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

12 In the Matter of the Accusation Against:

Case No. 1A-2019-214

13 **SITU SUN, L.Ac**  
**7006 Marcelli Circle**  
**Los Altos, CA 94022**

**ACCUSATION**

14 **Acupuncture License No. AC 15990,**

15 Respondent.

16  
17  
18 **PARTIES**

19 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity  
20 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

21 2. On or about April 1, 2014, the Board issued Acupuncture License Number AC 15990  
22 to SITU SUN, L.Ac (Respondent). The Acupuncture License was in full force and effect at all  
23 times relevant to the charges brought herein and will expire on March 31, 2028, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board, under the authority of the following  
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
27 indicated.

28 4. Section 498 of the Code states:

1 A board may revoke, suspend, or otherwise restrict a license on the ground that  
2 the licensee secured the license by fraud, deceit, or knowing misrepresentation of a  
3 material fact or by knowingly omitting to state a material fact.

4 5. Section 582 of the Code states:

5 No person, company, or association shall use or attempt to use any diploma,  
6 certificate, transcript, or any other writing which has been purchased, fraudulently  
7 issued, illegally obtained, counterfeited, or materially altered, either as a certificate or  
8 as to character or color of certificate, to practice as a physician and surgeon,  
9 podiatrist, osteopathic physician, or a chiropractor, or to practice any other system or  
10 mode of treating the sick or afflicted, as provided in the Medical Practice Act,  
11 Chapter 5 (commencing with Section 2000) or to practice as any other licentiate  
12 under this division.

13 6. Section 583 of the Code states:

14 No person shall in any document or writing required of an applicant for  
15 examination, license, certificate, or registration under this division, the Osteopathic  
16 Initiative Act, or the Chiropractic Initiative Act, willfully make a false statement in a  
17 material regard.

18 7. Section 4928.2 of the Code states:

19 Protection of the public shall be the highest priority for the Acupuncture Board  
20 in exercising its licensing, regulatory, and disciplinary functions. Whenever the  
21 protection of the public is inconsistent with other interests sought to be promoted, the  
22 protection of the public shall be paramount.

23 8. Section 4939 of the Code states:

24 (a) For purposes of this chapter, "approved credential evaluation service"  
25 means an agency or organization that is approved by the board to evaluate education  
26 completed outside the United States and identify the equivalency of that education to  
27 education completed within the United States.

28 (b) If an applicant completes education outside of the United States, the  
applicant shall do both of the following:

(1) Submit documentation of his or her education to a board-approved  
credential evaluation service for evaluation.

(2) Have the results of the evaluation sent directly from the credential  
evaluation service to the board.

(c) If the board receives the results of an applicant's evaluation pursuant to  
subdivision (b), the board shall examine the results and determine whether the  
applicant meets requirements for licensure. If the evaluated education is not sufficient  
to meet the requirements for licensure, the board may offer the applicant additional  
education, training, or standardized testing to satisfy the educational requirements.  
The board shall not require the applicant to complete education, training, or testing  
that is not otherwise required of applicants who complete education or training within  
the United States.

(d) The board shall establish, by regulation, an application process, criteria, and  
procedures for approval of credential evaluation services. The regulations shall, at a

1 minimum, require the credential evaluation service to meet all of the following  
2 requirements:

3 (1) Furnish evaluations written in English directly to the board.

4 (2) Be a member of a nationally recognized foreign credential evaluation  
5 association, such as, but not limited to, the American Association of Collegiate  
6 Registrars and Admissions Officers or the National Association of Credential  
7 Evaluation Services.

8 (3) Undergo reevaluation by the board every five years.

9 (4) Certify to the board that the credential evaluation service maintains a  
10 complete set of reference materials as determined by the board.

11 (5) Base evaluations only upon verified authentic, official transcripts, and  
12 degrees.

13 (6) Have a written procedure for identifying fraudulent transcripts.

14 (7) Include in an evaluation report submitted to the board the specific method or  
15 methods of authentication for the transcripts, certification, degrees, and other  
16 education evaluated for the purposes of the report.

17 (8) Include in the evaluation report, for each degree held by the applicant, the  
18 equivalent degree offered in the United States, the date the degree was granted, the  
19 institution granting the degree, an English translation of the course titles, and the  
20 semester unit equivalence for each course.

21 (9) Have an appeal procedure for applicants.

22 (10) Provide information concerning the credential evaluation service to the  
23 board that includes, but is not limited to, resumes or curriculum vitae for each  
24 evaluator and translator, which includes biographical information, three letters of  
25 references from public or private agencies, statistical information on the number of  
26 applications processed annually for the past five years, and any other information the  
27 board may require to determine whether the credential evaluation service meets the  
28 standards under this subdivision and the board's regulations.

(11) Provide to the board all information required by the board, including, but  
not limited to, the following:

(A) Its credential evaluation policy.

(B) A complete list of terminology and evaluation terms used in producing its  
credential evaluations.

(C) A detailed description of the specific methods utilized for credential  
authentication.

9. Section 4955 of the Code states:

The board may deny, suspend, or revoke, or impose probationary conditions  
upon, the license of any acupuncturist who is guilty of unprofessional conduct.

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

1 (a) Using or possessing any controlled substance as defined in Division 10  
2 (commencing with Section 11000) of the Health and Safety Code, dangerous drug, or  
3 alcoholic beverage to an extent or in a manner dangerous to the acupuncturist, or to  
4 any other person, or to the public, and to an extent that the use impairs the  
5 acupuncturist's ability to engage in the practice of acupuncture with safety to the  
6 public.

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

10 (c) False or misleading advertising.

11 (d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the  
12 violation of the terms of this chapter or any regulation adopted by the board pursuant  
13 to this chapter.

14 (e) Except for good cause, the knowing failure to protect patients by failing to  
15 follow infection control guidelines of the board, thereby risking transmission of  
16 blood-borne infectious diseases from licensee to patient, from patient to patient, and  
17 from patient to licensee. In administering this subdivision, the board shall consider  
18 referencing the standards, regulations, and guidelines of the State Department of  
19 Public Health developed pursuant to Section 1250.11 of the Health and Safety Code  
20 and the standards, regulations, and guidelines pursuant to the California Occupational  
21 Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5  
22 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other  
23 blood-borne pathogens in health care settings. As necessary, the board shall consult  
24 with healing arts boards within this division, including, but not limited to, the Medical  
25 Board of California, the California Board of Podiatric Medicine, the Dental Board of  
26 California, the Board of Registered Nursing, and the Board of Vocational Nursing  
27 and Psychiatric Technicians, to encourage appropriate consistency in the  
28 implementation of this subdivision.

The board shall seek to ensure that licensees are informed of the responsibility  
of licensees and others to follow infection control guidelines, and of the most recent  
scientifically recognized safeguards for minimizing the risk of transmission of  
blood-borne infectious diseases.

(f) The use of threats or harassment against any patient or licensee for providing  
evidence in a disciplinary action, other legal action, or in an investigation  
contemplating a disciplinary action or other legal action.

(g) Discharging an employee primarily for attempting to comply with the terms  
of this chapter.

(h) Disciplinary action taken by any public agency for any act substantially  
related to the qualifications, functions, or duties of an acupuncturist or any  
professional health care licensee.

(i) Any action or conduct that would have warranted the denial of the  
acupuncture license.

(j) The violation of any law or local ordinance on an acupuncturist's business  
premises by an acupuncturist's employee or a person who is working under the  
acupuncturist's professional license or business permit, that is substantially related to  
the qualifications, functions, or duties of an acupuncturist. These violations shall

1 subject the acupuncturist who employed the individuals, or under whose  
2 acupuncturist license the employee is working, to disciplinary action.

3 (k) The abandonment of a patient by the licensee without written notice to the  
4 patient that treatment is to be discontinued and before the patient has had a reasonable  
5 opportunity to secure the services of another practitioner.

6 (l) the failure to notify the board of the use of any false, assumed, or fictitious  
7 name other than the name under which the licensee is licensed as an individual to  
8 practice acupuncture.

9 10. Section 4955.1 of the Code states:

11 The board may deny, suspend, revoke, or impose probationary conditions upon  
12 the license of any acupuncturist if he or she is guilty of committing a fraudulent act  
13 including, but not be limited to, any of the following:

14 (a) Securing a license by fraud or deceit.

15 (b) Committing a fraudulent or dishonest act as an acupuncturist.

16 (c) Committing any act involving dishonesty or corruption with respect to the  
17 qualifications, functions, or duties of an acupuncturist.

18 (d) Altering or modifying the medical record of any person, with fraudulent  
19 intent, or creating any false medical record.

20 (e) Failing to maintain adequate and accurate records relating to the provision  
21 of services to their patients.

### 22 **COST RECOVERY**

23 11. Business and Professions Code section 4959 states:

24 (a) The board may request the administrative law judge, under his or her  
25 proposed decision in resolution of a disciplinary proceeding before the board, to  
26 direct any licensee found guilty of unprofessional conduct to pay to the board a sum  
27 not to exceed actual and reasonable costs of the investigation and prosecution of the  
28 case.

(b) The costs to be assessed shall be fixed by the administrative law judge and  
shall not in any event be increased by the board. When the board does not adopt a  
proposed decision and remands the case to an administrative law judge, the  
administrative law judge shall not increase the amount of any costs assessed in the  
proposed decision.

(c) When the payment directed in the board's order for payment of costs is not  
made by the licensee, the board may enforce the order for payment in the superior  
court in the county where the administrative hearing was held. This right of  
enforcement shall be in addition to any other rights the board may have as to any  
licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's  
decision shall be conclusive proof of the validity of the order of payment and the  
terms for payment.

1 (e) All costs recovered under this section shall be considered a reimbursement  
2 for costs incurred and shall be deposited in the Acupuncture Fund.

3 **FACTUAL ALLEGATIONS**

4 12. The Foundation for International Services, Inc. (FIS), based in Edmonds,  
5 Washington, is a company that evaluates academic credentials from a foreign country and  
6 determines whether such credentials are equivalent to those earned in the United States.

7 13. On October 16, 2013, Respondent applied to sit for the acupuncture licensing  
8 examination (examination) administered by the Board. As part of her application, she provided  
9 Board-required documentation that included an Evaluation Report from FIS (FIS Report) dated  
10 November 7, 2013. According to the FIS Report, Respondent attended Shanghai University of  
11 Traditional Chinese Medicine from September 2007 to July 2012.

12 14. On November 22, 2013, the Board approved Respondent's application to take the  
13 examination on February 20, 2014, and Respondent passed the examination and was licensed on  
14 April 1, 2014.

15 15. On October 29, 2019, the Board learned from an FIS employee that FIS did not have  
16 any records that it had evaluated Respondent's academic credentials and that the sales order  
17 number on Respondent's purported FIS Report was connected to another individual.

18 16. On December 16, 2025, another FIS employee confirmed that Respondent's FIS  
19 Report was a forgery and that the sales order number on that Report had been used for another  
20 individual.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Use of Fraudulently Obtained Writing to Practice)**

23 17. Paragraphs 12 through 16 are incorporated by reference as if fully set forth herein.

24 18. Respondent is subject to disciplinary action under Code section 582 because on  
25 October 16, 2013, she submitted a falsified FIS Report to the Board as part of her application to  
26 take the licensing examination in order to practice as an acupuncturist.

27 **SECOND CAUSE FOR DISCIPLINE**

28 **(Securing a License by Fraud or Deceit)**

19. Paragraphs 12 through 16 are incorporated by reference as if fully set forth herein.

