

**BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1A-2016-274

XIU PING QI

**1072 S. De Anza Blvd #A108
San Jose, CA 95129**

Acupuncture License No. AC 8226


One.

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 06 2019** .

It is so ORDERED **JUN 26 2019** .



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

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San Jose, CA 95129

STIPULATED SURRENDER OF
LICENSE AND ORDER

15 **Acupuncture License No. AC 8226**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
22 (Board). He brought this action solely in his official capacity and is represented in this matter by
23 Xavier Becerra, Attorney General of the State of California, by Alice W. Wong, Deputy Attorney
24 General.

25 2. Xiu Ping Qi (Respondent) is represented in this proceeding by attorney Naomi
26 Chung, whose address is: Pier 9, Suite 100, San Francisco, CA 94111.

27 3. On or about March 14, 2002, the Board issued Acupuncture License No. AC 8226 to
28 Xiu Ping Qi (Respondent). The Acupuncture License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 1A-2016-274 and will expire on March 31,
2 2019, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 1A-2016-274 was filed before the Board, and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on March 1, 2019. Respondent timely filed her Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 1A-2016-274 is attached as Exhibit A and
8 incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 1A-2016-274. Respondent also has carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
13 and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 1A-2016-274, agrees that cause exists for discipline and hereby surrenders her Acupuncture
25 License No. AC 8226 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Acupuncture License without further process.

28

1 CONTINGENCY

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

11 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
12 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
13 thereto, shall have the same force and effect as the originals.

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

16 ORDER

17 IT IS HEREBY ORDERED that Acupuncture License No. AC 8226, issued to Respondent
18 Xiu Ping Qi, is surrendered and accepted by the Board.

19 1. The surrender of Respondent's Acupuncture License and the acceptance of the
20 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
21 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
22 license history with the Board.

23 2. Respondent shall lose all rights and privileges as an acupuncturist in California as of
24 the effective date of the Board's Decision and Order.

25 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
26 issued, her wall certificate on or before the effective date of the Decision and Order.

27 4. If Respondent ever files an application for licensure or a petition for reinstatement in
28 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must

1 comply with all the laws, regulations and procedures for reinstatement of a revoked or
2 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
3 contained in Accusation No. 1A-2016-274 shall be deemed to be true, correct and admitted by
4 Respondent when the Board determines whether to grant or deny the petition.

5 5. Respondent shall pay the agency its costs of investigation and enforcement in the
6 amount of \$2,630.00 prior to issuance of a new or reinstated license.

7 6. If Respondent should ever apply or reapply for a new license or certification, or
8 petition for reinstatement of a license, by any other health care licensing agency in the State of
9 California, all of the charges and allegations contained in Accusation, No. 1A-2016-274 shall be
10 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
11 Issues or any other proceeding seeking to deny or restrict licensure.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Surrender of License and Order and have fully
14 discussed it with my attorney Naomi Chung. I understand the stipulation and the effect it will
15 have on my Acupuncture License. I enter into this Stipulated Surrender of License and Order
16 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
17 Acupuncture Board.

18
19 DATED: 4/05/2019 Xiu Ping Qi
20 XIU PING QI
Respondent

21 I have read and fully discussed with Respondent Xiu Ping Qi the terms and conditions and
22 other matters contained in this Stipulated Surrender of License and Order. I approve its form and
23 content.

24 DATED: 4/6/2019 Naomi Chung
25 NAOMI CHUNG
Attorney for Respondent

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ENDORSEMENT

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

Dated: 4/9/2019

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General



ALICE W. WONG
Deputy Attorney General
Attorneys for Complainant

SF2019200011

Exhibit A

Accusation No. 1A-2016-274