

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

In the Matter of the Petition to Revoke  
Probation Against:

BRENT JOSEPH BERTOLAMI  
18223 Snohomish Avenue  
Snohomish, WA 98296

Acupuncture License No. AC 12979

Respondent

Case No. D1-2011-27

OAH No. 2019040843

**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 September 14, 2019 .

IT IS SO ORDERED September 4, 2019 .

Original signature on file  
Benjamin Bodea, Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California

1 XAVIER BECERRA  
Attorney General of California  
2 STEVEN D. MUNI  
Supervising Deputy Attorney General  
3 JOHN S. GATSCHET  
Deputy Attorney General  
4 State Bar No. 244388  
California Department of Justice  
5 1300 I Street, Suite 125  
P.O. Box 944255  
6 Sacramento, CA 94244-2550  
Telephone: (916) 210-7546  
7 Facsimile: (916) 327-2247

8 *Attorneys for Complainant*

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10 **BEFORE THE**  
11 **ACUPUNCTURE BOARD**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Petition to Revoke  
Probation Against:

15 **BRENT JOSEPH BERTOLAMI**  
18223 Snohomish Avenue  
16 Snohomish, WA 98296

17 Acupuncturist License No. AC 12979

18 Respondent.

Case No. D1-2011-27

OAH No. 2019040843

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

22 **PARTIES**

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  
25 by Xavier Becerra, Attorney General of the State of California, by John S. Gatschet, Deputy  
26 Attorney General.

27 2. Brent Joseph Bertolami (“Respondent”) is representing himself in this proceeding and  
28 has chosen not to exercise his right to be represented by counsel.

1           3.     On or about February 24, 2009, the Board issued Acupuncturist License No. AC  
2 12979 to Respondent. The Acupuncturist License expired on December 31, 2016, and has not  
3 been renewed.

4           4.     Respondent's license was placed on a three years' grant of probation in Case No. 1A-  
5 2011-27, on July 1, 2015, following a Decision and Order issued by the Acupuncture Board. On  
6 July 6, 2015, Respondent's probation entered tolled status as he lives out-of-state. Respondent's  
7 probationary status remains tolled.

8                                 **JURISDICTION**

9           5.     Petition to Revoke Probation No. D1-2011-27 was filed before the Board, and is  
10 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily  
11 required documents were properly served on Respondent on February 11, 2019. Respondent  
12 timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of  
13 Petition to Revoke Probation No. D1-2011-27 is attached as Exhibit A and incorporated by  
14 reference.

15                                 **ADVISEMENT AND WAIVERS**

16          6.     Respondent has carefully read, and understands the charges and allegations in Petition  
17 to Revoke Probation No. D1-2011-27. Respondent also has carefully read, and understands the  
18 effects of this Stipulated Surrender of License and Order.

19          7.     Respondent is fully aware of his legal rights in this matter, including the right to a  
20 hearing on the charges and allegations in the Petition to Revoke Probation; the right to be  
21 represented by counsel, at his own expense; the right to confront and cross-examine the witnesses  
22 against him; the right to present evidence and to testify on his own behalf; the right to the  
23 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
24 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
25 by the California Administrative Procedure Act and other applicable laws.

26          8.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
27 every right set forth above.

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1 **CULPABILITY**

2 9. Respondent understands that the charges and allegations in Petition to Revoke  
3 Probation No. D1-2011-27, if proven at a hearing, constitute cause for imposing discipline upon  
4 his Acupuncturist License.

5 10. For the purpose of resolving the Petition to Revoke Probation without the expense  
6 and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
7 establish a factual basis for the charges in the Petition to Revoke Probation and that those charges  
8 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for  
9 discipline exists based on those charges.

10 11. Respondent understands that by signing this stipulation he enables the Board to issue  
11 an order accepting the surrender of his Acupuncturist License without further process.

12 **RESERVATION**

13 12. The admissions made by Respondent herein are only for the purposes of this  
14 proceeding, or any other proceedings in which the Acupuncture Board or other professional  
15 licensing agency is involved, and shall not be admissible in any other criminal or civil  
16 proceeding.

17 **CONTINGENCY**

18 13. This stipulation shall be subject to approval by the Board. Respondent understands  
19 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
20 with the Board regarding this stipulation and surrender, without notice to or participation by  
21 Respondent. By signing the stipulation, Respondent understands and agrees that he may not  
22 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers  
23 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
24 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
25 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
26 be disqualified from further action by having considered this matter.

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

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

6 **ORDER**

7 **IT IS HEREBY ORDERED** that Acupuncturist License No. AC 12979, issued to  
8 Respondent Brent Joseph Bertolami, is surrendered and accepted by the Board.

9 1. The surrender of Respondent's Acupuncturist License and the acceptance of the  
10 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
11 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
12 license history with the Board.

13 2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of  
14 the effective date of the Board's Decision and Order.

15 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
16 issued, his wall certificate on or before the effective date of the Decision and Order.

17 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
19 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
20 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
21 contained in Petition to Revoke Probation No. D1-2011-27 shall be deemed to be true, correct and  
22 admitted by Respondent when the Board determines whether to grant or deny the petition.

23 5. Respondent shall pay the agency its costs of investigation and enforcement in case  
24 D1-2011-27 in the amount of \$ **3,255.00** prior to an application for a new or reinstated license.  
25 The Board shall summarily deny any application for a new or reinstated license without any  
26 further process until the Respondent has paid the \$ **3,255.00** in investigation and enforcement  
27 costs in case D1-2011-27.

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1           6.     Respondent shall pay the agency the balance of his remaining cost recovery in case  
2 1A-2011-27 in the amount of \$ 4622.15 prior to the application for a new or reinstated license.  
3 The Board shall summarily deny any application for a new or reinstated licensed without any  
4 further process until the Respondent has paid the \$ 4622.15 in his remaining cost recovery in case  
5 1A-2011-27.


6           7.     If Respondent should ever apply or reapply for a new license or certification, or  
7 petition for reinstatement of a license, by any other health care licensing agency in the State of  
8 California, all of the charges and allegations contained in Petition to Revoke Probation, No. D1-  
9 2011-27 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any  
10 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: 8/22/19   
BRENT JOSEPH BERTOLAMI  
*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: \_\_\_\_\_

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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DATED: 8/22/19   
BRENT JOSEPH BERTOLAMI  
*Respondent*

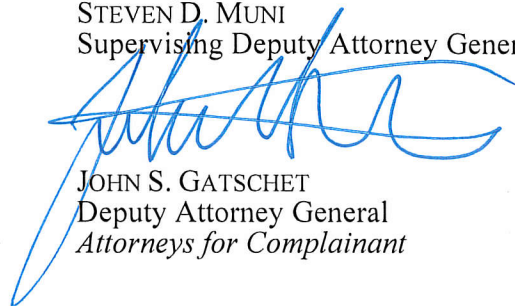
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Respectfully submitted,

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**

**Petition to Revoke Probation No. D1-2011-27**