

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 AARON L. LENT  
Deputy Attorney General  
4 State Bar No. 256857  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7545  
Facsimile: (916) 327-2247  
7

8 *Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against,

14 **CASSANDRA ROSE YOUNG, L.Ac.**  
15 **401B Vernon Street**  
**Roseville, CA 95678**

16 **Acupuncturist License No. AC 15858**

17 One.

Case No. 1A-2018-202

18  
19 **DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

20 **FINDINGS OF FACT**

21 1. On or about September 17, 2019, Complainant Benjamin Bodea, in his official  
22 capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs,  
23 filed Accusation No. 1A-2018-202 against Cassandra Rose Young, L.Ac. (Respondent) before the  
24 Acupuncture Board.

25 2. On or about February 7, 2014, the Acupuncture Board (Board) issued Acupuncturist  
26 License No. AC 15858 to Respondent. The Acupuncturist License was in full force and effect at  
27 all times relevant to the charges brought herein and expired on August 31, 2019. A true and  
28

1 correct copy of Respondent's certified license history is attached as Exhibit 1 to the  
2 accompanying Default Decision Evidence Packet.<sup>1</sup>

3 3. On or about September 17, 2019, Andrea Pina, an employee of the California  
4 Acupuncture Board, served by Certified Mail a copy of the Accusation No. 1A-2018-202,  
5 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code  
6 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which  
7 was and is: 401 B Vernon Street, Roseville, CA 95678. A copy of the Accusation, the related  
8 documents, and Declaration of Service are attached as Exhibit 2, 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). On or about September 19, 2019, the U.S.  
12 Postal Service attempted delivery of the aforementioned documents. On or about September 21,  
13 2019, the U.S. Postal Service attempted delivery of the aforementioned documents. On or about  
14 September 23, 2019, the U.S. Postal Service attempted delivery of the aforementioned  
15 documents. On or about September 24, 2019, the U.S. Postal Service attempted delivery of the  
16 aforementioned documents and a U.S. Postal Service Notice was left at the Respondent's address  
17 of record mentioned above. On or about October 9, 2019, the U.S. Postal Service returned the  
18 aforementioned documents back to the sender. A printout of the online U.S. Postal Service  
19 attempted delivery and notice is attached as Exhibit 3, and is incorporated herein by reference.

20 On or about October 21, 2019 the aforementioned documents were returned by the U.S.  
21 Postal Service marked "Return To Sender No Such Street Unable to Forward." A copy of the  
22 envelope returned by the post office is attached as Exhibit 4, and is incorporated herein by  
23 reference.

24 5. On or about October 3, 2019, the Attorney General's Office sent a Courtesy Notice of  
25 Default to Respondent's address of record in addition to two other possible addresses by U.S.

---

27 <sup>1</sup> All exhibits are true and correct copies of the originals, and are attached to the  
28 accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is  
hereby incorporated by reference, in its entirety, as if fully set forth herein.

1 Postal Service Certified Mail. A copy of the Courtesy Notice of Default packet is attached as  
2 Exhibit 5, and is incorporated herein by reference.

3 6. Government Code section 11506 states, in pertinent part:

4 “... ”

5 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
6 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
7 of the accusation not expressly admitted. Failure to file a notice of defense shall  
8 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
9 may nevertheless grant a hearing.”

10 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
11 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1A-  
12 2018-202.

13 8. California Government Code section 11520 states, in pertinent part:

14 “(a) If the respondent either fails to file a notice of defense or to appear at the  
15 hearing, the agency may take action based upon the respondent's express admissions  
16 or upon other evidence and affidavits may be used as evidence without any notice to  
17 respondent.

18 “... ”

19 9. Pursuant to its authority under Government Code section 11520, the Board finds  
20 Respondent is in default. The Board will take action without further hearing and, based on  
21 Respondent's express admissions by way of default and the evidence before it as contained in the  
22 separate accompanying “Default Decision Evidence Packet,” finds that the allegations in  
23 Accusation No. 1A-2018-202 are true.

### 24 **JURISDICTION**

25 10. California Business and Professions Code section 4928 of the Code states, in  
26 pertinent part:

27 “(a) The Acupuncture Board, which consists of seven members, shall enforce  
28 and administer this chapter.

“... ”

11. California Business and Professions Code section 118 of the Code states, in pertinent  
part:

“... ”

1 “(b) The suspension, expiration, or forfeiture by operation of law of a  
2 license issued by a board in the department, or its suspension, forfeiture, or  
3 cancellation by order of the board or by order of a court of law, or its surrender  
4 without the written consent of the board, shall not, during any period in which it  
5 may be renewed, restored, reissued, or reinstated, deprive the board of its authority  
6 to institute or continue a disciplinary proceeding against the licensee upon any  
7 ground provided by law or to enter an order suspending or revoking the license or  
8 otherwise taking disciplinary action against the licensee on any such ground.”

9 “...”

10 12. California Business and Professions Code section 4955 of the Code states, in  
11 pertinent part:

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

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

15 “...”

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

19 “...”

20 “(d) [...] [V]iolating [...] the terms of this chapter or any regulation adopted by  
21 the board pursuant to this chapter.

22 “...”

23 “(i) Any action or conduct that would have warranted the denial of the  
24 acupuncture license.

25 “...”

26 13. California Business and Professions Code section 4956 of the Code states, in  
27 pertinent part:

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

### **COST RECOVERY**

14. California Business and Professions Code section 4959 of the Code states, in  
pertinent part:

“(a) The board may request the administrative law judge, under his or her  
proposed decision in resolution of a disciplinary proceeding before the board, to

1 direct any licensee found guilty of unprofessional conduct to pay to the board a sum  
2 not to exceed actual and reasonable costs of the investigation and prosecution of the  
3 case.

4 “...  
5

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

11 “(d) In any judicial action for the recovery of costs, proof of the board’s  
12 decision shall be conclusive proof of the validity of the order of payment and the  
13 terms for payment.

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

### 16 **BUSINESS AND PROFESSIONS CODE VIOLATION**

#### 17 **Conviction of a Crime that Substantially Relates to the Qualifications, Functions, or Duties** 18 **of an Acupuncturist**

19 15. Respondent has subjected her Acupuncture License No. 15858 to disciplinary action  
20 under section 4955, subdivision (b), of the Code, in that she was convicted of a crime  
21 substantially related to the qualifications, functions, or duties of an acupuncturist. The facts and  
22 circumstances regarding this allegation are as follows:

23 A. On or about November 16, 2018, a Felony Complaint was filed in the Superior Court  
24 of California, County of Placer charging Respondent with a felony violation of California  
25 Penal Code §273d, subdivision (a) [felony infliction of cruel and inhuman corporal  
26 punishment and injury resulting in a traumatic condition upon a child].<sup>2</sup>

27 B. On or about May 16, 2019, in the case entitled *The People of the State of*  
28 *California v. Cassandra Rose Young a.k.a. Cassandra Young*, Superior Court of  
California, County of Placer, case No. 62-163577, Respondent was convicted, upon  
her plea of nolo contendere, of the felony charge as alleged in the Complaint of

---

<sup>2</sup> Penal Code §273d, subdivision (a) reads, in full:

“Any person who willfully inflicts upon a child any cruel or inhuman corporal punishment or an injury resulting in a traumatic condition is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, four, or six years, or in a county jail for not more than one year, by a fine of up to six thousand dollars (\$6,000), or by both that imprisonment and fine.”

1 violating California Penal Code §273d, subdivision (a) [felony infliction of cruel and  
2 inhuman corporal punishment and injury resulting in a traumatic condition upon a  
3 child]. As a result of this conviction, Respondent was sentenced to 300 days in county  
4 jail and formal supervised probation for a period of 48 months. The probation terms  
5 and conditions included, without limitation, that Respondent comply with all  
6 protective orders by the minor victim, complete anger management counseling,  
7 complete a 52-week parenting class program, and not harass, annoy, threaten stalk,  
8 sexually assault, molest, batter, disturb the peace, or commit further acts of violence  
9 against the minor victim.

### 10 **Violation of the Acupuncture Licensure Act**

11 16. Respondent has subjected her Acupuncture License No. 15858 to disciplinary  
12 action under section 4955, subdivision (d), of the Code, in that she violated the terms of the  
13 Acupuncture Licensure Act, as more particularly alleged hereinafter in paragraph 15,  
14 above, and is hereby incorporated by reference and re-alleged as fully set forth herein.

### 15 **Unprofessional Conduct**

16 17. Respondent has subjected her Acupuncture License No. 15858 to disciplinary  
17 action under section 4955, subdivision (i), of the Code, in that she committed an action or  
18 conduct that would have warranted the denial of the acupuncture license, as more  
19 particularly alleged hereinafter in paragraph 15, above, and is hereby incorporated by  
20 reference and re-alleged as fully set forth herein.

### 21 **DETERMINATION OF ISSUES**

22 1. Based on the foregoing findings of fact, Respondent Cassandra Rose Young, L.Ac.  
23 has subjected her Acupuncturist License No. AC 15858 to discipline.

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

25 3. Pursuant to its authority under California Government Code section 11520, and on  
26 the evidence before it, the Acupuncture Board hereby finds that the charges and allegations  
27 contained in the Accusation No. 1A-2018-202, and the Findings of Fact contained in paragraphs 1  
28 through 17, above, are true and correct.

1           4. Pursuant to its authority under California Government Code section 11520, and on by  
2 reason of the Findings of Fact contained in paragraphs 1 through 17, above, and the  
3 Determination of Issues 1, 2, and 3, above, the Acupuncture Board hereby finds that Respondent  
4 Cassandra Rose Young, L.Ac., has subjected her Acupuncturist License to discipline under  
5 section 4955, subdivision (b), (d), and (i) of the Code, in that she has:

6           (a) Been convicted of a crime that substantially relates to the qualifications, functions, or  
7 duties of an acupuncturist, referenced above, in that she was convicted of violating California  
8 Penal Code Section 273d, subdivision (a) on or about May 16, 2019 in the case entitled *The*  
9 *People of the State of California v. Cassandra Rose Young a.k.a. Cassandra Young*, Superior  
10 Court of California, County of Placer, case No. 62-163577;

11           (b) Violated the terms of the acupuncture Licensure Act, referenced above, in that she  
12 was convicted of violating California Penal Code Section 273d, subdivision (a) on or about May  
13 16, 2019 in the case entitled *The People of the State of California v. Cassandra Rose Young a.k.a.*  
14 *Cassandra Young*, Superior Court of California, County of Placer, case No. 62-163577; and

15           (c) Committed unprofessional conduct, referenced above, in that she was convicted of  
16 violating California Penal Code Section 273d, subdivision (a) on or about May 16, 2019 in the  
17 case entitled *The People of the State of California v. Cassandra Rose Young a.k.a. Cassandra*  
18 *Young*, Superior Court of California, County of Placer, case No. 62-163577.

19           5. The Acupuncture Board is authorized to Revoke Respondent's Acupuncture License  
20 No. AC 15858 based upon Findings of Fact 1 through 17 and Determination of Issues 1 through  
21 6.

22           6. Revocation is the appropriate discipline based on Determination of Issues 1 through  
23 6.

24           7. Respondent is liable to the Board the costs of investigation and enforcement, in the  
25 amount of \$6,230.25.

26 ///

27 ///

28 ///

**ORDER**

**IT IS SO ORDERED** that Acupuncturist License No. AC 15858, heretofore issued to Respondent Cassandra Rose Young, L.Ac., is hereby revoked.

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

Respondent is ordered to reimburse the Acupuncture Board the amount of \$6,230.25 for its investigative and enforcement costs in Case No. 1A-2018-202. The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board for its costs. Respondent's Acupuncture License may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 4959 have been paid.

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

This Decision shall become effective on January 23, 2020.

It is so ORDERED December 24, 2019

Original signed by:  
\_\_\_\_\_  
AMY MATECKI, MD, L.Ac, PRESIDENT  
FOR THE ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

Attachment: Default Decision Evidence Packet

SA2019103749  
Default3 14189218.docx