BEFORE THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1A-2017-172

KIMI XIAO GUDMUNDSEN, L.AC. 902 South Dylan Way Anaheim, CA 92808

Acupuncturist License No. AC 8229

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 June 6, 2020
It is so ORDERED May 27, 2020.
Original Signature on File
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FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1	XAVIER BECERRA			
2	Attorney General of California JUDITH T. ALVARADO			
3	Supervising Deputy Attorney General LATRICE R. HEMPHILL			
4	Deputy Attorney General State Bar No. 285973			
5	California Department of Justice 300 So. Spring Street, Suite 1702			
6 7	Los Angeles, CA 90013 Telephone: (213) 269-6198 Facsimile: (916) 731-2117 Attorneys for Complainant			
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9	BEFORE THE ACUPUNCTURE BOARD			
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11	STATE OF C.	ALIFORNIA		
12	In the Matter of the Accusation Against:	Case No. 1A-2017-172		
13	KIMI XIAO GUDMUNDSEN, L.AC. 902 South Dylan Way			
14	Anaheim, CA 92808	STIPULATED SURRENDER OF LICENSE AND ORDER		
15	Acupuncturist License No. AC 8229,	EICEIGE AIGE CREEK		
16	Respondent.			
17				
18	In the interest of a prompt and speedy settlement of this matter, consistent with the public			
19	interest and the responsibility of the Acupuncture Board of the Department of Consumer Affairs,			
20	the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will			
21	be submitted to the Board for approval and adopti	on as the final disposition of the Accusation.		
22	PART	<u>TIES</u>		
23	1. Benjamin Bodea (Complainant) is the	Executive Officer of the Acupuncture Board		
24	(Board). He brought this action solely in his official capacity and is represented in this matter by			
25	Xavier Becerra, Attorney General of the State of California, by Latrice R. Hemphill, Deputy			
26	Attorney General.			
27	2. KIMI XIAO GUDMUNDSEN, L.Ac. (Respondent) is represented in this proceeding			
28	by attorney Negin Yamini.			

3. On or about March 15, 2002, the Board issued Acupuncturist License No. AC 8229 to KIMI XIAO GUDMUNDSEN, L.Ac. (Respondent). The Acupuncturist License was in full force and effect at all times relevant to the charges brought in Accusation No. 1A-2017-172 and will expire on April 30, 2021, unless renewed.

JURISDICTION

4. Accusation No. 1A-2017-172 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 7, 2020. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 1A-2017-172 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1A-2017-172. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1A-2017-172, agrees that cause exists for discipline and hereby surrenders her Acupuncturist License No. AC 8229 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Acupuncturist License without further process.

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Acupuncturist License No. AC 8229, issued to Respondent Kimi Xiao Gudmundsen, L.Ac., is surrendered and accepted by the Board.

- The surrender of Respondent's Acupuncturist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.
 This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

- 4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 1A-2017-172 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,046.25 prior to issuance of a new or reinstated license.
- 6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 1A-2017-172 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED:	5/4/2020	1CAE4488D52346D
		KIMI XIAO GUDMUNDSEN, L.AC.
		Respondent

I have read and fully discussed with Respondent Kimi Xiao Gudmundsen, L.Ac. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content

5/5/2020	Mgin Vamini
DATED:	585C2DD1EC9142F
	Negin Yamini

Attorney for Respondent

DocuSigned by

1	<u>ENDORSEMENT</u>
2	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
3	for consideration by the Acupuncture Board of the Department of Consumer Affairs.
4	DATED:5/5/2020 Respectfully submitted,
5	Xavier Becerra
6	Attorney General of California JUDITH T. ALVARADO Supervising Deputy Attorney General
7 8	Stemphill
9	LATRICE R. HEMPHILL Deputy Attorney General
10	Attorneys for Complainant
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Exhibit A

Accusation No. 1A-2017-172