

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

In the Matter of the Accusation Against:

ANN TUNG CAPP, L.AC.

**P.O. Box 152
Cupertino, CA 95015**

Acupuncture No. 11253

Respondent.

Case No. 1A-2017-231

OAH No. 2021120140

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 April 26, 2023 .

It is so ORDERED March 27, 2023 .

Original Signature on File

FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 State Bar No. 113083
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 510-3884
5 Facsimile: (415) 703-5480
Attorneys for Complainant
6

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

11 In the Matter of the Accusation Against:

12 **ANN TUNG CAPPA, L.AC.**
13 **P.O. Box 152**
Cupertino, CA 95015

14 **Acupuncture No. AC 11253**

15 Respondent.

Case No. 1A-2017-231

OAH No. 2021120140

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
21 (Board). He brought this action solely in his official capacity and is represented in this matter by
22 Rob Bonta, Attorney General of the State of California, by Mary Cain-Simon, Supervising
23 Deputy Attorney General.

24 2. Ann Tung Cappa, L.Ac. (Respondent) is represented in this proceeding by attorney
25 Negin Yamini, whose address is: 5670 Wilshire Blvd., Suite 1837, Los Angeles, CA 90036.

26 3. On October 2, 2006, the Board issued Acupuncture License No. 11253 to Ann Tung
27 Cappa, L.Ac. (Respondent). The Acupuncture License was in full force and effect at all times
28

1 relevant to the charges brought in Accusation No. 1A-2017-231 and will expire on December 31,
2 2023, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 1A-2017-231 was filed before the Board, and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on April 20, 2021. Respondent timely filed her Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 1A-2017-231 is attached as Exhibit A and
8 incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 1A-2017-231. Respondent also has carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
13 and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
16 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent does not contest that, at an administrative hearing, complainant could
24 establish a prima facie case with respect to the charges and allegations contained in Accusation
25 No. 1A-2017-231 and that she has thereby subjected her Acupuncture License No. AC 11253 to
26 disciplinary action.

27 10. Respondent agrees that if she ever petitions for early termination or modification of
28 probation, or if an accusation and/or petition to revoke probation is filed against her before the

1 Board, all of the charges and allegations contained in Accusation No. 1A-2017-231 shall be
2 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
3 any other licensing proceeding involving Respondent in the State of California.

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

6 **CONTINGENCY**

7 10. This stipulation shall be subject to approval by the Board. Respondent understands
8 and agrees that counsel for Complainant and the staff of the Board may communicate directly
9 with the Board regarding this stipulation and surrender, without notice to or participation by
10 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that
11 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
12 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
13 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
14 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
15 be disqualified from further action by having considered this matter.

16 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
18 thereto, shall have the same force and effect as the originals.

19 12. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceeding, issue and enter the following Order:

21 **ORDER**

22 IT IS HEREBY ORDERED that Acupuncture License No. 11253, issued to Respondent
23 Ann Tung Cappa, L.Ac., is surrendered and accepted by the Board.

24 1. The surrender of Respondent's Acupuncture License and the acceptance of the
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
26 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
27 license history with the Board.
28

1 I have read and fully discussed with Respondent Ann Tung Cappa, L.Ac. the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: 6/29/2022

DocuSigned by:
MEGIN YAMINI
BCA08241A2A4473...

5 NEGIN YAMINI

6 *Attorney for Respondent*

7
8 **ENDORSEMENT**

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

11 DATED: June 28,2022

Respectfully submitted,

12 ROB BONTA
13 Attorney General of California

14 *Mary Cain-Simon*

15 MARY CAIN-SIMON
16 Supervising Deputy Attorney General
17 *Attorneys for Complainant*

18 SF2020401907
19 43286196

Exhibit A

Accusation No. 1A-2017-231