2 . 3 . 4 . 5 . 6	ACUPUNCT DEPARTMENT OF STATE OF	FILED SEP 2 9 2014 ACUPUNCTURE BOARD ACUPUNCTURE BOARD CONSUMER AFFAIRS CALIFORNIA	
11	In the Matter of the Accusation Against: LARRY FORSBERG	Case No. 1A-2013-62	
12	2824 E. 23 rd Street Oakland, CA 94601	ACCUSATION	
13 14			
15	Acupuncture License No. AC 3022 Responden	r l	
16			
17	Complainant alleges:		
18	PARTIES		
19	1. Terri Thorfinnson (Complainant) b	orings this Accusation solely in her official capacity	
20	as the Executive Officer of the Acupuncture B	oard (Board), Department of Consumer Affairs.	
21	2. On or about December 1, 1987, th	e Board issued Acupuncture License Number AC	
22	3022 to Larry Forsberg (Respondent). The Ac	supuncture License was in full force and effect at all	
23	times relevant to the charges brought herein as	nd will expire on September 30, 2016, unless	
24	renewed.		
25	JURI	SDICTION	
26	3. This Accusation is brought before	the Acupuncture Board (Board), Department of	
27	Consumer Affairs, under the authority of the	following laws. All section references are to the	
28	Business and Professions Code unless otherw	ise indicated.	
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1	4. Section 4955 of the Code states:	
2	"The board may deny, suspend, or revoke, or impose probationary conditions upon, the	
3	license of any acupuncturist if he or she is guilty of unprofessional conduct.	
4	"Unprofessional conduct shall include, but not be limited to, the following:	
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6	"(b) Conviction of a crime substantially related to the qualifications, functions,	
7	or duties of an acupuncturist, the record of conviction being conclusive evidence	
8	thereof."	
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10	5. Section 4956 of the Code states:	
11	"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a	
12	charge which is substantially related to the qualifications, functions, or duties of an acupuncturist	
13	is deemed to be a conviction within the meaning of this chapter.	
14	The board may order a license suspended or revoked, or may deny a license, or may impose	
15	probationary conditions upon a license, when the time for appeal has elapsed, or the judgment of	
16	conviction has been affirmed on appeal, or when an order granting probation is made suspending	
17	the imposition of sentence irrespective of a subsequent order under Section 1203.4 of the Penal	
18	Code allowing the person to withdraw his or her pleas of guilty and to enter a plea of not guilty,	
19	or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or	
20	indictment."	
21	<u>COST RECOVERY</u>	
22	6. Section 4959 of the Code states:	
23	"(a) The board may request the administrative law judge, under his or her	
24	proposed decision in resolution of a disciplinary proceeding before the board, to	
25	direct any licensee found guilty of unprofessional conduct to pay to the board a sum	
26	not to exceed actual and reasonable costs of the investigation and prosecution of the	
27	case.	
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	"(b) The costs to be assessed shall be fixed by the administrative law judge and
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2	shall not in any event be increased by the board. When the board does not adopt a
3	proposed decision and remands the case to an administrative law judge, the
4	administrative law judge shall not increase the amount of any costs assessed in the
5	proposed decision.
6	"(c) When the payment directed in the board's order for payment of costs is not
7	made by the licensee, the board may enforce the order for payment in the superior
8	court in the county where the administrative hearing was held. This right of
9	enforcement shall be in addition to any other rights the board may have as to any
10	licensee directed to pay costs.
11	"(d) In any judicial action for the recovery of costs, proof of the board's
12	decision shall be conclusive proof of the validity of the order of payment and the
13	terms for payment.
14	"(e) All costs recovered under this section shall be considered a reimbursement
15	for costs incurred and shall be deposited in the Acupuncture Fund."
16	CAUSE FOR DISCIPLINE
17	(Substantially-related Conviction)
18	7. Respondent's license is subject to disciplinary action under code sections 4955(b) and
19	4956 in that he has a substantially-related conviction. The circumstances are as follows:
20	8. On or about March 29, 2013, Confidential Victim ¹ (CV) telephoned the Berkeley
21	Police Department to report that on March 28, 2013, Respondent physically assaulted her. CV
22	stated that she and Respondent are married and live together with their two children (ages 10 and
23	8.) CV reported that on March 28, 2013, she and Respondent were arguing. Respondent was
24	verbally and physically abusive to CV, and caused minor bruising and swelling to CV's wrist and
25	a scrape to her hand. The children were home during the assault, but were sleeping in a separate
26	bedroom.
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28	¹ The name of the Confidential Victiom will be provided upon a Request for Discovery.
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9. On or about March 29, 2013, Respondent was arrested for violating Penal Code (PC) section 273.5 (corporal injury to spouse/cohabitant/child's parent) and PC section 220(a)(1). On that date, an Emergency Protective Order (EPO) was granted and served on Respondent while he was at the Berkeley Police Department jail. The EPO stated that Respondent must not contact 4 5 CV, and expired on April 5, 2013.

On or about April 3, 2013, CV reported that she received four phone calls from 10. Respondent in violation of the EPO. 7

8 11. On or about April 8, 2013 a criminal complaint titled People of the State of California v. Larry Carl Forsberg, case no. 586281-6 was filed in Alameda County Superior Court. Count 1 9 charged Respondent with violating PC 243(e)(1)(battery) against CV. Count 2 charged 10 Respondent with violating PC 273.5(a) (corporal injury to spouse/cohabitant/child's parent). 11 Count 3 charged Respondent with violating PC 273a(b) (cruelty to child by inflicting injury). 12 Count 4 charged Respondent with violating PC 273.6(a) (disobeying domestic relations court 13 order) on April 3, 2013. Count 5 charged Respondent with violating PC 273.6(a) (disobeying 14 domestic relations court order) on April 4, 2013. 15

On or about September 20, 2013, Respondent entered a plea of no contest and the 12. 16 Court found him guilty of Count 1, PC 243(e)(1) and Count 2, PC 273.5(A). The District 17 Attorney's Office dismissed the remaining counts. The Court placed Respondent on probation 18 for three years with terms and conditions that include five days in county jail (with five days 19 credit) and attend 52 weeks of Domestic Violence Counseling. Respondent was ordered not to 20 annoy, harass, or molest CV. Respondent was also ordered to attend an alcohol/drug program at 21 least two times per week for the first 120 days of probation. 22

Respondent's actions and plea subjects his license to discipline based on his 23 13. substantially-related conviction in violation of code sections 4955(b) and 4956. 24

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1	PRAYER		
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
3	and that following the hearing, the Acupuncture Board issue a decision:		
4	1. Revoking or suspending Acupuncture Number AC 3022, issued to Larry Forsberg;		
5	2. Ordering Larry Forsberg to pay the Acupuncture Board the reasonable costs of the		
6	investigation and enforcement of this case, pursuant to Business and Professions Code section		
7	4959;		
8	3. Taking such other and further action as deemed necessary and proper.		
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10	DATED: SEP 29 2014 Juni Ibolingion		
11	TERRI THORFINNSON		
12	Executive Officer Acupuncture Board		
13	Department of Consumer Affairs State of California		
14	Complainant		
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