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**FILED**

JUL 22 2010

**ACUPUNCTURE BOARD**

7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:  
13 **JEREMY FANE CAMPBELL**  
14 Applicant for Acupuncture License  
15 Applicant.

Case No. 1A-2010-46

**STATEMENT OF ISSUES**

17 Complainant alleges:

18 PARTIES

19 1. Janelle Wedge ("Complainant") brings this Statement of Issues solely in her  
20 official capacity as the Executive Officer of the Acupuncture Board ("Acupuncture Board" or  
21 "Board"), Department of Consumer Affairs.

22 2. On or about June 20, 2009, the Acupuncture Board received an application for  
23 examination for an acupuncture license from Jeremy Fane Campbell ("Applicant"). On or about  
24 June 9, 2010, the Acupuncture Board received an application from Applicant for an acupuncture  
25 license. On June 10, 2010, the Board notified Applicant that it had denied his application to seek  
26 licensure as a California acupuncturist. The Board received Applicant's request for an  
27 administrative hearing on June 21, 2010.

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JURISDICTION

3. This Statement of Issues is brought before the Acupuncture Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4944(a) of the Code provides that “[t]he board shall have the authority to investigate and evaluate each and every applicant applying for a license to practice acupuncture and to make the final determination of the admission of the applicant to the examination, or for the issuance of a license, in conformance with the provisions of this chapter.”

5. Section 4955 of the Code provides that “[t]he 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.

“....”

6. Section 4956 of the Code provides, in pertinent part, that “[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.”

7. Section 480(a)(1) of the Code provides that the Board may deny a license on the grounds that the applicant has been convicted of a crime if the crime is substantially related to the qualifications, functions, or duties of the profession of acupuncture.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Substantially Related Convictions)

[Bus. & Prof. Code sections 480(a)(1), 4955(b), and 4956]

8. On March 6, 2007, Applicant was arrested for violations of Vehicle Code sections 23152(a), driving under the influence, and 23152(b), driving under the influence with a blood alcohol level of 0.08% or higher. His blood alcohol level was measured at 0.21% and 0.22%.

1           9.       On June 6, 2007, Applicant pled nolo contendere to violating Vehicle Code section  
2 23152(a) (driving under the influence of alcohol), a misdemeanor. The charge of violating  
3 Vehicle Code section 23152(b) was dismissed. Imposition of sentence was suspended and  
4 Applicant was granted a conditional sentence for a 60 month period on the condition that he serve  
5 5 days in jail and, among other things, enroll in a nine month First Offender Alcohol Program and  
6 pay a fine of \$2015.

7           10.      On October 4, 2008, Applicant was arrested for violations of Vehicle Code  
8 sections 23152(a), driving under the influence, and 23152(b), driving under the influence with a  
9 blood alcohol level of 0.08% or higher. His blood alcohol level was measured at the scene at  
10 0.20% and 0.21%.

11          11.      On November 21, 2008, Applicant pled guilty to violating Vehicle Code section  
12 23152(b) (driving with a blood alcohol level of 0.08% or higher) with a prior conviction for  
13 violating Vehicle Code section 23152, a misdemeanor. The charge of violating Vehicle Code  
14 section 23152(a) was dismissed. He was sentenced to five years of probation and 30 days in  
15 county jail—at least 10 of which were to be actually served with the remaining to be served in  
16 work alternative—and, among other things, was fined \$1690.00; was prohibited from operating a  
17 vehicle without an ignition interlock device for two years; and was required to enroll in the  
18 county-approved Multiple Offender Alcohol Program.

19          12.      Applicant also had an earlier, 1996, conviction for violating Vehicle Code section  
20 23152(a), driving under the influence, a misdemeanor.

21          13.      Applicant's application is subject to denial under Business and Professions Code  
22 section 480, subdivision (a)(1), [conviction of a crime substantially related to the qualifications,  
23 functions, or duties of the profession of acupuncture], and section 4955, subdivision (b),  
24 [conviction of a crime substantially related to the qualifications, functions, or duties of the  
25 profession of acupuncture], because he was convicted at least three times, as described above, of  
26 driving under the influence of alcohol, convictions which are substantially related to the practice  
27 of acupuncture.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Denying the application of Jeremy Fane Campbell for a license to practice acupuncture; and
2. Taking such other and further action as deemed necessary and proper.

DATED:           **JUL 28 2010**          

  
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JANELLE WEDGE  
Executive Officer  
Acupuncture Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*