

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

In the Matter of the Accusation Against:)	Case No. 1A-2010-65
)	
ALON MARCUS, L.AC.)	OAH NO. 2014050523
Summit Complementary Medicine)	
400 29 th Street, #419)	
Oakland, CA 94609)	
)	
Acupuncture License No. AC 2345)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

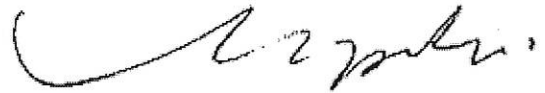
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

FEB 14 2015

This Decision shall become effective on _____.

JAN 15 2015

It is so ORDERED _____.



Michael Shi, L.Ac, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
Deputy Attorney General
4 State Bar No. 267098
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5529
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **ALON MARCUS, L.AC.**

14 400 29th Street, #419
Oakland, CA 94609
Acupuncture No. AC 2345

15 Respondent.

Case No. 1A-2010-65

OAH No. 2014050523

16 **STIPULATED SETTLEMENT AND**
17 **DISCIPLINARY ORDER**

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

19 PARTIES

20 1. Terri Thorfinnson (Complainant) is the Executive Officer of the Acupuncture Board.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, through Joshua M. Temple, Deputy
23 Attorney General.

24 2. Respondent Alon Marcus, L.Ac. (Respondent) is represented in this proceeding by
25 attorney Tyler Guest Draa, Greenfield, Sullivan, Draa & Harrington, LLP, whose address is 55
26 South Market St., Ste. 1500 San Jose, CA 95113
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CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in the Accusation.

10. Respondent agrees that his Acupuncture License is subject to discipline and he agrees to be bound by the Board’s probationary terms as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any proceeding in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Acupuncture Board. Respondent understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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///

1 3. COURSEWORK Respondent shall take and successfully complete not less than
2 twenty (20) semester units or thirty (30) quarter units of coursework in the following area(s):
3 ethics, pain management, and case management. All coursework shall be taken at the graduate
4 level at a school approved by the Board. Classroom attendance must be specifically required.
5 Course content shall be pertinent to the violation and all coursework must be completed within
6 the first 3 years of probation. The required coursework must be in addition to any continuing
7 education courses that may be required for license renewal.

8 Within 90 days of the effective date of this decision, Respondent shall submit a plan for the
9 Board's prior approval for meeting the educational requirements. All costs of the coursework
10 shall be borne by the Respondent.

11 4. COMMUNITY SERVICE Respondent shall provide 500 hours of community
12 service as a condition of probation. Such community service includes providing professional
13 acupuncture services at no charge under the auspices of a community organization, nonprofit
14 organization, or governmental entity. In the discretion of the Board or its designee, the Board may
15 also consider other forms of community service in fulfillment of this term. The services provided
16 cannot include a fee or charge, nor can they involve the sale of products or other services.

17 Within 90 days of the effective date of this decision, and prior to commencing the
18 community service, Respondent shall submit a plan for the Board's approval, specifying the
19 following: (i) the name of the organization through which the service will be performed; (ii) a
20 description of the service(s) to be performed; (iii) the location where the service(s) will be
21 performed; and (iv) the name and contact information of an individual at the organization who
22 will act a community service monitor to verify completed service, including the number of hours
23 of service. If the designated community service monitor should become unable to monitor and
24 verify Respondent's community service completion, as noted above, Respondent shall notify the
25 Board within two business days.

26 Respondent shall complete all community services hours not later than six (6) months prior
27 to the completion of probation.

28 5. OBEY ALL LAWS Respondent shall obey all federal, state and local laws and all

1 regulations governing the practice of acupuncture in California. A full and detailed account of
2 any and all violations of law shall be reported by the Respondent to the Board in writing within
3 seventy-two (72) hours of occurrence.

4 6. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
5 penalty of perjury on forms provided by the Board, stating whether there has been compliance
6 with all the conditions of probation.

7 7. SURVEILLANCE PROGRAM Respondent shall comply with the Board's probation
8 surveillance program and shall, upon reasonable notice, report to the assigned investigative
9 district office. Respondent shall contact the assigned probation surveillance monitor regarding
10 any questions specific to the probation order. Respondent shall not have any unsolicited or
11 unapproved contact with 1) victims or complainants associated with the case; 2) Board members
12 or members of its staff; or 3) persons serving the Board as expert examiners.

13 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
14 person for interviews with the Board or its designee upon request at various intervals and with
15 reasonable notice.

16 9. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
17 through the assigned probation surveillance compliance officer of any and all changes of
18 employment, location and address within 30 days of such change.

19 10. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event
20 Respondent should leave California to reside or to practice outside the State, Respondent must
21 notify the Board in writing of the dates of departure and return. Periods of residency or practice
22 outside California will not apply to the reduction of this probationary period.

23 11. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
24 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
25 this probation. Respondent shall terminate any such supervisorial relationship in existence on the
26 effective date of this probation.

27 12. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
28 enforcement in the amount of \$7,531.25.

1 13. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
2 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and
3 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
4 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
5 matter is final, and the period of probation shall be extended until the matter is final. No petition
6 for modification or termination of probation shall be considered while there is an accusation or
7 petition to revoke probation pending against Respondent.

8 14. COMPLETION OF PROBATION Upon successful completion of probation,
9 Respondent's license will be fully restored.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, Tyler Guest Draa. I understand the stipulation and the effect it will
13 have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order
14 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
15 Acupuncture Board.

16 **BY FAX**

17 DATED: _____
18 ALON MARCUS, L.AC.
19 Respondent

20 I have read and fully discussed with Respondent Alon Marcus, L.Ac. the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.


23 DATED: 9/25/2014 _____
24 TYLER GUEST DRAA
25 Greenfield, Sullivan, Draa & Harrington, LLP
26 Attorney for Respondent
27
28

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16
17 DATED: 9/25/14 
18 ALON MARCUS, L.A.C.
19 Respondent

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21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

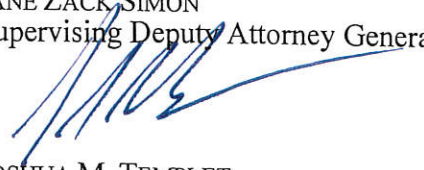
23 DATED: _____
24 TYLER GUEST DRAA
25 Greenfield, Sullivan, Draa & Harrington, LLP
26 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board.

Dated: 10/1/2014

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

JOSHUA M. TEMPLET
Deputy Attorney General
Attorneys for Complainant

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