

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Second Amended
Accusation Against:

HENRY DAVID LEE, L.AC.
3421 Calle Azul 1-B
Laguna Woods, CA 92637

Acupuncture License No. AC 8254

One.

Case No. 1A-2014-164

OAH No. 2016100337

DECISION AND ORDER

The attached Stipulated Surrender of License 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 AUG 31 2019.

It is so ORDERED AUG 21 2019.


FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
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8 *Attorneys for Complainant*

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DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Second Amended
Accusation Against:

HENRY DAVID LEE, L.AC.
3421 Calle Azul 1-B
Laguna Woods, CA 92637

Acupuncture License No. AC 8254

Respondent.

Case No. 1A-2014-164
OAH No. 2016100337
**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

PARTIES

1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall, Deputy Attorney General.
2. Henry David Lee, L.Ac. (Respondent) is represented in this proceeding by attorney Edward O. Lear, Esq., whose address is: 5200 West Century Boulevard, Suite 345, Los Angeles, CA 90045.

1 **CULPABILITY**

2 8. Respondent agrees that, at an administrative hearing, complainant could establish a
3 *prima facie* case with respect to the charges and allegations contained in Second Amended
4 Accusation No. 1A-2014-164, and that he has thereby subjected his Acupuncture License No. AC
5 8254 to disciplinary action. Respondent further agrees to be bound by the Board's imposition of
6 discipline as set forth in the Disciplinary Order below.

7 9. Respondent understands that by signing this stipulation he enables the Board to issue
8 an order accepting the surrender of his Acupuncture License No. AC 8254 without further
9 process.

10 10. Respondent agrees that if he ever petitions for reinstatement of his Acupuncturist
11 License No. AC 8254, all of the charges and allegations contained in Second Amended
12 Accusation No. 1A-2014-164, shall be deemed true, correct, and fully admitted by Respondent
13 for purposes of that reinstatement proceeding or any other licensing proceeding involving
14 Respondent in the State of California.

15 **RESERVATION**

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

20 **CONTINGENCY**

21 12. This Stipulated Surrender and Disciplinary Order shall be subject to approval by the
22 Board. Respondent understands and agrees that counsel for Complainant and the staff of the
23 Board may communicate directly with the Board regarding this Stipulated Surrender and
24 Disciplinary Order, without notice to or participation by Respondent or his counsel. By signing
25 the Stipulated Surrender and Disciplinary Order, Respondent understands and agrees that he may
26 not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
27 and acts upon it. If the Board fails to adopt this Stipulated Surrender and Disciplinary Order as its
28 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or

1 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
2 and the Board shall not be disqualified from further action by having considered this matter.

3 **ADDITIONAL PROVISIONS**

4 13. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
5 herein to be an integrated writing representing the complete, final, and exclusive embodiment of
6 the agreements of the parties in the above-entitled matter.

7 14. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
8 Order, including copies of the signatures of the parties, may be used in lieu of original documents
9 and signatures and, further, that such copies shall have the same force and effect as originals.

10 15. In consideration of the foregoing admissions and stipulations, the parties agree the
11 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
12 the following Disciplinary Order:

13 **ORDER**

14 IT IS HEREBY ORDERED that Acupuncture License No. AC 8254, issued to Respondent
15 Henry David Lee, L.Ac., is surrendered and accepted by the Board.

16 1. The surrender of Respondent's Acupuncture License No. AC 8254, and the
17 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
18 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
19 of Respondent's license history with the Board.

20 2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of
21 the effective date of the Board's Decision and Order.

22 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
23 issued, his wall certificate on or before the effective date of the Decision and Order.

24 4. If Respondent ever files an application for licensure or a petition for reinstatement in
25 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
26 comply with all the laws, regulations, and procedures for reinstatement of a revoked or
27 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
28 contained in Second Amended Accusation No. 1A-2014-164 shall be deemed to be true, correct,

1 and fully admitted by Respondent when the Board determines whether to grant or deny the
2 petition.

3 5. Respondent shall pay the agency its costs of investigation and enforcement in the
4 amount of \$75,995.25 prior to Respondent submitting a petition for reinstatement of his license.

5 6. If Respondent should ever apply or reapply for a new license or certification, or
6 petition for reinstatement of a license, by any other health care licensing agency in the State of
7 California, all of the charges and allegations contained in Second Amended Accusation, No. 1A-
8 2014-164 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
9 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
12 have fully discussed it with my attorney, Edward O. Lear, Esq. I understand the stipulation and
13 the effect it will have on my Acupuncture License No. AC 8254. I enter into this Stipulated
14 Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
15 to be bound by the Decision and Order of the Acupuncture Board.

16
17 DATED: 08-15-2019 
18 HENRY DAVID LEE, L.A.C.
19 Respondent

20 I have read and fully discussed with Respondent Henry David Lee, L.Ac., the terms and
21 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
22 Order. I approve its form and content.

23 DATED: _____ EDWARD O. LEAR, ESQ.
24 Attorney for Respondent

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1 and fully admitted by Respondent when the Board determines whether to grant or deny the
2 petition.

3 5. Respondent shall pay the agency its costs of investigation and enforcement in the
4 amount of \$75,995.25 prior to Respondent submitting a petition for reinstatement of his license.

5 6. If Respondent should ever apply or reapply for a new license or certification, or
6 petition for reinstatement of a license, by any other health care licensing agency in the State of
7 California, all of the charges and allegations contained in Second Amended Accusation, No. 1A-
8 2014-164 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
9 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
12 have fully discussed it with my attorney, Edward O. Lear, Esq. I understand the stipulation and
13 the effect it will have on my Acupuncture License No. AC 8254. I enter into this Stipulated
14 Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
15 to be bound by the Decision and Order of the Acupuncture Board.

16
17 DATED: _____

18 HENRY DAVID LEE, L.AC.
19 Respondent

20 I have read and fully discussed with Respondent Henry David Lee, L.Ac., the terms and
21 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
22 Order. I approve its form and content.

23 DATED: 8/15/19 _____

24 EDWARD O. LEAR, ESQ.
25 Attorney for Respondent
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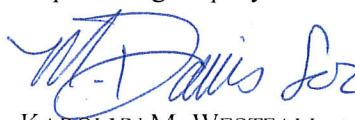
ENDORSEMENT

The foregoing Stipulated Surrender of License and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

DATED: 8/15/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Second Amended Accusation No. 1A-2014-164