BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: HUA WANG
480 Monroe
Irvine, CA 92620
Acupuncture License No. AC 4339
Respondent.

Case No. 1A-2008-12

DECISION AND ORDER

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

This Decision shall become effective on JUL 16 2010

It is so ORDERED JUN 17 2010

Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California
BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:
HUA WANG, L.Ac.
480 Monroe
Irvine, CA 92620

Acupuncture License No. AC4339
Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Janelle Wedge (Complainant) is the Executive Officer of the Acupuncture Board (Board), Department of Consumer Affairs, State of California. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Heidi R. Weisbaum, Deputy Attorney General.

2. Hua Wang, L.Ac. (Respondent) is represented by attorney Ronald Talmo, whose address is Ronald Talmo, Attorney at Law, 2415 N. Hesperian, Santa Ana, CA 92706.

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STIPULATED SURRENDER OF LICENSE AND DISCIPLINARY ORDER
3. On September 15, 1992, the Board issued Acupuncture License No. AC 4339 to Respondent Hua Wang, L.Ac. The license was in full force and effect at all relevant times, and will expire on June 30, 2010, unless renewed.

JURISDICTION

4. On April 29, 2009, Accusation No. 1A-2008-12 was filed before the Board and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent who timely filed a Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 1A-2008-12 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1A-2008-12. Respondent also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

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

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

CULPABILITY

8. Respondent does not contest that at an administrative hearing Complainant could establish a prima facie case with respect to the charges and allegations contained in Accusation No. 1A-2008-12, and that he has thereby subjected his Acupuncture License No. AC4339 to disciplinary action.

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9. Respondent agrees that if he ever petitions for reinstatement of his Acupuncture License No. AC4339, all of the charges and allegations contained in Accusation No. 1A-2008-12 shall be deemed true, correct and fully admitted by Respondent for purposes of that reinstatement proceeding or any other licensing proceeding involving Respondent in the State of California.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Acupuncture License No. AC4339 without further process.

CONTINGENCY

11. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event the Board does not, in its discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

12. This Stipulated Surrender of License and Disciplinary Order shall be subject to approval by the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and
act on this stipulation after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon it.

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

ORDER

IT IS HEREBY ORDERED that Acupuncture License No. AC4339, issued to Respondent Hua Wang, L.Ac., is surrendered and accepted by the Acupuncture Board.

14. Respondent shall lose all rights and privileges as an Acupuncturist in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both his wall license certificate and, if one was issued, his pocket license on or before the effective date of the Decision and Order.

16. Should Respondent ever apply for licensure or petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 1A-2008-12 shall be deemed true, correct and fully admitted by Respondent when the Board determines whether to grant or deny the application or petition.

17. Should Respondent ever apply or reapply for reinstatement of his Acupuncture License, Respondent shall pay to the Board its costs of investigation and prosecution of this case, which costs are $13,478.50, prior to issuance of a new or reinstated license.

18. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 1A-2008-12 shall be deemed true, correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Disciplinary Order. I understand the stipulation and the effect it will have on my Acupuncture License No. AC4339. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 5-19-10
HUA WANG, L.Ac.
Respondent

I have read and fully discussed with Respondent Hua Wang, L.Ac., the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 5-19-10
RONALD TALMO
Attorney at Law

ENDORSEMENT

The foregoing Stipulated Surrender of License and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: May 21, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

HEIDI R. WEISBAUM
Deputy Attorney General

Attorneys for Complainant
Exhibit A

Accusation No. 1A-2008-12
BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

HUA WANG, L.AC.
480 Monroe
Irvine, CA 92620
Licensed Acupuncturist No. AC 4339

Respondent.

Complainant alleges:

PARTIES
1. Janelle Wedge (Complainant) brings this Accusation solely in her official
capacity as the Executive Officer of the Acupuncture Board.

2. On September 15, 1992, the Acupuncture Board issued Licensed
Acupuncturist No. AC 4339 to HUA WANG, L.Ac. (Respondent). At all times relevant to the
charges brought here, the license was in full force and effect. It will expire on June 30, 2010,
unless renewed.

JURISDICTION
3. This Accusation is brought before the Acupuncture Board (Board) under
the authority of the following laws. All section references are to the Business and Professions
Code unless otherwise indicated.
4. Section 4955 states:

"The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist if he or she is guilty of unprofessional conduct. "Unprofessional conduct shall include, but not be limited to, the following:

"..."

"(c) False or misleading advertising.

"..."

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

5. Section 4955.1 of the Code states:

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

"..."

"(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."

6. Section 4959 of the Code states:

"(a) The board may request the administrative law judge, under his or her 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 not to exceed actual and reasonable costs of the investigation and prosecution of the 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.

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

FIRST CAUSE FOR DISCIPLINE

(Violation of Local Ordinance on Business Premises)

7. Respondent is subject to disciplinary action under Section 4955,
subdivision (j), because in July 2008, September 2008, and October 2008, he allowed his
employees, who had not obtained massage technician permits, to perform massages in violation
of Santa Ana Municipal Code Chapter 22-4. The circumstances are as follows:

A. On about January 16, 2008, Respondent was notified in writing by
the City of Santa Ana that illegal massage activity was occurring at his business,
located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California. This
business address was listed on Craigslist.org as offering massages by young Latina
and Asian girls.

B. On about July 24, 2008, at about 1915, Santa Ana Police Officers
entered the premises of Respondent’s Health and Healing Center of Natural
Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana,
California. The officers observed an outer client area and five rooms with
massage tables and oils. No doctor or acupuncturist was present on the premises.
The officers spoke with three women who admitted giving massages to clients, and who also admitted not having permits from the City of Santa Ana to do so.

C. On about September 17, 2008, at about 1500, three undercover police officers with the Santa Ana Police Department Vice Unit and Southcoast Directed Patrol, entered the premises of Respondent’s Health and Healing Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California. The officers asked if they could have massages with separate girls, were told they could, and were given massage client forms to complete. No doctor was present on the premises. None of the female employees had massage technician permits.

(1) While on the premises of Respondent’s business, the officers noted a City of Santa Ana Business License issued to Health and Healing Center of Natural Medicine, hanging on the wall in the reception area. On the same wall hung certificates from the Acupuncture Board for Respondent and another acupuncturist. Also in the reception area was a sign-in sheet with the names of the clients, the corresponding name of the masseuse, and whether the service provided was a half-hour or hour. The officers further observed there were five client rooms, only one of which contained implements used for the purpose of acupuncture. Each room had a bed or table to lie on, stands with shelves for towels and lotions, and a small lamp for lighting. In addition, there was a bathroom and a table shower on which clients could lie down and be washed with a water device located in the shower.

(2) While on the premises of Respondent’s business, one officer entered a room where he found a nude male lying on his back on a massage table with a small towel covering his genitals. The male client informed the officer he had paid $60 for a one-hour massage and an extra $40 for a “release”, known to the officer as a “happy ending” or when a masseuse or prostitute masturbates a client to orgasm. The male client stated he had learned about the business through
Craigslist on the Internet. The male client identified one of the female employees as the one who had given him the “happy ending.”

(3) Three of the female employees were arrested for performing massages without a permit. Following their arrests, the women were interviewed and stated that Respondent came to the business once a week for about one hour per day. There was also a manager who came every morning to set the women’s schedules and pick up the money the women had earned from the previous day.

(4) While on the premises of Respondent’s business, the officers discovered in the room labeled “Doctor,” the second acupuncturist massaging a clothed female whom, minutes before, the officers had seen inside the reception area.

D. On about October 23, 2008, at about 1700, Detective J. Gonzalez, an undercover officer with the Santa Ana Police Department Vice Unit, entered the premises of Respondent’s Health and Healing Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California. He was greeted by a female and was asked if he wanted a massage from a Chinese girl, to which he said, “Yes.” He was then asked if he wanted a half-hour or full hour, was charged $40, paid with a marked $100 bill, and was walked to a room where he was told to undress. The officer initially kept his shorts on. When the girl entered the room, she told him to take off his shorts because she was going to massage his buttocks; he complied with the request. As she began the massage, she informed the officer she was going to get another girl to help her “finish” him at the end of the massage. At that point, Detective Gonzalez asked to use the restroom where he signaled the other officers with the Santa Ana Police Department Vice Unit and Northeast Directed Patrol.

(1) About five minutes after the Detective Gonzalez entered Respondent’s premises, Detective F. Hashempour, a second undercover officer with the Santa Ana Police Department Vice Unit, entered the premises, was greeted by a man
sitting behind the reception desk and a woman. The man, later identified as a chiropractor, asked if the officer wanted a half-hour massage or an hour. The officer was not asked if he was in need of acupuncture services or chiropractic services. The officer stated he wanted a half-hour, paid the man $40, signed the sign-in sheet, and was directed to a room. After about five minutes, a female employee entered to give him the massage. Detective Hashempour was then alerted by Detective Gonzalez.

(2) While on the premises of Respondent’s business, the officers noted a City of Santa Ana Business License issued to Health and Healing Center of Natural Medicine, hanging on the wall in the reception area. Also in the reception area was a sign-in sheet with the names of the clients, the corresponding name of the masseuse, and whether the service provided was a half-hour or hour. The officers observed five client rooms, one of which was labeled “Doctor.” Inside this room, a chiropractor certificate was on the wall. The chiropractor was the man seated at the reception desk when the undercover officers entered the premises.

(3) While on the premises of Respondent’s business, the officers arrested four female employees, all of whom admitted giving massages. Three of the women did not have massage technician permits; the fourth allegedly had a permit but stated the doctor told her she would not need it because there would be a doctor on site. No doctor or acupuncturist was present on the premises.

E. On about October 23, 2008, Respondent was again notified in writing by the City of Santa Ana that unlawful massage activity was occurring at his Health and Healing Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California.

SECOND CAUSE FOR DISCIPLINE

(Act Involving Corruption)

8. Respondent is subject to disciplinary action under section 4955.1, subdivision (c), because in about December 2006, he used his acupuncture license to obtain a
City of Santa Ana Business license for an unlawful massage business at his Health and Healing Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California.

9. Respondent is further subject to disciplinary action under section 4595.1, subdivision (c), because from about December 2006 to about November 14, 2008, he authorized illegal massage activity at his Health and Healing Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California, as more particularly described above in paragraph 7 and all of its subparts.

THIRD CAUSE FOR DISCIPLINE
(True Advertising)

10. Respondent is subject to disciplinary action under section 4955, subdivision (c), because from about July 2008 through October 2008, Respondent committed false and/or misleading advertising by the signage at his Health and Healing Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California, which advertised his office as providing therapeutic acupressure, acupuncture and pain management along with massage, when no therapeutic acupressure, acupuncture and pain management was practiced at that location.

FOURTH CAUSE FOR DISCIPLINE
(Fraud or Dishonest Act)

11. Respondent is subject to disciplinary action under section 4955.1, subdivision (b), because in about December 2006, he obtained a City of Santa Ana Business License for his Health and Healing Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California, by describing the business as acupuncture when he knew the license was for an unlawful massage business.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:
1. Revoking, suspending or imposing disciplinary conditions on Licensed Acupuncturist No. AC 4339, issued to Hua Wang, L.Ac.;

2. Ordering Hua Wang, L.Ac., to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: APR 29 2009

JANELLE WEDGE
Executive Officer
Acupuncture Board
State of California
Complainant
BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

HUA WANG, L.AC.

Respondent.

Case No. 1A-2008-12

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

TO RESPONDENT HUA WANG, L.Ac.:

Enclosed is a copy of the Accusation that has been filed with the Acupuncture Board (Board), and which is hereby served on you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Board within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the Board may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in section 11506 of the Government Code, to

Heidi R. Weisbaum
Deputy Attorney General
110 W. A Street, Ste. 1100
San Diego, CA 92101
You may, but need not, be represented by counsel at any or all stages of these proceedings.

The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

If you file any Notice of Defense within the time permitted, a hearing will be held on the charges made in the Accusation.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the Office of Administrative Hearings, 1350 Front Street, Suite 6022, San Diego, CA 92101, within ten (10) working days after you discover the good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in section 11507.6 of the Government Code in the possession, custody or control of the Board you may send a Request for Discovery to:

Heidi R. Weisbaum  
Deputy Attorney General  
110 W. A Street, Ste. 1100  
San Diego, CA 92101

**NOTICE REGARDING STIPULATED SETTLEMENTS**

It may be possible to avoid the time, expense and uncertainties involved in an administrative hearing by disposing of this matter through a stipulated settlement. A stipulated settlement is a binding written agreement between you and the government regarding the matters charged and the discipline to be imposed. Such a stipulation would have to be approved by the Board but, once approved, it would be incorporated into a final order.
Any stipulation must be consistent with the Board's established disciplinary guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the Board's Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Deputy Attorney General Heidi R. Weisbaum at the earliest opportunity.

DATED: April 20, 2009

EDMUND G. BROWN JR., Attorney General of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

HEIDI R. WEISBAUM
Deputy Attorney General

Attorneys for Complainant
BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Case No. 1A-2008-12
HUA WANG, L.Ac. 

TO RESPONDENT HUA WANG, L.Ac.:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE HEREBY REQUESTED TO:

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:
   a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or
 omission of the Respondent as to this person is the basis for the administrative proceeding;

b. A statement pertaining to the subject matter of the proceeding made by any party to another party or persons;

c. Statements of witnesses then proposed to be called by the Respondent and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

d. All writings, including but not limited to reports of mental, physical and blood examinations and things which the Respondent now proposes to offer in evidence;

e. Any other writing or thing which is relevant and which would be admissible in evidence, including but not limited to, any patient or hospital records pertaining to the persons named in the pleading;

f. Investigative reports made by or on behalf of the Respondent pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this Request for Discovery, "statements" include written statements by the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery within 30 days after service of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: April 20, 2009

EDMUND G. BROWN JR., Attorney General of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

HEIDI R. WEISBAUM
Deputy Attorney General

Attorneys for Complainant
BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Case No. 1A-2008-12
HUA WANG, L.AC. NOTICE OF DEFENSE
Respondent. [Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _______________________
Respondent’s Name

Respondent’s Signature

Respondent’s Mailing Address

City, State and Zip Code

Respondent’s Telephone Number

Check appropriate box:

☐ I am represented by counsel, whose name, address and telephone number appear below:
   Counsel’s Name
   Counsel’s Mailing Address
   City, State and Zip Code
   Counsel’s Telephone Number

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney’s name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.
BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Case No. 1A-2008-12

HUA WANG, L.AC. Respondent.

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: ______________________

Respondent’s Name

Respondent’s Signature

Respondent’s Mailing Address

City, State and Zip Code

Respondent’s Telephone Number

Check appropriate box:

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel’s Name

Counsel’s Mailing Address

City, State and Zip Code

Counsel’s Telephone Number

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney’s name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.
SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;
(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;
(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
(e) Any other writing or thing which is relevant and which would be admissible in evidence;
(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.
SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

************
DEPARTMENT OF SERVICE

In the Matter of the Accusation filed Against:

HUA WANG

I, the undersigned, declare that I am over 18 years of age and address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95812.

STATEMENT TO RESPONDENT.
REQUEST FOR DISCOVERY, NOTICE OF DEFENSE (2),
GOVERNMENT CODE SECTIONS 11507.5, 11507.6 and 11507.7

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

NAME and ADDRESS

Hua Wang, AC 4339
480 Monroe
Irvine, CA 92620

Heidi R. Weisbaum, Deputy Attorney General
California Department of Justice
Office of the Attorney General, HQE
110 West “A” Street, Ste. 1100
San Diego, CA 92101

Steven V. Adler, Supervising
California Department of Justice
Office of the Attorney General
110 West “A” Street, Ste. 1100
San Diego, CA 92101

Each said envelope was, on April 29, 2012,

I declare under penalty of perjury correct. Executed on April 29, 2013

Hua Wang, AC 4339
480 Monroe
Irvine, CA 92620
DECLARATION OF SERVICE BY MAIL

In the Matter of the Accusation Filed Against:

HUA WANG

Case No. 1A-2008-12

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95811-0228. I served a true copy of the attached:

STIPULATED SURRENDER OF LICENSE AND ORDER

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

<table>
<thead>
<tr>
<th>NAME and ADDRESS</th>
<th>CERTIFIED MAIL NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hua Wang, L.Ac.</td>
<td>7009 1410 0002 2164 0214</td>
</tr>
<tr>
<td>480 Monroe</td>
<td></td>
</tr>
<tr>
<td>Irvine, CA 92620</td>
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<tr>
<td>Ronald Talmo</td>
<td>regular mail</td>
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<tr>
<td>Attorney at Law</td>
<td></td>
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<tr>
<td>2415 N. Hesperian</td>
<td></td>
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<tr>
<td>Santa Ana, CA 92706</td>
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<tr>
<td>Heidi Weisbaum, Deputy Attorney General</td>
<td>regular mail</td>
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<tr>
<td>California Department of Justice</td>
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<tr>
<td>Office of the Attorney General/HQE</td>
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<tr>
<td>110 West “A” St., Ste. 1100</td>
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<tr>
<td>San Diego, CA 92101</td>
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<tr>
<td>Thomas Lazar, Supervising Deputy Attorney General</td>
<td>regular mail</td>
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<td>California Department of Justice</td>
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<td></td>
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<tr>
<td>San Diego, CA 92101</td>
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</tbody>
</table>

Each said envelope was, on June 17, 2010, sealed and deposited in the U.S. mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid for an attempt at service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 17, 2010 at Sacramento, California.

Kristina Brother
DECLARANT