

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

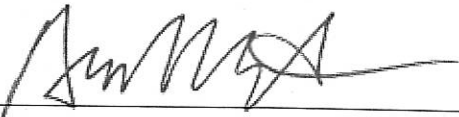
In the Matter of the Petition to Revoke	)	Case No. D1-2015-50
Probation Against:	)	
	)	
Inga Witfoth	)	
P.O. Box 3243	)	
La Habra, CA 90632	)	
	)	
Acupuncture License No. AC-9541	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

The attached Default Decision and Order is hereby adopted by the California Acupuncture Board, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on December 22, 2017.

IT IS SO ORDERED November 21, 2017.

  
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Amy Matecki, MD, L.Ac., President  
Acupuncture Board  
Department of Consumer Affairs  
State of California

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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 Petition to Revoke  
12 Probation Against,

13 **INGA WITFOTH, L.AC.**  
14 **P.O. Box 3243**  
**La Habra, CA 90632**  
**Acupuncturist License No. AC 9541,**

15 Respondent.

Case No. D1-2015-50

13 **DEFAULT DECISION**  
14 **AND ORDER**

[Gov. Code, §11520]

17 **FINDINGS OF FACT**

18 1. On or about July 28, 2017, Complainant Benjamin Bodea, in his official capacity as  
19 the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed Petition  
20 to Revoke Probation No. D1-2015-50 against Inga Witfoth, L.Ac. (Respondent) before the  
21 Acupuncture Board.

22 2. On or about December 18, 2003, the Acupuncture Board (Board) issued  
23 Acupuncturist License No. AC 9541 to Respondent. The Acupuncturist License expired on  
24 January 31, 2015, has not been renewed, and is therefore delinquent.

25 3. On or about July 28, 2017, Kristine Brothers (Brothers), an employee of the  
26 Complainant Agency, served by Certified and First Class Mail a copy of the Petition to Revoke  
27 Probation No. D1-2015-50, Statement to Respondent, Notice of Defense, Request for Discovery,  
28 and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record

1 with the Board, which was and is P.O. Box 3243, La Habra, CA 90632. A copy of Petition to  
2 Revoke Probation No. D1-2015-50, the related documents, and Declaration of Service are  
3 attached as exhibit A, and are incorporated herein by reference.

4 4. Service of the Petition to Revoke Probation was effective as a matter of law under the  
5 provisions of Government Code section 11505, subdivision (c).

6 5. On or about August 22, 2017, the aforementioned first class mail documents were  
7 returned by the U.S. Postal Service marked "RETURN TO SENDER – NOT DELIVERABLE  
8 AS ADDRESSED – UNABLE TO FORWARD." A copy of the envelope returned by the post  
9 office is attached as exhibit B, and is incorporated herein by reference.

10 6. On or about September 5, 2017, the aforementioned certified mail documents were  
11 returned by the U.S. Postal Service marked "RETURN TO SENDER – UNCLAIMED –  
12 UNABLE TO FORWARD – RETURN TO SENDER." A copy of the envelope returned by the  
13 post office is attached as exhibit C, and is incorporated herein by reference.

14 7. No Notice of Defense was received by the Board.

15 8. A copy of the Declaration of Brothers attesting to the foregoing facts is attached as  
16 Exhibit D, and is incorporated herein by reference.

17 9. Deputy Attorney General Wendy Widlus (Widlus) is assigned to prepare the Default  
18 Decision & Order in the above matter and has reviewed the file. No Notice of Defense was  
19 received by the California Department of Justice, Health Quality Enforcement Section.

20 10. A copy of the Declaration of Widlus attesting to the fact that no Notice of Defense  
21 from Respondent was ever received by the California Department of Justice, Health Quality  
22 Enforcement Section is attached as Exhibit E, and is incorporated herein by reference.

23 11. Government Code section 11506 states, in pertinent part:

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

28 Respondent failed to file a Notice of Defense within 15 days after service upon her of the

1 Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of the  
2 Petition to Revoke Probation No. D1-2015-50.

3 12. California Government Code section 11520 states, in pertinent part:

4 “(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
5 agency may take action based upon the respondent’s express admissions or upon other evidence  
6 and affidavits may be used as evidence without any notice to respondent.”

7 13. Pursuant to its authority under Government Code section 11520, the Board finds  
8 Respondent is in default. The Board will take action without further hearing and, based on  
9 Respondent’s express admissions by way of default and the evidence before it, contained in  
10 exhibits A, B, C, D, and E, finds that the allegations in the Petition to Revoke Probation No. D1-  
11 2015-50 are true.

12 14. The Board further finds that pursuant to Business and Professions Code section 125.3,  
13 the reasonable costs of enforcement of the case prayed for in the Petition to Revoke Probation No.  
14 D1-2015-50 total \$1,612.50, based on the Certification of Costs contained in Exhibit E, and  
15 which is incorporated herein by reference.

16 **DETERMINATION OF ISSUES**

17 1. Based on the foregoing findings of fact, Respondent INGA WITFOTH, L.Ac. has  
18 subjected her Acupuncturist License No. AC 9541 to discipline.

19 2. A copy of the Petition to Revoke Probation No. D1-2015-50 and the related  
20 documents and Declaration of Service are attached.

21 3. The agency has jurisdiction to adjudicate this case by default.

22 4. The Acupuncture Board is authorized to revoke Respondent’s Acupuncturist License  
23 based upon the following violations alleged in Petition to Revoke Probation No. D1-2015-50:

24 a. Failure to Submit a Biological Fluid Sample for Testing.

25 b. Failure to Comply with Daily Check In For Biological Fluid Sample Testing

26 Notice.

27 c. Failure to Provide Twelve Step Meetings Information.

28 d. Failure to Comply with Quarterly Reporting.

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e. Failure to Pay Costs.

**IT IS SO ORDERED** that Acupuncturist License No. AC9541, heretofore issued to Respondent Inga Witforth, L.Ac., is revoked.

Respondent shall pay to the Board its cost of investigation and enforcement of this case in the amount of \$1,612.50 prior to the issuance of a new or reinstated license.

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

This Decision shall become effective on December 22, 2017.

It is so ORDERED November 21, 2017

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Attachments:

Exhibit A: Petition to Revoke Probation No. D1-2015-50, Related Documents, and

Declaration of Service

Exhibit B: Copy of Envelope Returned by Post Office

Exhibit C: Copy of Envelope Returned by Post Office

Exhibit D: Declaration of Kristine Brothers

Exhibit E: Declaration of Wendy Widlus