

BEFORE THE  
ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1A-2013-62

**LARRY FORSBERG**  
2824 East 23rd Street  
Oakland, CA 94601

**Acupuncture License No. AC 3022**

Respondent.

**DECISION AND ORDER**

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

This Decision shall become effective on December 9, 2015.

It is so ORDERED November 9, 2015.

  
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FOR THE ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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10 In the Matter of the Accusation Against:

Case No. 1A-2013-62

11 **LARRY FORSBERG**  
12 **2824 East 23rd Street**  
13 **Oakland, CA 94601**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 **Acupuncture License No. AC 3022**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

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

24 2. Larry Forsberg ("Respondent") is represented in this proceeding by attorney Robert  
25 Hodges, Esq., whose address is: McNamara, Ney, Beatty, Slattery, Borges & Ambacher LLP,  
26 1211 Newell Avenue, Walnut Creek, CA 94596.

27 3. On or about December 1, 1987, the Acupuncture Board issued Acupuncture License  
28 No. AC 3022 to Respondent. The Acupuncture License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 1A-2013-62 and will expire on September 30,  
2 2016, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1A-2013-62 was filed before the Acupuncture Board (“Board”),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on September  
7 29, 2014. Respondent timely filed his Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 1A-2013-62 is attached as exhibit A and incorporated  
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 1A-2013-62. Respondent has also carefully read, fully  
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
14 Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 9. Respondent does not contest that at an administrative hearing Complainant could  
26 establish a prima facie case with respect to the charges and allegations set forth in in Accusation  
27 No. 1A-2013-62.



1           2.    ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND  
2 SAMPLES Respondent shall completely abstain from the personal use or possession of alcohol  
3 and controlled substances as defined in the California Uniform Controlled Substances Act  
4 (Division 10, commencing with section 11000, Health and Safety Code) and dangerous drugs as  
5 defined by Section 4022 of the Business and Professions Code, except when lawfully prescribed  
6 by a licensed practitioner for a bona fide illness.

7           Respondent shall abstain completely from the use of alcoholic beverages. Respondent shall  
8 undergo random, biological fluid testing, as determined by the Board. Respondent shall bear all  
9 costs of such testing. The length of time and frequency will be determined by the Board. Any  
10 confirmed positive finding will be considered a violation of probation.

11           3.    REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING

12           Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the  
13 probation to ensure compliance for the duration of the probation period.

14           4.    PSYCHOLOGICAL EVALUATION    Within 90 days of the effective date of this  
15 decision and on a periodic basis thereafter as may be required by the Board or its designee,  
16 respondent shall undergo a psychological evaluation (and psychological testing, if deemed  
17 necessary) by a licensed psychologist approved by the Board. The Board shall receive a written  
18 report regarding the Respondent's judgment and/or ability to function independently as an  
19 acupuncturist with safety to the public, and whatever other information the Board deems relevant  
20 to the case. Respondent shall execute a release authorizing the evaluator to release all  
21 information to the Board. The completed evaluation is the sole property of the Board.

22           If the Board concludes from the results of the evaluation that Respondent is unable to  
23 practice independently and safely, Respondent shall immediately cease practice and shall not  
24 resume practice until notified by the Board. If the Board concludes from the results of the  
25 evaluation that Respondent would benefit from ongoing psychotherapy, Respondent shall comply  
26 with the Board's directives in that regard.

27           Respondent shall pay all costs associated with the psychological evaluation. Failure to pay  
28 costs will be considered a violation of the probation order.

1           5.    COURSEWORK Respondent shall take and provide evidence of successful  
2 completion of the 52 week domestic violence course required by the Alameda County Superior  
3 Court in the matter *People of the State of California v. Larry Carl Forsberg*, Case No. 586281-6.

4           6.    COMMUNITY SERVICE Respondent shall perform 100 hours of community  
5 service. The services rendered shall be professional in nature and under the auspices of a  
6 governmental entity or a non-profit corporation tax exempt under the Internal Revenue Code.  
7 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the Board  
8 for its prior approval a community service plan. Prior to engaging in the community service,  
9 Respondent shall provide a copy of the decision in this matter to the manager, director or other  
10 person in charge of the organization (“Decision Maker”) where this service will be performed.  
11 Within fifteen (15) days of providing the documentation to the Decision Maker, as required,  
12 Respondent shall submit written proof of compliance to the Acupuncture Board. In no event shall  
13 such proof be provided later than two weeks after having engaged in the community service.  
14 Additionally, Respondent shall have the manager, director, or other person in charge of the  
15 organization submit confirmation directly to the Board when Respondent has completed the 100  
16 hours of community service required by this agreement.

17           7.    OBEY ALL LAWS Respondent shall obey all federal, state and local laws and all  
18 regulations governing the practice of acupuncture in California. A full and detailed account of  
19 any and all violations of law shall be reported by the respondent to the Board in writing within  
20 seventy-two (72) hours of occurrence.

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

24           9.    SURVEILLANCE PROGRAM Respondent shall comply with the Board's probation  
25 surveillance program and shall, upon reasonable notice, report to the assigned investigative  
26 district office. Respondent shall contact the assigned probation surveillance monitor regarding  
27 any questions specific to the probation order. Respondent shall not have any unsolicited or  
28 unapproved contact with 1) victims or complainants associated with the case outside of that

1 contact permitted by the Alameda County Superior Court in the matter *People of the State of*  
2 *California v. Larry Carl Forsberg*, Case No. 586281-6; 2) Board members or members of its  
3 staff; or 3) persons serving the Board as expert examiners.

4 10. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in  
5 person for interviews with the Board or its designee upon request at various intervals and with  
6 reasonable notice.

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

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

14 13. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not  
15 employ or supervise or apply to employ or supervise acupuncture trainees during the course of  
16 this probation. Respondent shall terminate any such supervisorial relationship in existence on the  
17 effective date of this probation.

18 14. COST RECOVERY Respondent shall pay to the board its costs of investigation and  
19 enforcement in the amount of \$422.00. Respondent shall be permitted to pay these costs in a  
20 payment plan approved by the Board, with payments to be completed no later than three months  
21 prior to the end of the probation term. Cost recovery will not be tolled. Respondent understands  
22 that failure to make payments in accordance with any formal agreement entered into with the  
23 board or pursuant to any Decision by the board shall be considered a violation of probation.

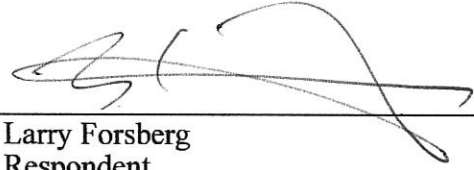
24 15. VIOLATION OF PROBATION If respondent violates probation in any respect, the  
25 Board may, after giving respondent notice and the opportunity to be heard, revoke probation and  
26 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is  
27 filed against respondent during probation, the Board shall have continuing jurisdiction until the  
28 matter is final, and the period of probation shall be extended until the matter is final. No petition

1 for modification or termination of probation shall be considered while there is an accusation or  
2 petition to revoke probation pending against respondent.

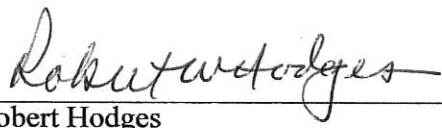
3 16. COMPLETION OF PROBATION Upon successful completion of probation,  
4 Respondent's license will be fully restored.

5 ACCEPTANCE

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
7 discussed it with my attorney, Robert Hodges, Esq. I understand the stipulation and the effect it  
8 will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary  
9 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
10 of the Acupuncture Board.

11  
12 DATED: 9/23/2015   
13 Larry Forsberg  
14 Respondent

15 I have read and fully discussed with Respondent the terms and conditions and other matters  
16 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
17 content.

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19 DATED: 9/27/2015   
20 Robert Hodges  
21 Attorney for Respondent

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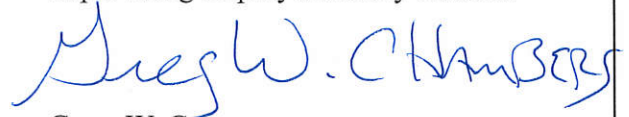
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ENDORSEMENT

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

Dated: 10/7/2015

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

  
GREG W. CHAMBERS  
Deputy Attorney General  
*Attorneys for Complainant*

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