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

11 In the Matter of the Accusation Against,

Case No. 1A-2019-83

12 **LING QIAN, L.AC.**
13 **5704 Miguel Way**
14 **Long Beach, CA 90814**
Acupuncturist License No. AC 16491,

DEFAULT DECISION
AND ORDER

15 Respondent. [Gov. Code, §11520]

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18 **FINDINGS OF FACT**

19 1. On or about February 4, 2020, Complainant Benjamin Bodea, in his official capacity
20 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed
21 Accusation No. 1A-2019-83 against LING QIAN, L.Ac. (Respondent) before the Acupuncture
22 Board.

23 2. On or about April 17, 2015, the Acupuncture Board (Board) issued Acupuncturist
24 License No. AC 16491 to Respondent. The Acupuncturist License was in full force and effect at
25 all times relevant to the charges brought herein and will expire on October 31, 2020, unless
26 renewed. A true and correct copy of said Acupuncturist License is attached hereto as Exhibit
27 "A", and are incorporated herein by reference.

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1 3. On or about February 4, 2020, Kristen Borges, an employee of the Board, served by
2 Certified and First Class Mail a copy of the Accusation No. 1A-2019-83, Statement to
3 Respondent, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
4 11507.7 to Respondent's address of record with the Board, which was and is 5704 Miguel Way
5 Long Beach, CA 90814. A copy of the Accusation, the related documents, and Declaration of
6 Service are attached as exhibit "B", and are incorporated herein by reference.

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

9 5. Government Code section 11506 states, in pertinent part:

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

15 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1A-
17 2019-83.

18 7. On February 28, 2020, Cristina Gomez, an employee of the Office of the Attorney
19 General, served by First Class Mail a Courtesy Notice of Default and a copy of Accusation 1A-
20 2019-83 and Notice of Defense to Respondent's address of record with the Board. A true and
21 correct copy of the Courtesy Notice of Default, Accusation and Notice of Defense are attached
22 hereto as Exhibit "C", and incorporated herein by reference.

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

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

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on
Respondent's express admissions by way of default and the evidence before it, contained in
exhibits A, B C, and D, finds that the allegations in Accusation No. 1A-2019-83 are true.

1 violation of the statutes administered and enforced by the Acupuncture Board (Chapter 12,
2 Division 2 of the Code). See Exhibit “D”.

3 **ORDER**

4 **IT IS SO ORDERED** that Acupuncturist License No. AC 16491, heretofore issued to
5 Respondent LING QIAN, L.Ac., is revoked.

6 Respondent is ordered to reimburse the Acupuncture Board the amount of \$12,688.50, for
7 its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve
8 Respondent of her responsibility to reimburse the Board for its costs. Respondent’s Acupuncture
9 License may not be renewed or reinstated unless all costs ordered under Business and Professions
10 code section 4959 have been paid.

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

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

19 This Decision shall become effective on July 16, 2020.

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21 It is so ORDERED June 16, 2020

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23 Original Signature on File
24 FOR THE ACUPUNCTURE BOARD
25 DEPARTMENT OF CONSUMER AFFAIRS

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