BEFORE THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter	of the	First	Amended	Accusation
Against:				

CHIEN-LIANG LIN, L.Ac. 43824 20th Street West #8758 Lancaster, CA 93539

Acupuncturist License No. AC 7526,

Respondent.

Case No. 1A-2014-31

OAH No. 2018110762

DECISION AND ORDER

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

This Decision shall be	pecome effective on	September 28, 2019	·
It is so ORDERED	September 18, 2019	·	

Original signed by:

BENJAMIN BODEA, EXECUTIVE OFFICER
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

1	XAVIER BECERRA				
2	Attorney General of California E. A. JONES III				
3	Supervising Deputy Attorney General WENDY WIDLUS				
4	Deputy Attorney General State Bar No. 82958				
5	California Department of Justice 300 So. Spring Street, Suite 1702				
6	Los Angeles, CA 90013 Telephone: (213) 897-2867				
7	Facsimile: (213) 897-9395 E-mail: Wendy.Widlus@doj.ca.gov				
8	Attorneys for Complainant BEFOR	E THE			
9	ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS				
10	STATE OF C				
11					
12	In the Matter of the First Amended Accusation	Case No. 1A-2014-31			
13	Against: CHIEN-LIANG LIN, L.Ac.	OAH No. 2018110762			
14	43824 20th Street West #8758 Lancaster, CA 93539	STIPULATED SURRENDER OF LICENSE AND ORDER			
15	Acupuncturist License No. AC 7526,				
16	Respondent.				
17					
18					
19		REED by and between the parties to the above-			
20	entitled proceedings that the following matters are				
21	PARTIES				
22	1. Benjamin Bodea (Complainant) is the	Executive Officer of the Acupuncture Board			
23	(Board). He brought this action solely in his official capacity and is represented in this matter by				
24	Xavier Becerra, Attorney General of the State of C	California, by Wendy Widlus, Deputy Attorney			
25	General.				
26	2. Chien-Liang Lin, L.Ac. (Respondent) is represented in this proceeding by attorney				
27	Ronald Talmo, Esq., whose address is: 1202 S. R				
28	3. On or about September 26, 2000, the	Board issued Acupuncturist License No. AC			
		1			

7526 to Chien-Liang Lin, L.Ac. (Respondent). The Acupuncturist License was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 1A-2014-31 and will expire on December 31, 2019, unless renewed.

JURISDICTION

4. The First Amended Accusation No. 1A-2014-31 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on August 6, 2019. Respondent timely filed his Notice of Defense contesting the First Amended Accusation. A copy of the First Amended Accusation No. 1A-2014-31 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the First Amended Accusation No. 1A-2014-31. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and 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 First Amended 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 understands that the charges and allegations in the First Amended Accusation No. 1A-2014-31, if proven at a hearing, constitute cause for imposing discipline upon his Acupuncturist License.

- 9. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the charges in the First Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.
- 10. Respondent agrees that cause exists for discipline for each and every charge and allegation in the First Amended Accusation No. 1A-2014-31, that his Acupuncturist License is subject to discipline, and he hereby surrenders his Acupuncturist License No. AC 7526 for the Board's formal acceptance.
- 11. Respondent understands that by signing this stipulation, he enables the Board to issue an order accepting the surrender of his Acupuncturist License without further process.
- 12. Respondent agrees that if he ever petitions for reinstatement of his Acupuncture License No. AC 7526, all of the charges and allegations contained in the First Amended Accusation No. 1A-2014-31 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.

CONTINGENCY

13. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER AGREEMENTS

14. The parties understand and agree that Portable Document Format (PDF) and facsimile

copies of this Stipulated Surrender of License and Order shall have the same force and effect as the originals.

15. 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 Acupuncturist License No. AC 7526, issued to Respondent Chien-Liang Lin, L.Ac., is surrendered and accepted by the Board.

- 1. The surrender of Respondent's Acupuncturist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in the First Amended Accusation No. 1A-2014-31 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$39,273.50 prior to Respondent submitting a petition for reinstatement of his license.
- 6. If Respondent should 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 the First Amended Accusation, No. 1A-2014-31 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

1	ACCEPTANCE				
2	I have carefully read the above Stipulated Surrender of License and Order and have fully				
3	discussed it with my attorney Ronald Talmo, Esq. I understand the stipulation and the effect it				
4	will have on my Acupuncturist License. I enter into this Stipulated Surrender of License and				
5	Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order				
6	of the Acupuncture Board.				
7					
8 9	DATED: August 14, 2019 Original signed by: CHIEN-LIANG LIN, L.Ac. Respondent				
10	I have read and fully discussed with Respondent Chien-Liang Lin, L.Ac. the terms and				
11	conditions and other matters contained in this Stipulated Surrender of License and Order. I				
12	approve its form and content.				
13	DATED: August 14, 2019 Original signed by: RONALD TALMO, ESQ.				
14	ROŇALD ŤALMO, ESQ. Attorney for Respondent				
15					
16	ENDORSEMENT				
17	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted				
18	for consideration by the Acupuncture Board of the Department of Consumer Affairs.				
19	DATED: <u>August 14, 2019</u> Respectfully submitted,				
20	XAVIER BECERRA Attorney General of California				
21	E. A. Jones III Supervising Deputy Attorney General				
22	Supervising Deputy Attorney General				
23	Original signed by:				
24	WENDY WIDLUS Deputy Attorney General				
25	Attorneys for Complainant				
26					
27 28	LA2018501946 53652417.docx				

Exhibit A

First Amended Accusation No. 1A-2014-31