrees that cause exists for discipline and hereby surrenders his Acupuncturist
4 License No. 11773 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Acupuncturist License without further process.

7 **CONTINGENCY**

8 10. This Stipulated Surrender of License and Disciplinary Order shall be subject to
9 approval by the Executive Officer on behalf of the Board. The parties agree that this Stipulated
10 Surrender of License and Disciplinary Order shall be submitted to the Executive Officer for his
11 consideration in the above-entitled matter and, further, that the Executive Officer shall have a
12 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
13 Disciplinary Order after receiving it. By signing this stipulation, Respondent understands and
14 agrees that counsel for Complainant and the staff of the Board may communicate directly with the
15 Board regarding this stipulation and surrender, without notice to or participation by Respondent
16 or his counsel. By signing the stipulation, Respondent understands and agrees that he may not
17 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
18 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
19 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
20 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
21 be disqualified from further action by having considered this matter.

22 11. The parties agree that this Stipulated Surrender of License and Disciplinary Order
23 shall be null and void and not binding upon the parties unless approved and adopted by the
24 Executive Officer on behalf of the Board, except for this paragraph, which shall remain in full
25 force and effect. Respondent fully understands and agrees that in deciding whether or not to
26 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
27 Officer and/or the Board may receive oral and written communications from its staff and/or the
28 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the

1 Executive Officer, the Board, any member thereof, and/or any other person from future
2 participation in this or any other matter affecting or involving Respondent. In the event that the
3 Executive Officer on behalf of the Board does not, in his discretion, approve and adopt this
4 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
5 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
6 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
7 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
8 by the Executive Officer on behalf of the Board, Respondent will assert no claim that the
9 Executive Officer, the Board, or any member thereof, was prejudiced by its/his/her review,
10 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
11 of any matter or matters related hereto.

12 **ADDITIONAL PROVISIONS**

13 12. The Stipulated Surrender of License and Disciplinary Order is intended by the parties
14 herein to be an integrated writing representing the complete, final and exclusive embodiment of
15 the agreements of the parties in the above-entitled matter.

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

19 14. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceedings, issue and enter the following order:

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ORDER

IT IS HEREBY ORDERED that Acupuncturist License No. 11773, issued to Respondent Thomas Charles Flach, L.Ac., is surrendered and accepted by the Board.

1. The surrender of Respondent's Acupuncturist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 1A-2018-80 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$14,393.75 on the effective date of the Board's Decision and Order or pursuant to a payment plan agreed upon by the Board and Respondent.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney, Jehan N Jayakumar. I understand the stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 6/4/20 Original Signature on File
THOMAS CHARLES FLACH, L.A.C.
Respondent

I have read and fully discussed with Respondent Thomas Charles Flach, L.A.c. the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 6/4/20 Original Signature on File
JEHAN N JAYAKUMAR
Attorney for Respondent

ENDORSEMENT

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

DATED: 6/5/20 Respectfully submitted,
XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

Original Signature on File
ROBERT W. LINCOLN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 1A-2018-80