

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


In the Matter of the Statement of Issues)	Case No. 1A-2010-46
Against:)	
)	
JEREMY FANE CAMPBELL)	
149 Seacliff Drive)	
Aptos, CA 95003)	
)	
)	
Applicant/Respondent.)	
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DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **OCT 14 2010** .

It is so ORDERED **SEP 14 2010** .



Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

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7 *Attorneys for Complainant*

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9 **BEFORE THE**
ACUPUNCTURE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 **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
OAH No. 2010080158

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Janelle Wedge ("Complainant") is the Executive Officer of the Acupuncture Board.
21 She brought this action solely in her official capacity and is represented in this matter by Edmund
22 G. Brown Jr., Attorney General of the State of California, by Kerry Weisel, Deputy Attorney
23 General.

24 2. Jeremy Fane Campbell ("Applicant") is representing himself in this proceeding.
25 Applicant is aware that he may retain counsel to represent him in this matter but has chosen not to
26 exercise that right.

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JURISDICTION

3. A Statement of Issues in Case No. 1A-2010-46 was filed before the Acupuncture Board ("Board"), Department of Consumer Affairs, and properly served on Applicant with all other statutorily required documents on July 28, 2010. The Statement of Issues is currently pending against Applicant and is attached as exhibit A and incorporated in this document by reference.

ADVISEMENT AND WAIVERS

4. Applicant has carefully read, and understands the charges and allegations in Statement of Issues No. 1A-2010-46. Applicant has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

5. Applicant is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; 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.

6. Applicant voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

7. For purposes of settlement of the action filed against Applicant in Case No. 1A-2010-46 and to avoid a costly administrative hearing, Applicant admits the truth of each and every allegation set out in the Statement of Issues, agrees that the Board has jurisdiction under sections 480(a)(1), 4944(a), and 4955(b) of the Business and Professions Code to subject a license to terms and conditions of probation, and agrees to the terms set forth in the Order below. Applicant hereby gives up his right to contest that cause for discipline exists based on those charges.

8. The admissions made by Applicant are only for the purposes of this proceeding, or any other proceedings in which the Acupuncture Board of California or other professional

1 licensing agency is involved, and shall not be admissible in any other criminal or civil
2 proceeding.

3 CONTINGENCY

4 9. This stipulation shall be subject to approval by the Acupuncture Board. Applicant
5 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may
6 communicate directly with the Board regarding this stipulation and settlement, without notice to
7 or participation by Applicant. If the Board fails to adopt this stipulation as its Order, the
8 Stipulated Settlement, except for this paragraph, shall be of no force or effect. The Stipulated
9 Settlement shall be inadmissible in any legal action between the parties and the Board shall not be
10 disqualified from further action by having considered this matter. By signing the stipulation,
11 Applicant understands and agrees that he may not withdraw his agreement or seek to rescind the
12 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
13 stipulation as its Decision and Order, the stipulation 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 10. The parties understand and agree that facsimile copies of this Stipulated Settlement
17 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
18 effect as the originals.

19 11. 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 an Acupuncture license be issued to Applicant Jeremy
23 Fane Campbell and immediately revoked upon issuance. The revocation is stayed and Applicant
24 is placed on probation for 3 (three) years on the following terms and conditions:

25 12. **ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND**
26 **SAMPLES** Applicant shall abstain completely from the personal use or possession of controlled
27 substances as defined in the California Uniform Controlled Substances Act (Division 10,
28 commencing with section 11000, Health and Safety Code), dangerous drugs as defined by Section

1 4022 of the Business and Professions Code, and any drugs requiring a prescription, except when
2 lawfully prescribed by a licensed practitioner for a bona fide illness or condition. Applicant shall
3 abstain completely from the use of alcoholic beverages. Applicant shall undergo random
4 biological fluid testing as determined by the Board. Applicant shall bear all costs of such testing.
5 The length of time and frequency will be determined by the Board. Any confirmed positive
6 finding will be considered a violation of probation.

7 **13. ALCOHOL AND DRUG ABUSE TREATMENT** Effective 30 days from the date
8 of this Decision, Applicant shall enter an inpatient or outpatient alcohol or other drug abuse
9 recovery program (a minimum of six (6) months duration) or an equivalent program, as approved
10 by the Board, or demonstrate completion of an equivalent substance abuse recovery program
11 which was completed within the last year, as approved by the Board.

12 Quitting the program without permission or being expelled for cause shall constitute a
13 violation of probation by Applicant. Subsequent to the program, Applicant shall participate in
14 on-going treatment such as receiving individual and/or group therapy from a psychologist trained
15 in alcohol and drug abuse treatment; and/or attending Twelve Step meetings or the equivalent as
16 approved by the Board at least three times a week during the first year of probation; and/or other
17 substance abuse recovery programs approved by the Board. Applicant shall pay all costs of
18 treatment and therapy, and provide documentation of attendance at Twelve Step meetings or the
19 equivalent as approved by the Board. The psychologist shall confirm that Applicant has complied
20 with the requirements of this Decision and shall notify the Board immediately if he or she
21 believes Applicant cannot safely render acupuncture services. Applicant shall execute a release
22 authorizing the psychologist to divulge the aforementioned information to the Board.

23 **14. OBEY ALL LAWS** Applicant shall obey all federal, state, and local laws and all
24 rules governing the practice of acupuncture in California. A full and detailed account of any and
25 all violations of law shall be reported by Applicant to the Board in writing within seventy-two
26 (72) hours of occurrence.

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1 15. **QUARTERLY REPORTS** Applicant shall submit quarterly declarations under
2 penalty of perjury on forms provided by the Board, stating whether there has been compliance
3 with all the conditions of probation.

4 16. **SURVEILLANCE PROGRAM** Applicant shall comply with the Board's
5 probation surveillance program and shall, upon reasonable notice, report to the assigned
6 investigative district office. Applicant shall contact the assigned probation surveillance monitor
7 regarding any questions specific to the probation order. Applicant shall not have any unsolicited
8 or unapproved contact with 1) victims or complainants associated with the case; 2) Board
9 members or members of its staff; or 3) persons serving the Board as expert examiners.

10 17. **INTERVIEW WITH THE BOARD OR ITS DESIGNEE** Applicant shall appear
11 in person for interviews with the Board or its designee upon request at various intervals and with
12 reasonable notice.

13 18. **NOTIFICATION TO EMPLOYER AND CHANGES OF EMPLOYMENT**
14 Applicant shall notify any future employers, supervisors, or contractors of his probationary status
15 with the Board prior to accepting employment. Applicant shall provide to the Board the names,
16 physical addresses, and telephone numbers of all employers, supervisors, and contractors

17 Applicant shall complete the required consent forms and sign an agreement with the
18 employer and supervisor, or the contractor, and the Board to allow the Board to communicate
19 with the employer and supervisor or contractor.

20 Applicant shall cause each employer and supervisor or contractor to submit quarterly
21 written declarations to the Board. These declarations shall include a performance evaluation.

22 Applicant shall notify the Board in writing of any change in his employment status within
23 ten (10) days of such change.

24 19. **TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE**

25 In the event Applicant should leave California to reside or to practice outside the State,
26 Applicant must notify the Board in writing of the dates of departure and return. Periods of
27 residency or practice outside California will not apply to the reduction of this probationary period.

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1 20. **EMPLOYMENT AND SUPERVISION OF TRAINEES** Applicant shall not
2 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
3 this probation. Applicant shall terminate any such supervisory relationship in existence on the
4 effective date of this probation.

5 21. **VIOLATION OF PROBATION** If Applicant violates probation in any respect, the
6 Board may, after giving Applicant notice and the opportunity to be heard, revoke probation and
7 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
8 filed against Applicant during probation, the Board shall have continuing jurisdiction until the
9 matter is final, and the period of probation shall be extended until the matter is final. No petition
10 for modification or termination of probation shall be considered while there is an accusation or
11 petition to revoke probation pending against Applicant.

12 22. **COMPLETION OF PROBATION** Upon successful completion of probation,
13 Applicant's license will be fully restored.

14 23. **REIMBURSEMENT FOR PROBATION SURVEILLANCE AND**
15 **MONITORING** Applicant shall reimburse the Board for the hourly costs it incurs in
16 monitoring probation to ensure compliance for the duration of the probation period.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and I understand that by entering this
19 stipulation I have agreed to accept a probationary Acupuncture License and I understand the
20 effect of the Stipulated Settlement on that license. I enter into this Stipulated Settlement
21 voluntarily, knowingly and intelligently and agree to be bound by the Order and Decision of the
22 Acupuncture Board of California. I further agree that a facsimile copy of this Stipulated
23 Settlement, including facsimile copies of signatures, may be used with the same force and effect
24 as the originals.

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26 DATED: 8/18/2010

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28 JEREMY FANE CAMPBELL
Applicant

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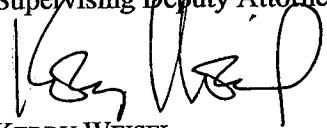
ENDORSEMENT

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

Dated: August 20, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



KERRY WEISEL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues, Case No. 1A-2010-46

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2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 KERRY WEISEL
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FILED

JUL 23 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:

Case No. 1A-2010-46

13 **JEREMY FANE CAMPBELL**

STATEMENT OF ISSUES

14 Applicant for Acupuncture License

15 Applicant.

16
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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1 JURISDICTION

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

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

9 5. Section 4955 of the Code provides that “[t]he Board may deny, suspend, or
10 revoke, or impose probationary conditions upon, the license of any acupuncturist if he or she is
11 guilty of unprofessional conduct.

12 “Unprofessional conduct shall include, but not be limited to, the following:

13 “....

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

16 “....”

17 6. Section 4956 of the Code provides, in pertinent part, that “[a] plea or verdict of
18 guilty or a conviction following a plea of nolo contendere made to a charge which is substantially
19 related to the qualifications, functions, or duties of an acupuncturist is deemed to be a conviction
20 within the meaning of this chapter.”

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

24 FIRST CAUSE FOR DENIAL OF APPLICATION

(Substantially Related Convictions)

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

26 8. On March 6, 2007, Applicant was arrested for violations of Vehicle Code sections
27 23152(a), driving under the influence, and 23152(b), driving under the influence with a blood
28 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.

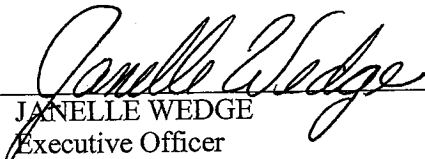
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1 PRAYER

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

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

7
8 DATED: JUL 28 2010


9 JANELLE WEDGE
10 Executive Officer
11 Acupuncture Board of California
12 Department of Consumer Affairs
13 State of California
14 Complainant
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