

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

In the Matter of the First Amended Accusation
Against:

PEGGY CHUI MAY LO, L.Ac.
3750 Canfield Road
Pasadena, CA 91007

Acupuncturist License No. AC 15088,

Respondent.

Case No. 1A-2018-113

OAH No. 2019080256

DECISION AND ORDER

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

This Decision shall become effective on April 4, 2020.

It is so ORDERED March 5, 2020.

Original Signature on File

FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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17 **STIPULATED SETTLEMENT AND**
DISCIPLINARY ORDER

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
23 (Board). He brought this action solely in his official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Wendy Widlus, Deputy Attorney
25 General.

26 2. Respondent Peggy Chui May Lo, L.Ac. (Respondent) is represented in this
27 proceeding by attorney David M. Balfour, Esq., whose address is: Nossaman LLP, 1925 Palomar
28 Oaks Way, Suite 220, Carlsbad, CA 92008.

1 3. On or about October 3, 2012, the Board issued Acupuncturist License No. AC 15088
2 to Respondent. The Acupuncturist License was in full force and effect at all times relevant to the
3 charges brought in First Amended Accusation No. 1A-2018-113, and will expire on May 31,
4 2020, unless renewed.

5 **JURISDICTION**

6 First Amended Accusation No. 1A-2018-113 was filed before the Board, and is currently
7 pending against Respondent. The First Amended Accusation and all other statutorily required
8 documents were properly served on Respondent on November 20, 2019. Respondent timely filed
9 her Notice of Defense contesting the First Amended Accusation.

10 4. A copy of First Amended Accusation No. 1A-2018-113 is attached as exhibit A and
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in First Amended Accusation No. 1A-2018-113. Respondent has also
15 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
16 Settlement and Disciplinary Order.

17 6. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
19 cross-examine the witnesses against her; the right to present evidence and to testify on her own
20 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
21 production of documents; the right to reconsideration and court review of an adverse decision;
22 and all other rights accorded by the California Administrative Procedure Act and other applicable
23 laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 **CULPABILITY**

27 8. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a *prima*

1 *facie* case for the charges in the First Amended Accusation, and Respondent hereby gives up her
2 right to contest those charges, for the purpose of this proceeding only.

3 **CIRCUMSTANCES IN MITIGATION**

4 9. Respondent has never been the subject of any disciplinary action.

5 **CONTINGENCY**

6 10. This stipulation shall be subject to approval by the Acupuncture Board. Respondent
7 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may
8 communicate directly with the Board regarding this stipulation and settlement, without notice to
9 or participation by Respondent or her counsel. By signing the stipulation, Respondent
10 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation
11 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
12 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
13 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
14 and the Board shall not be disqualified from further action by having considered this matter.

15 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as
17 the originals.

18 12. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 **IT IS HEREBY ORDERED** that Acupuncturist License No. AC 15088 issued to
23 Respondent Peggy Chui May Lo, L.Ac. is hereby publically reprimanded pursuant to California
24 Business and Professions Code section 495. This public reprimand is based on the allegations in
25 First Amended Accusation No. 1A-2018-113. This public reprimand is issued to Respondent
26 with the expectation that such conduct will not be repeated.

27 **IT IS FURTHER ORDERED** that Respondent comply with the following:

28 1. COURSEWORK Within 90 calendar days of the effective date of this Decision,

1 Respondent shall enroll in and successfully complete the Clean Needle Technique, 7th Edition,
2 course offered by the Council of Colleges of Acupuncture and Oriental Medicine. Respondent
3 shall submit the completion certificate to the Board not later 90 days after the effective date of
4 this Decision. The Clean Needle Technique, 7th Edition, course shall be at Respondent's expense
5 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
6 licensure.

7 2. COST RECOVERY Respondent is hereby ordered to reimburse the Board the
8 amount of \$ 11,061.25 within 90 days from the effective date of this decision for its investigative
9 and prosecution costs. The filing of bankruptcy by the Respondent shall not relieve the
10 Respondent of his responsibility to reimburse the Board for its investigative and prosecution
11 costs.

12 3. VIOLATION OF THIS AGREEMENT Failure to fully comply with any term or
13 condition of this disciplinary order is unprofessional conduct. Accordingly, if Respondent
14 violates this agreement in any respect, the Board may file an Accusation against Respondent.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David M. Balfour, Esq. I understand the stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 1/8/20 Original Signature on File
PEGGY CHUI MAY LO, L.Ac.
Respondent

I have read and fully discussed with Respondent Peggy Chui May Lo, L.Ac. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/8/20 Original Signature on File
DAVID M. BALFOUR, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 1/9/20

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

Original Signature on File
WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 1A-2018-113