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

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|---|---|
| In the Matter of the Accusation Against:<br><br>Lucas Hedrick<br>7940 44th Place South<br>Seattle, WA 98118<br><br>Acupuncture License No. AC 11399<br><br>Respondent | Case No. 1A-2017-144 |

## DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on June 10, 2019.

IT IS SO ORDERED May 31, 2019.

Benjamin Bodea, Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General
JOHN S. GATSCHET
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*Attorneys for Complainant*

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

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| In the Matter of the Accusation Against:<br><br>LUCAS HEDRICK<br>7940 44th Place South<br>Seattle, WA 98118<br><br>Acupuncturist License No. AC 11399<br><br>Respondent. | Case No. 1A-2017-144<br><br>OAH No. 2019021094<br><br>**STIPULATED SURRENDER OF LICENSE AND ORDER** |

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

## PARTIES

1. Benjamin Bodea ("Complainant") is the Executive Officer of the Acupuncture Board ("Board"). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by John S. Gatschet, Deputy Attorney General.

2. Lucas Hedrick ("Respondent") is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about October 18, 2006, the Board issued Acupuncturist License No. AC 11399 to Respondent. That License expired on August 31, 2016, and has not been renewed and it is currently in delinquent status and therefore not valid. The Board continues to retain jurisdiction until the license is cancelled by operation of law.

## JURISDICTION

4. Accusation No. 1A-2017-144 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 November 6, 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1A-2017-144 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1A-2017-144. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his 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 understands and agrees that the charges and allegations in Accusation 1A-2017-144, if proven at hearing, constitute cause for imposing discipline upon his Acupuncturist License.

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9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Acupuncturust License is subject to discipline and he agrees to be bound by the Board's Order as set forth in the Disciplinary Order below.

## CONTINGENCY

11. 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. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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.

12. 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.

13. 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 11399, issued to Respondent Lucas Hedrick, is surrendered and accepted by the Board.

1. 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.

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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 his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition 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-2017-144 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 **$2,152.00** 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-2017-144 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.

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## ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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: 5/16/2019

LUCAS HEDRICK
*Respondent*

## ENDORSEMENT

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

Dated: 5/10/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General

JOHN S. GATSCHET
Deputy Attorney General
*Attorneys for Complainant*

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# Exhibit A

Accusation No. 1A-2017-144

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*Attorneys for Complainant*

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ACUPUNCTURE BOARD

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