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

10
11 In the Matter of the Accusation Against:

Case No. 1A-2016-148

12 KARL DAKO CHANG, L.Ac.

**DEFAULT DECISION
AND ORDER**

13 474 High School Drive
14 Bishop, California 93514

[Gov. Code, §11520]

15 Acupuncturist License No. AC 13939,

16 Respondent.

17
18 **FINDINGS OF FACT**

19 1. On April 19, 2018, Complainant Benjamin Bodea, in his official capacity as the
20 Executive Officer of the Acupuncture Board of California (Board) filed Accusation No. 1A-2016-
21 148 against Karl Dako Chang, L.Ac. (Respondent) before the Board.

22 2. On September 27, 2010, the Board issued Acupuncturist License No. AC 13939 to
23 Respondent. That license, which expired on March 31, 2018, was previously revoked, but the
24 order of revocation was stayed, and the licensee was placed on probation for a period of two
25 years. Respondent completed his probation on July 9, 2017. In the criminal matter of *The People*
26 *of the State of California v. Karl Dako Chang*, Inyo County Superior Court Case number 16-
27 10153-AP, an Order Restricting Practice of Acupuncture under Penal Code Section 23 was issued
28 suspending his practice of acupuncture, effective November 6, 2016 until the conclusion of the

1 criminal case. A true and correct copy of a Certificate of Licensure for Respondent is attached
2 hereto as Exhibit A and is incorporated by reference.

3 3. On April 19, 2018, Kristine Brothers, an employee of the Board, served by Certified
4 Mail, a copy of Accusation No. 1A-2016-148 and Statement to Respondent, Request for
5 Discovery, Notice of Defense (2 copies), and Government Code sections 11507.5, 11507.6, and
6 11507.7 to Respondent's address of record with the Board, which was and is 474 High School
7 Drive, Bishop, California 93514. A true and correct copy of the Accusation, the Related
8 Documents, and Declaration of Service are attached as Exhibit B, and are incorporated herein by
9 reference.

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

12 5. On May 4, 2018, a Courtesy Notice of Default was sent by U.S. Mail to Respondent's
13 address of record with the Board. A true and correct copy of said Courtesy Notice of Default is
14 attached hereto as Exhibit C, and is incorporated herein by reference.

15 6. Business and Professions Code section 118 states, in pertinent part:

16 "...

17 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
18 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
19 order of a court of law, or its surrender without the written consent of the board, shall not, during
20 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
21 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
22 provided by law or to enter an order suspending or revoking the license or otherwise taking
23 disciplinary action against the licensee on any such ground.

24 "..."

25 7. Government Code section 11506 states, in pertinent part:

26 "...

27 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
28 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 8. Respondent has failed to file a Notice of Defense within fifteen (15) days after
4 Accusation No. 1A-2016-148 was served on him and therefore waived his right to a hearing on
5 the merits of Accusation No. 1A-2016-148.

6 9. The Declaration of Rebecca L. Smith attesting to the foregoing facts is attached
7 hereto as Exhibit D and is incorporated herein by reference.

8 10. The Acupuncture Board further finds that pursuant to Business and Professions Code
9 section 4959, the costs of investigation and enforcement of the case paid for in the Accusation
10 total \$2,602.50, based on the Certification of Costs (See Exhibit H.).

11 DETERMINATION OF ISSUES

12 1. Based on the foregoing findings of fact, Respondent Karl Dako Chang, L.Ac. has
13 subjected his Acupuncturist License No. AC 13939 to discipline.

14 2. The agency has jurisdiction to adjudicate this case by default.

15 3. Pursuant to its authority under California Government Code section 11520, and based
16 on the evidence before it, the Board hereby finds that the charges and allegations contained in
17 Accusation No. 1A-2016-148, and the Findings of Fact contained in paragraphs 1 through 21,
18 above, and each of them, separately and severally, are true. A true and correct copy of
19 Accusation No. 1A-2016-148 and the related documents and Declaration of Service are attached
20 as Exhibit B.

21 4. The Acupuncture Board of California is authorized to revoke Respondent's
22 Acupuncturist license based upon the following violations alleged in the Accusation:

23 (a) Sexual Misconduct: Respondent committed acts of sexual misconduct with
24 Victim numbers 1 through 3 during or in the guise of acupuncture treatment pursuant to section
25 726 of the Code (See Exhibit E attached hereto and incorporated herein);

26 (b) Conviction of a Crime: Respondent was convicted of crimes substantially
27 related to the qualifications, functions, or duties of an acupuncturist pursuant to section 4955,
28 subdivision (b) of the Code (See Exhibits E and F attached hereto and incorporated herein);

1 criminal case. A true and correct copy of a Certificate of Licensure for Respondent is attached
2 hereto as Exhibit A and is incorporated by reference.

3 3. On April 19, 2018, Kristine Brothers, an employee of the Board, served by Certified
4 Mail, a copy of Accusation No. 1A-2016-148 and Statement to Respondent, Request for
5 Discovery, Notice of Defense (2 copies), and Government Code sections 11507.5, 11507.6, and
6 11507.7 to Respondent's address of record with the Board, which was and is 474 High School
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16 "...

17 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
18 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
19 order of a court of law, or its surrender without the written consent of the board, shall not, during
20 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
21 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
22 provided by law or to enter an order suspending or revoking the license or otherwise taking
23 disciplinary action against the licensee on any such ground.

24 "..."

25 7. Government Code section 11506 states, in pertinent part:

26 "...

27 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
28 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation

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2 (c) Registration as a Sex Offender Requires Order of Revocation: Respondent is
3 required to register as a sex offender pursuant to Section 290 of the Penal Code, requiring an
4 order of revocation, pursuant to California Code of Regulations, title 16, section 1399.469.1,
5 subdivision (a)(2) (See Exhibit F attached hereto and incorporated herein);

6 (d) Unprofessional Conduct: Respondent engaged in unprofessional conduct
7 during the acupuncture treatment of Victim numbers 1 through 3, pursuant to section 4955 of the
8 Code (See Exhibits E and F attached hereto and incorporated herein); and

9 (e) Violation of the Acupuncture Licensure Act: Respondent violated the terms of
10 the Acupuncture Licensure Act pursuant to section 4955, subdivision (d) of the Code (See
11 Exhibits E and F attached hereto and incorporated herein).

12 5. Respondent is hereby ordered to reimburse the Board's costs of investigation and
13 enforcement in this case in the amount of \$2,602.50, based on the Certification of Costs attached
14 as Exhibit H.

15 **ORDER**

16 **IT IS ORDERED THAT** Acupuncturist License No. AC 13939, heretofore issued to
17 Respondent Karl Dako Chang, L.Ac., is revoked.

18 Respondent is ordered to reimburse the Acupuncture Board the amount of \$2,602.50 for its
19 investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve
20 Respondent of his responsibility to reimburse the Board for its costs. Respondent's
21 Acupuncturist License may not be renewed or reinstated unless all costs ordered under Business
22 and Professions Code section 3753.5 have been paid.

23 If Respondent ever files an application for relicensure or reinstatement in the State of
24 California, the Board shall treat it as a petition for reinstatement of a revoked license.
25 Respondent must comply with all the laws, regulations and procedures for a revoked license in
26 effect at the time that the application for relicensure or reinstatement is filed.

27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on 6/28/18 .

4 IT IS SO ORDERED 6/18/18 .

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FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS