



ACUPUNCTURE BOARD

444 North 3rd Street, Suite 260, Sacramento, CA 95814
Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov

July 12, 2010

Christopher James Rasmussen
2251 Kinsely St.
Santa Cruz, CA 95062

Re: **Case No. D2-2003-72**
Stipulated Surrender of License and Order


Dear Mr. Rasmussen:

Enclosed is a copy of the **Stipulated Surrender of License and Order** in the matter of the Accusation and Petition to Revoke Probation filed against you. Please note the effective date of the Decision is August 11, 2010.

The stipulation entered into by you surrenders your acupuncture license. Your original wall license, all duplicate wall licenses, and pocket license must be returned to the Board at the address listed above post-marked no later than the effective date of the Decision.

Please be advised you may petition the Board for reinstatement of your acupuncture license no sooner than three (3) years from the effective date of this Decision.

Sincerely,


JANELLE WEDGE
Executive Officer

Enclosures

cc: Russell Lee, DAG, DOJ
Jose Guerrero, SDAG, DOJ
Case Intake Unit, DOI

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


In the Matter of the Accusation and)	Case No. D2-2003-72
Petition to Revoke Probation Against:)	
)	
CHRISTOPHER JAMES RASMUSSEN)	
2251 Kinsely St.)	
Santa Cruz, CA 95062)	
)	
Acupuncture License No. AC 10334)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 11 2010** .

It is so ORDERED **JUL 12 2010** .



Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
 Attorney General of California
 2 JOSE R. GUERRERO
 Supervising Deputy Attorney General
 3 RUSSELL W. LEE
 Deputy Attorney General
 4 State Bar No. 94106
 1515 Clay Street, 20th Floor
 5 P.O. Box 70550
 Oakland, CA 94612-0550
 6 Telephone: (510) 622-2217
 Facsimile: (510) 622-2121
 7

8 *Attorneys for Complainant*

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

11
 12 In the Matter of the Accusation and Petition to
 Revoke Probation Against,

Case No. D2-2003-72

13 **CHRISTOPHER JAMES RASMUSSEN**

STIPULATION FOR
SURRENDER OF LICENSE

14 **2251 Kinsely St.**
 15 **Santa Cruz, CA 95062**

16 **License No. AC 10334**

17 **Respondent.**

18
 19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this
 20 proceeding that the following matters are true:

21 **PARTIES**

- 22 1. Janelle Wedge (complainant) is the Executive Officer of the Acupuncture Board,
 23 Department of Consumer Affairs, and is represented in this matter by Edmund G. Brown Jr.,
 24 Attorney General of the State of California, by Russell W. Lee, Deputy Attorney General.
 25 Complainant brought this action solely in her official capacity Executive Director of the Board.
 26 2. Christopher James Rasmussen ("respondent") has elected to represent himself in this
 27 matter.
 28

CULPABILITY

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2 8. For the purposes of settlement, respondent does not contest that, at an administrative
3 hearing, complainant could establish a prima facie case with respect to the charges and allegations
4 contained in Accusation and Petition To Revoke Probation No. D2-2003-72 and that he has
5 thereby subjected his license to revocation of probation.

6 9. For the purpose of resolving the Accusation and Petition To Revoke Probation
7 without the expense and uncertainty of an administrative hearing, respondent agrees to surrender
8 his Acupuncture License No. AC 10334 to the Acupuncture Board.

9 10. Respondent understands that by signing this Stipulation For Surrender of License, he
10 is enabling the Acupuncture Board to issue its order accepting the surrender of his license without
11 further process.

CONTINGENCY

12
13 11. This Stipulation For Surrender of License shall be subject to approval by the
14 Acupuncture Board. Respondent understands and agrees that counsel for complainant and the
15 staff of the Acupuncture Board may communicate directly with the Acupuncture Board regarding
16 this Stipulation for Surrender of License, without notice to or participation by respondent or his
17 counsel. By signing the Stipulation for Surrender of License, respondent understands and agrees
18 that he may not withdraw his agreement or seek to rescind the Stipulation for Surrender of
19 License prior to the time the Acupuncture Board considers and acts upon it. If the Acupuncture
20 Board fails to adopt this Stipulation For Surrender of License as its Decision and Order, the
21 Stipulation for Surrender of License shall be of no force or effect, except for this paragraph, it
22 shall be inadmissible in any legal action between the parties, and the Acupuncture Board shall not
23 be disqualified from further action by having considered this matter.

24 12. The parties understand and agree that facsimile copies of this Stipulation for
25 Surrender of License, including facsimile signatures thereto, shall have the same force and effect
26 as the originals.

27 13. Upon acceptance of the Stipulation for Surrender of License by the Acupuncture
28 Board, respondent understands that he will no longer be permitted to practice

1 Acupuncture/Oriental Medicine in California, and also agrees to surrender and cause to be
2 delivered to the Acupuncture Board both his license and wallet certificate before the effective
3 date of the decision.

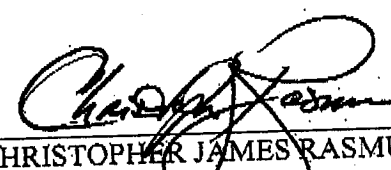
4 14. Respondent has been advised and is aware that pursuant to Board of Acupuncture
5 Laws and Regulations, the Acupuncture Board may and will withdraw its approval of a
6 continuing education provider if the provider has had a license revoked, suspended, placed on
7 probation, voluntarily surrendered or otherwise disciplined by the Acupuncture Board.

8 15. Respondent fully understands and agrees that if he ever files an application for
9 relicensure or reinstatement in the State of California, the Acupuncture Board shall treat it as a
10 petition for reinstatement, the respondent must comply with all the laws, regulations and
11 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
12 of the charges and allegations contained in Accusation and Petition To Revoke Probation No. D2-
13 2003-72 will be deemed to be true, correct and admitted by respondent when the Acupuncture
14 Board determines whether to grant or deny the petition.

15 ACCEPTANCE

16 I have carefully read the above Stipulation for Surrender of License. I understand the
17 Stipulation for Surrender of License and the effect it will have on my license to practice
18 Acupuncture/Oriental Medicine. I enter into this Stipulation for Surrender of License voluntarily,
19 knowingly, and intelligently, and agree to be bound by the Decision and Order of the
20 Acupuncture Board of California.

21
22 DATED: June 22, 2010


CHRISTOPHER JAMES RASMUSSEN
Respondent

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ENDORSEMENT

The foregoing Stipulation Surrender of License is hereby respectfully submitted for consideration by the Acupuncture Board of California of the Department of Consumer Affairs.

Dated: *JUNE 22*, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
Jose R. Guerrero
Supervising Deputy Attorney General

Russell W. Lee
RUSSELL W. LEE
Deputy Attorney General
Attorneys for Complainant

FILED

JAN 25 2010

ACUPUNCTURE BOARD

1 EDMUND G. BROWN JR.
 Attorney General of California
 2 JOSE R. GUERRERO
 Supervising Deputy Attorney General
 3 RUSSELL W. LEE
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Attorneys for Complainant

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

12 ~~In the Matter of the Accusation and Petition to~~
 Revoke Probation Against,

Case No. D2-2003-72

CHRISTOPHER JAMES RASMUSSEN

ACCUSATION AND PETITION TO
REVOKE PROBATION

2251 Kinsely St.
Santa Cruz, CA 95062

License No. AC 10334

Respondent.

Complainant alleges:

PARTIES

1. Janelle Wedge (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

2. Effective July 7, 2005, pursuant to a Stipulated Settlement and Decision, the Acupuncture Board issued an Order providing that respondent Christopher James Rasmussen ("respondent") shall be issued a license to practice Acupuncture/Oriental Medicine. Respondent was subsequently issued License No. AC 10334 on July 14, 2005; however, said license was revoked upon issuance, the revocation is stayed, and respondent was placed on probation for 5

1 (five) years on the terms and conditions set forth in greater detail further below in this Accusation
2 and Petition To Revoke Probation. At all times herein, said License was in full force and effect
3 and is due to expire October 31, 2010, unless renewed

4 JURISDICTION

5 3. This Accusation and Petition to Revoke Probation is brought before the Acupuncture
6 Board (Board), Department of Consumer Affairs, under the authority of the following laws. All
7 section references are to the Business and Professions Code unless otherwise indicated.

8 4. Section 480 of the Code states:

9 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
10 one of the following:

11
12 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to
13 substantially benefit himself or herself or another, or substantially injure another.

14 "(3)

15 "(A) Done any act that if done by a licentiate of the business or profession in
16 question, would be grounds for suspension or revocation of license.

17 "(B) The board may deny a license pursuant to this subdivision only if the
18 crime or act is substantially related to the qualifications, functions, or duties of the
19 business or profession for which application is made.

20 5. Section 4955 of the Code states, in pertinent part, that:

21 "The board may deny, suspend, or revoke, or impose probationary conditions upon, the
22 license of any acupuncturist if he or she is guilty of unprofessional conduct.

23 "Unprofessional conduct shall include, but not be limited to, the following:

24

25 "(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly,
26 the violation of the terms of this chapter or any regulation adopted by the board
27 pursuant to this chapter.

28

1 "(i) Any action or conduct that would have warranted the denial of the
2 acupuncture license.

3 6. Section 4955.1 of the Code states, in pertinent part, that:

4 "The board may deny, suspend, revoke, or impose probationary conditions upon the license
5 of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not be
6 limited to, any of the following:

7 " (a) Securing a license by fraud or deceit.

8 " (b) Committing a fraudulent or dishonest act as an acupuncturist.

9 " (c) Committing any act involving dishonesty or corruption with respect to the
10 qualifications, functions, or duties of an acupuncturist.

11 7. Section 4959 of the Code states, in pertinent part, that:

12 "~~(a) The board may request the administrative law judge, under his or her~~
13 proposed decision in resolution of a disciplinary proceeding before the board, to
14 direct any licensee found guilty of unprofessional conduct to pay to the board a sum
15 not to exceed actual and reasonable costs of the investigation and prosecution of the
16 case.

17 "(b) The costs to be assessed shall be fixed by the administrative law judge and
18 shall not in any event be increased by the board. When the board does not adopt a
19 proposed decision and remands the case to an administrative law judge, the
20 administrative law judge shall not increase the amount of any costs assessed in the
21 proposed decision.

22 "(c) When the payment directed in the board's order for payment of costs is not
23 made by the licensee, the board may enforce the order for payment in the superior
24 court in the county where the administrative hearing was held. This right of
25 enforcement shall be in addition to any other rights the board may have as to any
26 licensee directed to pay costs.

27 ...
28 ...

1 "(d) In any judicial action for the recovery of costs, proof of the board's
2 decision shall be conclusive proof of the validity of the order of payment and the
3 terms for payment.

4 "(e) All costs recovered under this section shall be considered a reimbursement
5 for costs incurred and shall be deposited in the Acupuncture Fund."

6 RESPONDENT'S MEDICAL BOARD HISTORY

7 8. Respondent was also previously licensed as a Physician and Surgeon by the Medical
8 Board of California ("Medical Board") under Physician and Surgeon's Certificate No. G 63075,
9 which was issued to him by the Medical Board on or about June 13, 1988.

10 9. On or about February 23, 2000, an Accusation was filed against respondent's
11 Physician and Surgeon's Certificate No. G 63075 by the Medical Board in an action entitled In
12 the Matter of the Accusation Against Christopher J. Rasmussen, M.D., Case No.16-1999-103141,
13 charging respondent with multiple violations of the Medical Practice Act. Respondent was
14 charged with violation of section 141 of the Code as a result of disciplinary action being taken
15 against his medical license in the State of Wisconsin by the Medical Examining Board on or
16 about August 25, 1999. Respondent was also charged with violations of the following sections of
17 the California Business and Professions Code: Section 2239(a) of the Code (the use or self-
18 prescribing of any drug that could be dangerous or injurious to the licensee, or to any other person
19 or to the public); section 4081 of the Code (failure to keep an inventory or dispensing records for
20 any of the drugs respondent ordered and self-administered); section 2238 (violating any statute or
21 regulation of this state regulating dangerous drugs or controlled substances); section 11170 of the
22 Health and Safety Code (administering and prescribing a controlled substance to himself); and
23 section 11173 of the Health and Safety Code (obtaining a controlled substance by fraud, deceit,
24 misrepresentation or subterfuge; or (2) by concealment of a material fact).

25 10. On September 22, 2000, in resolution of Accusation No. 16-1999-103141, the
26 Medical Board adopted as its Decision a Stipulated Settlement and Disciplinary Order. In the
27 Stipulated Settlement and Disciplinary Order, respondent admitted that each and every allegation
28 contained in Medical Board Accusation No. 16-1999-103141 was true, and further agreed that his

1 Physician and Surgeon's Certificate was subjected to disciplinary action pursuant to sections 141,
2 2305, 2239, 4081, and 2238 of the Code, in conjunction with Health and Safety Code sections
3 11170 and 11173. Respondent's license to practice medicine was revoked, with the revocation
4 stayed and respondent was placed on probation for five (5) years subject to several terms and
5 conditions, including but not limited to, "Drugs & Abstain From Use, Biological Fluid Testing,
6 Diversion Program, Controlled Drugs Partial Restriction, Controlled Drug Maintain Records,
7 Monitoring, Spex Exam," and Standard Terms and Conditions.

8 11. Respondent probation period with the Medical Board was thereafter tolled since the
9 effective date of the decision, due to respondent practicing and residing outside California (in
10 Wisconsin).

11 12. On or about August 23, 2004, the State of Wisconsin, Medical Examining Board,
12 suspended respondent's medical license based upon respondent's decision to discontinue
13 compliance with the Wisconsin Medical Examining Board's disciplinary order of August 25,
14 1999. More specifically, by a letter dated June 24, 2004, respondent advised the Wisconsin
15 Medical Examining Board that he was moving from the state of Wisconsin to California to
16 practice acupuncture and/or medicine, and that respondent did not intend to continue his random
17 drug screens in Wisconsin.

18 13. On or about November 3, 2004, the Medical Board issued a full Out Of State
19 Suspension Order pursuant to Business and Professions Code section 2310.

20 14. On or about December 21, 2004, respondent was interviewed by a Medical Board
21 Investigator. Respondent indicated, inter alia, that his suspension in Wisconsin was due to the
22 fact that, at the end of summer, he decided no longer to reside in Wisconsin and that he could no
23 longer comply with the Wisconsin licensure requirements. Respondent felt that opportunities to
24 practice alternative medicine in Wisconsin were limited. He moved to California and began the
25 process of applying for licensure as an acupuncturist.

26 15. On or about January 25, 2005, the Medical Board of California filed an Accusation
27 and Petition To Revoke Probation (Case No. D1-1999-103141) based upon said Out Of State
28 Suspension Order.

1 16. Effective July 7, 2005, pursuant to a Stipulated Settlement and Disciplinary Order,
2 the Medical Board issued a Decision and Order providing that the probationary status of
3 Physician's and Surgeon's Certificate No. G 63075 issued to Christopher James Rasmussen,
4 M.D., (previously imposed via the Decision and Order in Case No. 16-1999-103141, effective on
5 October 23, 2000), is hereby revoked. However, the revocation was stayed and respondent was
6 placed on probation for 5 (five) years on the following terms and conditions.

7 1. Controlled Substances - Partial Restriction

8 Respondent shall not order, prescribe, dispense, administer, or possess any
9 controlled substances as defined by the California Uniform Controlled Substances Act,
10 except for those drugs listed in Schedule(s) IV and V of the Act . . .

11 2. Controlled Substances- Maintain Records and Access to Records and
12 Inventories

13 Respondent shall maintain a record of all controlled substances ordered,
14 prescribed, dispensed, administered, or possessed by respondent . . .

15 Respondent shall keep these records in a separate file or ledger, in
16 chronological order. All records and any inventories of controlled substances shall be
17 available for immediate inspection and copying on the premises by the Division or its
18 designee at all times during business hours and shall be retained for the entire term of
19 probation.

20 Failure to maintain all records, to provide immediate access to the
21 inventory, or to make all records available for immediate inspection and copying on the
22 premises, is a violation of probation.

23 3. Controlled Substances - Abstain From Use

24 Respondent shall abstain completely from the personal use or possession of
25 controlled substances as defined in the California Uniform Controlled Substances Act,
26 dangerous drugs as defined by Business and Professions Code section 4022, and any drugs
27 requiring a prescription. This prohibition does not apply to medications lawfully prescribed
28 to respondent by another practitioner for a bona fide illness or condition . . .

 4. Alcohol - Abstain From Use

 Respondent shall abstain completely from the use of products or beverages
 containing alcohol.

 5. Biological Fluid Testing

 Respondent shall immediately submit to biological fluid testing, at
 respondent's expense, upon the request of the Division or its designee. A certified copy of
 any laboratory test results may be received in evidence in any proceedings between the
 Board and the respondent. Failure to submit to, or failure to complete the required
 biological fluid testing, is a violation of probation.

 6. Diversion Program

 Within 18 months from the effective date of this Decision, respondent shall
 enroll and participate in the Board's Diversion Program until the Diversion Program
 determines that further treatment and rehabilitation are no longer necessary. Respondent
 shall not engage in the practice of medicine until notified in writing by both the Diversion
 Program after enrollment and the Division or its designee of their determination that
 respondent is medically fit to practice safely . . .

1 7. Oral and/or Written Examination
2 Within 18 months from the effective date of this Decision, respondent
3 shall take and pass the SPEX examination

4 8. Monitoring – Practice
5 Within 18 months from the effective date of this Decision, respondent shall
6 submit to the Division or its designee for prior approval as a practice monitor(s), the name
7 and qualifications of one or more licensed physicians and surgeons whose licenses are
8 valid and in good standing, and who are preferably American Board of Medical Specialties
9 (ABMS) certified

10 9. Solo Practice
11 Respondent is prohibited from engaging in the solo practice of medicine.

12 10. STANDARD CONDITIONS, including a provision for License Surrender,
13 which provides, in pertinent part, that:

14 Following the effective date of this Decision, if respondent ceases practicing
15 due to retirement, health reasons or is otherwise unable to satisfy the terms and
16 conditions of probation, respondent may request the voluntary surrender of
17 respondent's license. The Division reserves the right to evaluate respondent's
18 request and to exercise its discretion whether or not to grant the request, or to
19 take any other action deemed appropriate and reasonable under the
20 circumstances. Upon formal acceptance of the surrender, respondent shall
21 within 15 calendar days deliver respondent's wallet and wall certificate to the
22 Division or its designee and respondent shall no longer practice medicine.
23 Respondent will no longer be subject to the terms and conditions of probation
24 and the surrender of respondent's license shall be deemed disciplinary action.
25 If respondent re-applies for a medical license, the application shall be treated as
26 a petition for reinstatement of a revoked certificate.

27 17. Effective December 13, 2007, respondent elected to surrender his Physician and
28 Surgeon's certificate to the Medical Board pursuant to the License Surrender provision of his
probation.

RESPONDENT'S ACUPUNCTURE BOARD HISTORY

18 18. On or about September 1, 2004, respondent submitted an Application for License to
19 the Acupuncture Board.

20 19. On or about September 2, 2004, the Acupuncture Board notified respondent that his
21 application for licensure had been denied. On or about September 7, 2004, respondent submitted
22 a letter requesting a hearing on the denial. On about September 10, 2004, respondent's attorney
23 submitted a letter requesting the filing of a Statement of Issues and a hearing concerning the
24 denial of respondent's application.

25 20. On or about October 14, 2004, a Statement of Issues Case No. 1A-2003-72 was filed
26 by the Acupuncture Board alleging that respondent had engaged in unprofessional conduct; had
27
28

1 been disciplined by another state for acts substantially related to the practice regulated by a
2 California acupuncture license; and for use of a controlled substance.

3 21. Effective July 7, 2005, pursuant to a Stipulated Settlement and Decision, the
4 Acupuncture Board issued an Order providing that respondent Christopher James Rasmussen
5 shall be issued a license to practice Acupuncture/Oriental Medicine (respondent was subsequently
6 issued License No. AC 10334); however, said license was revoked upon issuance, the revocation
7 was stayed, and respondent was placed on probation for 5 (five) years on the following terms and
8 conditions:

9 1. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT
10 TO TESTS AND SAMPLES

11 Respondent shall abstain completely from the personal use or
12 possession of controlled substances as defined in the California
13 Uniform Controlled Substances Act (Division 10, commencing
14 with section 11000, Health and Safety Code) and dangerous drugs
15 as defined by Section 4211 of the Business and Professions Code,
16 or any drugs requiring a prescription. Respondent shall abstain
17 completely from the use of alcoholic beverages. Respondent shall
18 undergo random, biological fluid testing as determined by the
19 Board. Respondent shall bear all costs of such testing. The length
20 of time and frequency will be determined by the Board. Any
21 confirmed positive finding will be considered a violation of
22 probation. This prohibition does not apply to medications lawfully
23 prescribed to respondent by another practitioner for a bona fide
24 illness or condition.

25 2. REIMBURSEMENT FOR PROBATION SURVEILLANCE
26 MONITORING

27 Respondent shall reimburse the Board for the hourly costs it
28 incurs in monitoring the probation to ensure compliance for the
duration of the probation period, not to exceed \$500.00 annually.

3. OBEY ALL LAWS

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

4. QUARTERLY REPORTS

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

5. SURVEILLANCE PROGRAM

Respondent shall comply with the Board's probation
surveillance program and shall, upon reasonable notice, report to
the assigned investigative district office. Respondent shall contact

1 the assigned probation surveillance monitor regarding any questions
2 specific to the probation order. Respondent shall not have any
3 unsolicited or unapproved contact with 1) victims or complainants
4 associated with the case; 2) Board members or members of its
5 staff; or 3) persons serving the Board as expert examiners.

6 6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE

7 Respondent shall appear in person for interviews with the
8 Board or its designee upon request at various intervals and with
9 reasonable notice.

10 7. CHANGES OF EMPLOYMENT

11 Respondent shall notify the Board in writing, through the
12 assigned probation surveillance compliance officer of any and all
13 changes of employment, location and address within 30 days of
14 such change.

15 8. TOLLING FOR OUT-OF-STATE PRACTICE OR
16 RESIDENCE

17 In the event respondent should leave California to reside or to
18 practice outside the State, respondent must notify the Board in
19 writing of the dates of departure and return. Periods of residency or
20 practice outside California will not apply to the reduction of this
21 probationary period.

22 9. EMPLOYMENT AND SUPERVISION OF TRAINEES

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

27 10. COST RECOVERY

28 Respondent shall pay to the Board its costs of investigation
and enforcement in the amount of \$1200.00.

11 VIOLATION OF PROBATION

12 If respondent violates probation in any respect, the Board
13 may, after giving respondent notice and the opportunity to be heard,
14 revoke probation and carry out the disciplinary order that was
15 stated. If an accusation or petition to revoke probation is filed
16 against respondent during probation, the Board shall have
17 continuing jurisdiction until the matter is final, and the period of
18 probation shall be extended until the matter is final. No petition for
19 modification or termination of probation shall be considered while
20 there is an accusation or petition to revoke probation pending
21 against respondent.

22 12. COMPLETION OF PROBATION

23 Upon successful completion of probation, respondent's
24 license will be fully restored.

25 13. OPTION TO SURRENDER LICENSE

26 Following the effective date of this Decision, if respondent
27 ceases practicing due to retirement, health reasons or is otherwise
28 unable to satisfy the terms and conditions of probation, respondent
may request the voluntary surrender of respondent's license. The

1 Board reserves the right to evaluate respondent's request and to
2 exercise its discretion whether or not to grant the request, or to take
3 any other action deemed appropriate and reasonable under the
4 circumstances. Upon formal acceptance of the surrender,
5 respondent shall within 15 calendar days deliver respondent's
6 wallet and wall certificate to the Board or its designee and
7 respondent shall no longer practice Acupuncture/Oriental Medicine
8 under the authority of the license previously issued by the Board.
9 Respondent will no longer be subject to the terms and conditions of
10 probation and the surrender of respondent's license shall be deemed
11 disciplinary action based upon the grounds and admission already
12 set forth in this Stipulation. If respondent re-applies for a license to
13 practice Acupuncture/Oriental Medicine, the application shall be
14 treated as a petition for reinstatement of a revoked license.

15 CAUSES FOR REVOCATION OF PROBATION

16 22. Respondent's probation under License No. AC 10334 previously issued by the
17 Acupuncture Board is subject to revocation for violating the terms of his probation as hereinafter
18 set forth.

19 FIRST CAUSES FOR REVOCATION OF PROBATION

20 23. On or about March 25, 2009, Laura Campos, a Senior Investigator for the
21 Department of Consumer Affairs, Division of Investigation, who was previously assigned to
22 monitor respondent's probation with the Acupuncture Board, attempted to contact respondent by
23 telephone at his work location, Five Branches University, in Santa Cruz, for the purpose of
24 administering a random biological fluid test as required by respondent's probationary terms.
25 Investigator Campos left a message for respondent to contact her immediately. Investigator
26 Campos then telephoned respondent at his private telephone number and left a similar message.
27 Investigator Campos then sent an e-mail to respondent requesting that he contact Investigator
28 Campos immediately.

29 24. Respondent did not contact Investigator Campos until the next morning, March 26,
30 2009, at which time Investigator Campos requested that respondent submit to a random drug
31 screen that morning. Respondent refused to submit to a drug screen, indicating that he was
32 scheduled to work that day and would not appear for a drug screen.

33 25. Respondent has violated probationary conditions No. 1. (Abstain from Drugs and
34 Alcohol and Submit to Tests) and No. 5. (Surveillance Program) and therefore cause exist for
35 revocation of probation pursuant to probationary condition No. 11 (Violation of Probation).