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Attorneys for Complainant

FILED

JUL 23 2014

ACUPUNCTURE BOARD

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **XIN SHENG ZHOU,** **701 W. Valley Blvd., #53** **Alhambra, CA 91803** **Acupuncturist License No. AC 13713,** Respondent.	Case No. 1A-2011-159 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Terri Thorfinnson (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

2. On or about May 19, 2010, the Acupuncture Board issued Acupuncturist License Number AC 13713 to Xin Sheng Zhou (Respondent). That Acupuncturist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2016, unless renewed.

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JURISDICTION

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

4. Section 4927, subdivision (d), of the Code states:

" 'Acupuncture' means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion."

5. Section 4937 of the Code states, in pertinent part:

"An acupuncturist's license authorizes the holder thereof:

"(a) To engage in the practice of acupuncture.

"(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.

". . ."

6. Section 4948 of the Code states:

"The provisions of this chapter shall not be construed to make unlawful the activities of persons involved in research pursuant to Section 2075."

7. Section 2075 of the Code states:

"The performance of acupuncture by a certified acupuncturist or other licentiate legally authorized to practice acupuncture within his or her scope of practice or a person licensed or certified in another state to perform acupuncture or other forms of traditional Asian medicine, alone or in conjunction with other forms of traditional Asian medicine, when carried on in a program affiliated with and under the jurisdiction of an approved medical school or approved

acupuncture school, for the primary purpose of scientific investigation of acupuncture, shall not be in violation of this chapter, but those procedures shall be carried on only under the supervision of a licensed physician and surgeon. Any medical school or approved acupuncture school conducting research into acupuncture under this section shall report to the Legislature annually on the fifth legislative day of the regular session of the Legislature concerning the results of that research, the suitability of acupuncture as a therapeutic technique, and performance standards for persons who perform acupuncture."

8. Section 4955 of the Code states, in pertinent part:

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

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

" . . .

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

". . ."

9. Section 4955.2 of the Code states, in pertinent part:

"The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing any one of the following:

" (a) Gross negligence.

"(b) Repeated negligent acts.

". . ."

10. Section 4961 of the Code states, in pertinent part:

"(a) Every person who is now or hereafter licensed to practice acupuncture in this state shall register, on forms prescribed by the Acupuncture Board, his or her place of practice, or, if he or she has more than one place of practice, all of the places of practice. If the licensee has no place of practice, he or she shall notify the board of that fact. A person licensed by the board shall register within 30 days after the date of his or her licensure.

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"(b) An acupuncturist licensee shall post his or her license in a conspicuous location in his or her place of practice at all times. If an acupuncturist has more than one place of practice, he or she shall obtain from the board a duplicate license for each additional location and post the duplicate license at each location.

". . ."

COST RECOVERY

11. Section 4959 of the Code states:

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

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

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

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

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

Factual Summary

12. Patient G. H.[1] went to Respondent's office for treatment of back pain and difficulty walking. On or about October 15, 2011, while awaiting his first treatment at Respondent's

[1] The name of the patients and certain other witnesses are abbreviated to protect their privacy rights. The names will be provided to Respondent upon written request for discovery.

(continued...)

business *Elegant Bee Health Consultation, Inc.*, he noted there was no privacy between the patient waiting area and the treatment area thus allowing him to see other patients in a state of partial undress. Mr. G. H. then spoke to a woman at the desk who told him that if he was allergic to bees he would have to have a shot before being treated. Mr. G. H. left without being treated and filed a complaint with the Board about the conditions at Respondent's acupuncture practice, *Elegant Bee Health Consultation, Inc.*

13. In response to Mr. G. H.'s complaint, on or about April 25, 2012, Department of Consumer Affairs Investigator Jeff Ramos (Ramos) went to *Elegant Bee Health Consultation, Inc.* and spoke with Respondent. During that conversation Respondent told Ramos he has practiced acupuncture, herbal treatment, and apitherapy[2] at his office since 2009. Ramos informed Respondent that Respondent's practice location, *Elegant Bee Health Consultation, Inc.* was not registered with the Board, as required by law.

Respondent agreed with Ramos that apitherapy is not within the practice of acupuncture, but said he was engaged in research in apitherapy and provided Ramos with his single published research paper. Respondent told Ramos he treated approximately 40 to 60 clients a week with apitherapy. Respondent explained that once he obtained a signed consent form from the patient he performs an allergy test on the patient by allowing a bee to sting the patient. Respondent explained that if the patient developed a rash or had an adverse reaction he would not provide apitherapy therapy to the patient. Respondent said if the patient experienced a severe adverse reaction such as anaphylactic shock he would provide an herbal remedy he himself developed and call 911. Respondent does not have an allergic reaction kit, epinephrine, or over the counter medication on site for any patient who has an adverse reaction to the bee venom.

Respondent explained that he does not use syringes or administer injections to administer the bee venom; rather the bee venom is injected by permitting a bee(s) to sting the patients which thereby delivers the bee venom into the patient's body.

(...continued)

[2] Apitherapy is the medical use of honey bee products including honey, pollen, bee bread, royal jelly, propolis and bee venom.

14. Ramos interviewed patient J. R. after speaking with Respondent. Ms. J. R. told Ramos Respondent has been treating her utilizing apitherapy therapy for rheumatoid arthritis and difficulty walking for two years. During that time Respondent would provide treatment to her every two weeks for six months, discontinue treatment for three months, then resume treatment every two weeks for another six months.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

15. Respondent is subject to disciplinary action under 4955.2, subdivision (a) in that he was grossly negligent in his care and treatment of his patient, J.R. The circumstances are as follows:

16. The standard of care for the use of bee venom to treat patients would fall under the statutory definition of "herbs, plant, animal, and mineral products" and the administration of pollen, honey, royal bee jelly, and propolis can be dispensed like other herbals, topically, orally consumed liquid or tablet or capsule, and is permitted by the acupuncture statutes. However the use of a bee stinger as the delivery mechanism of venom is not within the standard of care, and is considered to be an extreme departure from the standard of care.

The standard of care requires bee venom to be administered in a way which is comparable to the herbals, e.g. topically, orally consumed liquid or tablet or capsule, which would allow treatment with bee venom to fall within the definition of herbal therapy.

17. The standard of care requires practitioners to complete certain actions if their treatments are claimed to be research within the meaning of the law. Respondent provided a single paper to Ramos as proof that he was engaged in legitimate research with regard to apitherapy. Respondent never provided additional information to the Board demonstrating he has performed research utilizing bee stingers as the delivery mechanism of bee venom within a program affiliated with and under the jurisdiction of a approved medical or acupuncture school for the primary purpose of scientific investigation nor did he provide evidence that his treatment of patients while utilizing bee stingers as the delivery mechanism of bee venom is being done only under the supervision of a licensed physician and surgeon. Respondent has never provided

evidence that he has submitted requests for funding for his research in apitherapy, submitted additional research paper(s) for publication in this area to an Institutional Review Board, or in any way is engaged in legitimate research permitted by the Code.

18. Here, Respondent failed to conform to the applicable standard of care for an acupuncturist in his care and treatment of patient J. R. because he failed to deliver bee venom during her treatments in a permissible way pursuant to the standard of care.

19. Respondent claimed to be practicing acupuncture, but failed to do so because he was in fact practicing apitherapy, an extreme departure from the standard of care.

20. Respondent claimed to be performing research when he practiced apitherapy in his care and treatment of patient J. R. but failed to do so because he did not comply with any of the obligations required by law to demonstrate the appropriate research practices.

21. Respondent's care and treatment of patient J.R. as set forth above includes the following acts and/or omissions which constitute extreme departures from the standard of practice:

A. Respondent's failure to practice acupuncture within the applicable standard of care, performing apitherapy instead.

B. Respondent's failure to deliver bee venom during J.R.'s treatments in a permissible way pursuant to the applicable standard of care.

C. Respondent's failure to perform genuine research with regard to the delivery mechanism of bee venom pursuant to the statutory requirements for permissible research.

22. Respondent's acts and/or omissions as set forth in paragraphs 15 through 21, inclusive, above, whether proven individually, jointly, or in any combination thereof, constitute gross negligence pursuant to section 4955.2, subdivision (a), of the Code. Therefore cause for discipline exists.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

23. Respondent is subject to disciplinary action under section 4955.2, subdivision (b) of the Code, in that he has committed repeated acts of negligence in the practice of acupuncture.

The circumstances are as follows:

24. Complainant refers to, and by reference incorporates herein paragraphs 13 through 21, inclusive, above.

25. Respondent's administration of bee venom to his patients like other herbals (e.g. topically, orally consumed liquid or tablet or capsule), required him to have an allergic reaction kit on site for any patient who has an adverse reaction to the bee venom. The failure to have an allergic reaction kit is a simple departure from the standard of care.

A. Respondent's failure to practice acupuncture within the applicable standard of care, performing apitherapy instead.

B. Respondent's failure to deliver bee venom during J.R.'s treatments in a permissible way pursuant to the applicable standard of care.

C. Respondent's failure to perform genuine research with regard to the delivery mechanism of bee venom pursuant to the statutory requirements for permissible research.

D. Respondent's failure to have an allergic reaction kit on site for any patient who has an adverse reaction to bee venom.

26. Respondent's acts and/or omissions as set forth in paragraphs 24 and 25, inclusive, above, whether proven individually, jointly, or in any combination thereof, constitute repeated negligent acts pursuant to section 4955.2, subdivision (b), of the Code. Therefore cause for discipline exists.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

27. Respondent is subject to disciplinary action under section 4955 of the Code, for unprofessional conduct. The circumstances are as follows:

28. Complainant refers to, and by reference incorporates herein paragraphs 13 through 25 , inclusive, above.

FOURTH CAUSE FOR DISCIPLINE

(Unregistered Practice Location)

29. Respondent is subject to disciplinary action under section 4961 of the Code, for unprofessional conduct. The circumstances are as follows:

30. Complainant refers to, and by reference incorporates herein paragraph 13 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Acupuncture Board issue a decision:

1. Revoking or suspending Acupuncturist Number AC 13713, issued to Zhou Xin Sheng, L.Ac.

2. Ordering him to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959;

3. If placed on probation, ordering him to pay to the Acupuncture Board the costs of probation monitoring, and;

4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 23 2014

TERRI THORFINNSON
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **XIN SHENG ZHOU, L.AC.** Respondent.	Case No. 1A-2011-159 **STATEMENT TO RESPONDENT** [Gov. Code §§ 11504, 11505(b)]

TO RESPONDENT:

Enclosed is a copy of the Accusation that has been filed with the Acupuncture Board of the Department of Consumer Affairs (Board), and which is hereby served on you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Board, represented by Deputy Attorney General Wendy Widlus, within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the Board may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in section 11506 of the Government Code, to

Wendy Widlus
Deputy Attorney General
Ronald Reagan Building
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

You may, but need not, be represented by counsel at any or all stages of these proceedings.

The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

If you file any Notice of Defense within the time permitted, a hearing will be held on the charges made in the Accusation.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013, within ten (10) working days after you discover the good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in section 11507.6 of the Government Code in the possession, custody or control of the Board you may send a Request for Discovery to the above designated Deputy Attorney General.

NOTICE REGARDING STIPULATED SETTLEMENTS

It may be possible to avoid the time, expense and uncertainties involved in an administrative hearing by disposing of this matter through a stipulated settlement. A stipulated settlement is a binding written agreement between you and the government regarding the matters charged and the discipline to be imposed. Such a stipulation would have to be approved by the Acupuncture Board but, once approved, it would be incorporated into a final order.

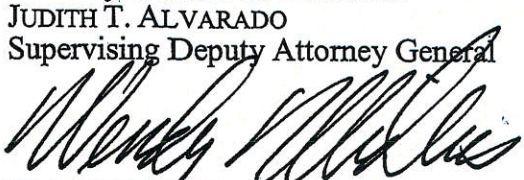
Any stipulation must be consistent with the Board's established disciplinary guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the Board's

Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Deputy Attorney General Wendy Widlus at the earliest opportunity.

Dated: July 6, 2014

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: XIN SHENG ZHOU, L.AC. Respondent.	Case No. 1A-2011-159 **REQUEST FOR DISCOVERY**

TO RESPONDENT:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE HEREBY REQUESTED TO:

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and

2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:

a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that

the act or omission of the Respondent as to this person is the basis for the administrative proceeding;

b. A statement pertaining to the subject matter of the proceeding made by any party to another party or persons;

c. Statements of witnesses then proposed to be called by the Respondent and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

d. All writings, including but not limited to reports of mental, physical and blood examinations and things which the Respondent now proposes to offer in evidence;

e. Any other writing or thing which is relevant and which would be admissible in evidence, including but not limited to, any patient or hospital records pertaining to the persons named in the pleading;

f. Investigative reports made by or on behalf of the Respondent pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this Request for Discovery, "statements" include written statements by the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which is

privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery within 30 days after service of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

Dated: July 6, 2014

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **XIN SHENG ZHOU, L.AC.** Respondent.	Case No. 1A-2011-159 **NOTICE OF DEFENSE** [Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____
Respondent's Name: _____
Respondent's Signature: _____
Respondent's Mailing Address: _____
City, State and Zip Code: _____
Respondent's Telephone: _____
Respondent's Fax: _____
Respondent's E-mail _____

Check appropriate box:

☐ I am represented by counsel, whose name, address and telephone number appear below:
Counsel's Name _____
Counsel's Mailing Address _____
City, State and Zip Code _____
Counsel's Telephone: _____
Counsel's Fax: _____
Counsel's E-mail: _____

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **XIN SHENG ZHOU, L.AC.** Respondent.	Case No. 1A-2011-159 **NOTICE OF DEFENSE** [Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____
Respondent's Name: _____
Respondent's Signature: _____
Respondent's Mailing Address: _____
City, State and Zip Code: _____
Respondent's Telephone: _____
Respondent's Fax: _____
Respondent's E-mail _____

Check appropriate box:

☐ I am represented by counsel, whose name, address and telephone number appear below:
Counsel's Name _____
Counsel's Mailing Address _____
City, State and Zip Code _____
Counsel's Telephone: _____
Counsel's Fax: _____
Counsel's E-mail: _____

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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DECLARATION OF SERVICE BY MAIL

In the Matter of the Accusation filed Against:

XIN SHEN ZHOU Case No. 1A-2011-159

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1747 North Market Boulevard, Suite 180, Sacramento, CA 95834. I served a true copy of the attached:

STATEMENT TO RESPONDENT, ACCUSATION,
REQUEST FOR DISCOVERY, NOTICE OF DEFENSE (2),
GOVERNMENT CODE SECTIONS 11507.5, 11507.6 and 11507.7

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

NAME and ADDRESS	CERTIFIED MAIL NO.
Xin Sheng Zhou, L.Ac. 701 W. Valley Blvd., #53 Alhambra, CA 91803	7011 2970 0000 0657 2449
Wendy Widlus, DAG California Department of Justice Office of the Attorney General, HQE 300 South Spring St., Ste. 1702 Los Angeles, CA 90013	regular mail
Judith Alvarado, SDAG California Department of Justice Office of the Attorney General, HQE 300 South Spring St., Ste. 1702 Los Angeles, CA 90013	regular mail

Each said envelope was, on July 23, 2014, sealed and deposited in the U.S. mail box at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid for attempt at service on Respondent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 23, 2014, at Sacramento, California.

Kristine Brothers

DECLARANT