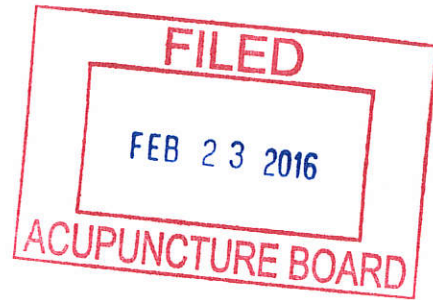


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8 **BEFORE THE**  
9 **ACUPUNCTURE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1A-2014-207

12 **JUSTIN R. BOVERT, AC**  
13 1320 T Street  
Sacramento, CA 95811

**A C C U S A T I O N**

14 Acupuncturists License No. AC 16366

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Terri Thorfinnson (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

21 2. On or about November 3, 2014, the Acupuncture Board issued Acupuncturist License  
22 Number AC 16366 to Justin R. Bovert, AC (Respondent). The Acupuncturist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on March 31,  
24 2016, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Acupuncture Board (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.

1           4.    Section 4955 of the Code states:

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

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

5                   “(a) Using or possessing any controlled substance as defined in Division 10  
6 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug  
7 or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or  
8 to any other person, or to the public, and to an extent that the use impairs his or her  
9 ability to engage in the practice of acupuncture with safety to the public.

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

13           5.    Section 4956 of the Code states:

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

17           “The board may order a license suspended or revoked, or may deny a license, or may  
18 impose probationary conditions upon a license, when the time for appeal has elapsed, or the  
19 judgment of conviction has been affirmed on appeal, or when an order granting probation is made  
20 suspending the imposition of sentence irrespective of a subsequent order under the provisions of  
21 Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to  
22 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
23 complaint, information, or indictment.”

24           6.    Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
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1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**  
4 **(Conviction of a crime)**

5 7. Respondent is subject to disciplinary action under section 4955(b) in that he suffered  
6 a criminal conviction. The circumstances are as follows:

7 8. On or about April 9, 2015, Respondent pled nolo contendere to a conviction of  
8 Vehicle Code section 23152(a) (driving while under the influence of alcohol) in case number  
9 04-183314-4 in Contra Costa Superior Court. On the same above-referenced date, Respondent  
10 was sentenced to three years probation, three days of jail, attend the drinking driver alcohol  
11 program, and attend 12 Alcoholics Anonymous meetings over a three-month period.

12 9. The underlying facts of the conviction are that on October 20, 2014, at approximately  
13 12:45 am, Respondent was driving a Toyota Prius at approximately 86 mph on a highway and was  
14 weaving into the oncoming traffic lane. After the traffic stop Respondent was noted to have a  
15 strong odor of alcohol from his person, slurred speech and he failed his field sobriety tests. At  
16 2:07 a.m. Respondent took a breath test with a result of 0.16 blood alcohol level.

17 **SECOND CAUSE FOR DISCIPLINE**  
18 **(Dangerous Use of an Alcoholic Beverage)**

19 10. Respondent is subject to disciplinary action under section 4955(a) in that Respondent  
20 used and consumed alcoholic beverages in a manner that was dangerous to himself and others.  
21 The circumstances are as follows:

22 11. Complainant re-alleges paragraphs 7-8 above and incorporates them by reference  
23 herein as though fully set forth.

24 12. The underlying facts of the DUI conviction demonstrate a violation of section 4955(a)  
25 in that he drove a motor vehicle while under the influence of alcohol and posed a danger to  
26 himself and to others by driving his vehicle into oncoming traffic.

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1 **DISCIPLINE CONSIDERATIONS**

2 13. To determine the degree of discipline, if any, to be imposed on Respondent,  
3 Complainant alleges that on or about November 28, 2000, in a prior criminal proceeding entitled  
4 *People v. Justin Ronald Bover* in Humboldt County Superior Court, Case Number CR005125S,  
5 Respondent was convicted for violating VC 23153(a), (DUI with Bodily Injury), a misdemeanor,  
6 and was ordered to be placed on three years of probation, and have his driving privilege  
7 suspended for one year. Respondent was required to complete twenty hours of community  
8 service, complete a three-month alcohol program, and pay the victims restitution. The record of  
9 the criminal proceeding is incorporated as if fully set forth.

10 14. The underlying facts of the conviction are that on or about November 2, 2000, at  
11 approximately 1:45 a.m., Respondent was driving a Geo Storm at 35 mph on Sutter Road in  
12 Arcata, California, when he crashed into a parked truck. Respondent's passenger hit her head on  
13 the dashboard upon impact. Respondent then left the scene of the accident in order to drive his  
14 passenger to her sister's house for the sister to take his passenger to the hospital. Respondent  
15 failed to called the police at the scene of the accident but did subsequently contact the police at a  
16 later time that day.

17 **PRAYER**

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

20 1. Revoking or suspending Acupuncturist License Number AC 16366, issued to Justin  
21 R. Bover, AC

22 2. Ordering Justin R. Bover, AC to pay the Acupuncture Board the reasonable costs of  
23 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
24 4959;

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3. Taking such other and further action as deemed necessary and proper.

DATED: FEB 23 2016



TERRI THORFINNSON  
Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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