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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-2016-290

13 SU CHEN LEE, L.Ac.

14 1817 Clarke Lane, Unit A
15 Redondo Beach, CA 90278

A C C U S A T I O N

16 Acupuncturist License No. AC 16228,

17 Respondent.

18
19 **PARTIES**

20 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity
21 as the Executive Officer of the Acupuncture Board of California (Board).

22 2. On September 29, 2014, the Board issued Acupuncturist License Number AC 16228
23 to Su Chen Lee, L.Ac. (Respondent). That license was in full force and effect at all times
24 relevant to the charges brought herein and will expire on March 31, 2024, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28

1 indicated.

2 4. Section 4928.1 of the Code states:

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

7 5. Section 4928 of the Code states:

8 (a) The Acupuncture Board, which consists of seven members, shall enforce
9 and administer this chapter.

10 (b) This section shall remain in effect only until January 1, 2023, and as of that
11 date is repealed.

12 (c) Notwithstanding any other law, the repeal of this section renders the board
13 subject to review by the appropriate policy committees of the Legislature.

14 6. Section 4955 of the Code states, in applicable part:

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

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

18 ...

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

22 ...

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

25 ...

26 7. Section 4955.1 of the Code states:

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

(a) Securing a license by fraud or deceit.

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

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

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

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

4 **GENERAL STATUTES OR REGULATIONS**

5 8. Section 498 of the Code states:

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

8 **COST RECOVERY**

9 9. Section 4959 of the Code states:

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

13 (b) The costs to be assessed shall be fixed by the administrative law judge and
14 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
15 administrative law judge shall not increase the amount of any costs assessed in the
proposed decision.

16 (c) When the payment directed in the board's order for payment of costs is not
17 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
18 enforcement shall be in addition to any other rights the board may have as to any
licensee directed to pay costs.

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

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

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Obtaining License by Fraud)

24 10. Respondent is subject to disciplinary action under Code sections 498 and 4955.1,
25 subdivision (a), in that she procured her acupuncture license by means of knowingly submitting
26 false and fraudulent documents. The circumstances are as follows:

27 11. On April 18, 2014, the Board received an application for examination from
28 Respondent, the necessary precursor to granting an acupuncture license to an applicant who has

1 graduated from a foreign educational institution. The application, signed by Respondent on April
2 11, 2014, attested under penalty of perjury to the facts asserted in the application.

3 12. The application included Respondent's claim that she attended and graduated from
4 Fujian University of Traditional Chinese Medicine (Fujian) from September, 1975 to July, 1980.
5 The application included an Evaluation Report from the Foundation of International Services, Inc.
6 (FIS) confirming Respondent's attendance and graduation from Fujian.

7 13. The application included Respondent's Council of Colleges of Acupuncture and
8 Oriental Medicine certificate which stated on September 26, 2009, Respondent passed the Clean
9 Needle Technique Course [CNT].

10 14. The application included Respondent's claim she took a First Aid CPR class on May
11 3, 2013, thereafter passed the CPR test, and was issued her CPR certificate in May, 2015.

12 15. Respondent took the August 19, 2014, examination and achieved a passing score.

13 16. Information that suggested Respondent secured her license by fraud arose in an
14 unrelated investigation. Thereafter the Board requested an investigation of this information by
15 the Division of Investigation of the Department of Consumer Affairs. The Board also undertook
16 a comprehensive review of the validity of the documents Respondent provided in support of her
17 application.

18 17. The investigation conducted by the Division of Investigation established that the
19 Evaluation Report Respondent provided from FIS was fraudulent.

20 18. The Board's review included correspondence with the entity which purportedly
21 taught the CNT class required by the Board for licensure. The Board's review revealed that
22 Respondent fraudulently stated she took the CNT class and in fact had never attended the class.

23 19. The Board's review included correspondence with the entity which purportedly
24 taught the CPR class required by the Board for licensure. The Board's review revealed that
25 Respondent fraudulently stated she took the CPR class and in fact had never attended the class.

26 20. On March 4, 2020, the Division of Investigation investigator sent a certified letter to
27 Respondent and requested she contact the investigator to schedule an interview regarding the
28 investigation. The investigator did not receive a response to his letter.

1 21. Respondent has subjected her license to disciplinary action under Code sections 498
2 and 4955.1, subdivision (a), in that she secured her license by fraudulently submitting false
3 documents with her application.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Dishonest and Corrupt Acts)

6 22. The allegations of paragraphs 10 through 21, above are incorporated by reference as
7 if set out in full. Respondent has subjected her license to disciplinary action for unprofessional
8 conduct, in that her knowing presentation of fraudulent documents to obtain her acupuncture
9 license was both dishonest and corrupt, and a violation of the statutes administered and enforced
10 by the Acupuncture Board (Chapter 12, Division 2 of the Code), in violation of Code section
11 4955, subdivisions (d) and (i).

12 **PRAYER**

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

- 15 1. Revoking or suspending Acupuncturist License Number AC 16228, issued to Su
16 Chen Lee, L.Ac.;
- 17 2. Ordering her to pay the Acupuncture Board the reasonable costs of the investigation
18 and enforcement of this case, pursuant to Business and Professions Code section 4959;
- 19 3. If placed on probation, ordering her to pay the Acupuncture Board the costs of
20 probation monitoring and,
- 21 4. Taking such other and further action as deemed necessary and proper.

22 DATED: 06/01/2022

23 Original Signature on File
24 BENJAMIN BODEA
25 Executive Officer
26 Acupuncture Board
27 Department of Consumer Affairs
28 State of California

Complainant

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