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10 **BEFORE THE**
ACUPUNCTURE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case No. 1A-2016-289

14 LI HUA YAN, L.Ac.

15 1168 San Gabriel Boulevard, Suite D
16 Rosemead, CA 91770

**DEFAULT DECISION
AND ORDER**

17 Acupuncturist License No. AC 16587,

[Gov. Code, §11520]

18 Respondent.
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20 **FINDINGS OF FACT**
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22 1. On or about August 10, 2022, Complainant Benjamin Bodea, in his official capacity
23 as the Executive Officer of the Acupuncture Board (Board) filed Accusation No. 1A-2016-289
24 against Li Hua Yan, L.Ac. (Respondent).

25 2. On April 22, 2015, the Board issued Acupuncturist License No. AC 16587 to
26 Respondent. That license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on November 30, 2024, unless renewed. A Certification of Licensure is
28 attached as **Exhibit A** and is incorporated herein as if fully set forth.

1 3. On or about August 10, 2022, Enrico Garcia [Garcia], an employee of the
2 Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No. 1A-
3 2016-289, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
5 which was and is 1168 San Gabriel Boulevard, Suite D, Rosemead, California. A copy of the
6 Accusation, the related documents, and Declaration of Service are attached as **Exhibit B**, and are
7 incorporated herein by reference.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c).

10 On or about September 13, 2022, the aforementioned documents were returned by the U.S.
11 Postal Service marked "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED
12 UNABLE TO FORWARD UNCLAIMED." A copy of the envelope returned by the post office is
13 attached as **Exhibit C**, and is incorporated herein by reference.

14 5. Government Code section 11506 states, in pertinent part:

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

20 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
21 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1A-2016-
22 289.

23 6. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 7. 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 A, B and C, finds that the allegations in Accusation No. 1A-2016-289 are true.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Li Hua Yan, L.Ac. has subjected
3 her Acupuncturist License No. AC 16587 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of Service are
5 attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Acupuncture Board is authorized to revoke Respondent's Acupuncturist License
8 based upon the following violations alleged in the Accusation:

9 a. Cause For Discipline: Obtaining License by Fraud

10 b. Dishonest And Corrupt Acts

11 **ORDER**

12 **IT IS ORDERED THAT** Acupuncturist License No. AC 16587, heretofore issued to
13 Respondent Li Hua Yan, L.Ac., is revoked.

14 Respondent is ordered to reimburse the Acupuncture Board the amount of \$9,145.25, for its
15 investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve
16 Respondent of his responsibility to reimburse the Board for its costs. Respondent's Acupuncture
17 License may not be renewed or reinstated unless all costs ordered under Business and Professions
18 code section 4959 have been paid.

19 If Respondent ever files an application for relicensure or reinstatement in the State of
20 California, the Board shall treat it as a petition for reinstatement. Respondent must comply with
21 all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time
22 the petition is filed.

23 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
24 written motion requesting that the Decision be vacated and stating the grounds relied on within
25 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
26 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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This Decision shall become effective on April 5, 2023.

IT IS SO ORDERED March 6, 2023



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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Default Decision and Order and attachments - SDAG Reviewed.docx