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8	BEFORE THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	In the Matter of the Accusation Against,	Case No. 1A-2014-190
12	JEREMY FANE CAMPBELL	DEFAULT DECISION AND ORDER
13	149 Seacliff Drive Aptos, CA 95003	[Gov. Code, §11520]
14	Acupuncture License No. Ac 14011	
15	Respondent.	
16		-
17	FINDINGS OF FACT	
18	1. On or about October 19, 2015, Complainant Terri Thorfinnson, in her official	
19	capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs,	
20	filed Accusation No. 1A-2014-190 against Jeremy Fane Campbell ("Respondent") before the	
21	Acupuncture Board.	
22	2. On or about October 14, 2010, the Acupuncture Board ("Board") issued Acupuncture	
23	License No. Ac 14011 to Respondent. The Acupuncture License No. 14011 expired on April 30	
24	2014, and has not been renewed. (Exhibit Package, Exhibit 1, Certificate of Licensure.) ¹	
25	3. On or about October 27, 2015, Kristine Brothers, an employee of the Acupuncture	
26	Board, served by Certified Mail a copy of the Accusation No. 1A-2014-190, Statement to	
27	The evidence in support of this Default Decision and Order is submitted herewith as th "Exhibit Package."	
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Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 (referred hereafter collectively as "Accusation Packet") to Respondent's address of record with the Board, which was and is: 149 Seacliff Drive, Aptos, CA 95003. The Board received a signed green certified mail return receipt card indicating receipt of the Accusation Packet. The U.S. Postal Service Track & Confirm search results indicate that the Accusation Packet was delivered on October 23, 2015. Respondent has not responded to the Accusation. (Exhibit Package, Exhibit 2, Accusation Packet, Declaration of Service, return receipt card, and copy of the U.S. Postal Service Track & Confirm search results.)

- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).
- 5. On or about November 17, 2015, Greg W. Chambers, an employee of the Attorney General's Office sent by certified mail to Respondent at the address of record, as set forth above, a Courtesy Notice of Default, advising Respondent of the service of the Accusation, and providing him with the opportunity to request relief from Default. On December 7, 2015, the Attorney General's Office received the Courtesy Notice of Default with the notation "Return to Sender, Unable to Forward." The U.S. Postal Service Track & Confirm search results indicate that Respondent moved from the address and left no forwarding address. (Exhibit Package, Exhibit 3, Courtesy Notice of Default, including Returned envelope, and copy of the U.S. Postal Service Track & Confirm search results.)
 - 6. Business and Professions Code section 118 states, in pertinent part:
- "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."
 - 7. Government Code section 11506 states, in pertinent part:

22.

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 1A-2014-190.

- 8. California Government Code section 11520 states, in pertinent part:
- "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."
- 9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits 1, 2, 3 and 4 of the Exhibit Package, finds that the allegations in Accusation No. 1A-2014-190 are true.

DETERMINATION OF ISSUES

- 1. Based on the foregoing findings of fact, Respondent Jeremy Fane Campbell has subjected his Acupuncture License No. Ac 14011 to discipline.
- 2. A copy of the Accusation and the related documents and Declaration of Service are attached.
 - 3. The agency has jurisdiction to adjudicate this case by default.
- 4. The Acupuncture Board is authorized to revoke Respondent's Acupuncture License No. Ac 14011 based upon the following violations alleged in the Accusation:
- a. Unprofessional Conduct Substantially Related Conviction Involving the Use of Alcohol Dangerous to the Public, pursuant to Business and Professions Code sections 4955(a), 4955(b) and 4965.

1	5. The Acupuncture Board is authorized to request actual and reasonable costs of the	
2	investigation and prosecution of the case pursuant to Business and Professions Code section	
3	4959. (Exhibit Package, Exhibit 4, Certification of Costs by Agency Executive Officer of	
4	Investigation, and Declaration of Investigative Costs; and Certification of Prosecution Costs.)	
5	<u>ORDER</u>	
6	IT IS SO ORDERED that Acupuncture License No. Ac 14011, heretofore issued to	
7	Respondent Jeremy Fane Campbell, is revoked. It is further ordered that costs are to be due in the	
8	amount of \$3,121.00 (Three Thousand One Hundred and Twenty-One Dollars).	
9	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a	
10	written motion requesting that the Decision be vacated and stating the grounds relied on within	
11	seven (7) days after service of the Decision on Respondent. The agency in its discretion may	
12	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.	
13	This Decision shall become effective onFebruary 21, 2016	
14	It is so ORDERED January 22, 2016	
15	Capla.	
16	FOR THE ACUPUNCTURE BOARD	
17	DEPARTMENT OF CONSUMER AFFAIRS	
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