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ACUPUNCTURE BOARD

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **LUCAS HEDRICK** 3904 42nd Avenue S. Seattle, WA 98118 Acupuncturist License No. AC 11399 Respondent.	Case No. 1A-2017-144 **ACCUSATION**

Complainant alleges:

PARTIES

1. Benjamin Bodea ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs ("Board").

2. On or about October 18, 2006, the Acupuncture Board issued Acupuncturist License Number AC 11399 to Lucas Hedrick ("Respondent"). That license expired on August 31, 2016, has not been renewed and it is currently in delinquent status and therefore not valid.

JURISDICTION

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

4. 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:

"...

"(b) Conviction of a crime substantially related to the qualifications, functions, or duties of an acupuncturist, the record of conviction being conclusive evidence thereof.

"...

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

"..."

5. Section 4955.1 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 a fraudulent act including, but not be limited to, any of the following:

"...

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

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

"..."

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6. Section 4956 of the Code states:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge which is substantially related to the qualifications, functions, or duties of an acupuncturist is deemed to be a conviction within the meaning of this chapter.

"The board may order a license suspended or revoked, or may deny a license, or may impose probationary conditions upon a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment."

7. California Code of Regulations, title 16, section 1399.469.2 states, in pertinent part:

"In addition to the conduct described in Section 4955 of the Business and Professions Code, 'unprofessional conduct' also includes but is not limited to the following:

"...

"(d) Failure to report to the board within 30 days any of the following:

"(1) The bringing of an indictment or information charging a felony against the licensee.

"(2) The arrest of the licensee.

"(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

"..."

COST RECOVERY

8. Section 4959 of the Code states, in pertinent part:

"(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.

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"(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."

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to the Practice of an Acupuncturist)

9. Respondent is subject to disciplinary action under sections 4955, subdivisions (b) and (d), and 4956 of the Code in that Respondent was convicted of a crime substantially related to the practice of Acupuncture. The circumstances are as follows:

10. On or about April 27, 2015, Respondent was charged with thirteen felony counts related to fraud and perjury in a felony criminal complaint in a case entitled *The People of the State of California v. Lucas Andrew Hedrick.* The criminal matter was filed in Placer County Superior Court and assigned Court case number 62-137590. A review of the investigative reports related to the criminal case revealed that Respondent had been receiving welfare benefits between 2009 and 2013 and that he repeatedly failed to report the receipt of income that he received while working for a private school. Respondent had both used the income to pay for his daughter's school tuition and as personal income. Respondent also failed to notify the welfare program when a close relative moved out of his residence which should have resulted in a change in the benefits that he was receiving. In total, between January 1, 2009, and December 31, 2013, the

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criminal investigation revealed that Respondent had received $14,560.25 in welfare benefits that he was not entitled to receive.

11. On May 18, 2017, pursuant to a plea agreement, Respondent pled no contest to a single misdemeanor violation of Welfare and Institutions Code section 10980, subdivision (c)(2), which involved the use of false statements, misrepresentations, and other fraudulent devices to obtain and retain aid that he was not entitled to an amount of $14,560.25. All other counts and charges were dismissed. Respondent was sentenced to three years' informal probation, ordered to perform 150 hours of community service, and enroll in a theft class.

SECOND CAUSE FOR DISCIPLINE

(Commission of a Dishonest and Corrupt Act)

12. Respondent is subject to disciplinary action under section 4955.1 of the Code in that he committed multiple dishonest and corrupt acts to obtain money that he was not entitled to receive from a government benefits program. The circumstances are as follows:

13. Complainant realleges paragraphs 10 through 11, and those paragraphs are incorporated by reference as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Failure to Report a Conviction to the Board)

14. Respondent is subject to disciplinary action under Title 16, California Code of Regulations section 1399.469.2 in that Respondent failed to report his arrest and conviction to the Board within 30 days of occurrence. The circumstances are as follows:

15. Complainant realleges paragraphs 10 through 11, and those paragraphs are incorporated by reference as if fully set forth herein.

16. On or about June 11, 2017, the Board received a subsequent arrest notification from the Department of Justice that Respondent had been booked and released on a misdemeanor violation of Welfare and Institutions Code section 10980, subdivision (c)(2). On or about July 21, 2017, the Board sent Respondent a letter notifying him that the Board had received the subsequent arrest notification, that the Board requested a written explanation, and reminded the Respondent of his reporting obligations under Title 16 California Code of Regulations section

1399.469.2. On or about February 18, 2018, the Board received a subsequent disposition notification from the Department of Justice that Respondent had been convicted of a misdemeanor violation of Welfare and Institutions Code section 10980, subdivision (c)(2) and placed on probation. On or about April 17, 2018, the Board sent Respondent a letter notifying him that the Board had received the subsequent disposition notification, that the Board requested a written explanation, and reminded the Respondent of his reporting obligations under Title 16 California Code of Regulations section 1399.469.2. Respondent never responded to the Board's two written requests for information and failed to report both his arrest and conviction to the Board within 30 days as required by law.

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 License Number AC 11399, issued to Lucas Hedrick;

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

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

DATED: NOV 06 2018

BENJAMIN BODEA
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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