DECISION AND ORDER

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

This Decision shall become effective on AUG 3 1 2019.

It is so ORDERED AUG 2 1 2019.

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

In the Matter of the Second Amended
Accusation Against:

HENRY DAVID LEE, L.AC.
3421 Calle Azul 1-B
Laguna Woods, CA 92637

Acupuncture License No. AC 8254

Respondent.

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

PARTIES

1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
   (Board). He brought this action solely in his official capacity and is represented in this matter by
   Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall, Deputy
   Attorney General.

2. Henry David Lee, L.Ac. (Respondent) is represented in this proceeding by attorney
   Edward O. Lear, Esq., whose address is: 5200 West Century Boulevard, Suite 345, Los Angeles,
   CA 90045.
3. On or about March 20, 2002, the Board issued Acupuncture License No. AC 8254 to Respondent. The Acupuncture License was in full force and effect at all times relevant to the charges and allegations brought in Second Amended Accusation No. 1A-2014-164, and will expire on May 31, 2021, unless renewed.

**JURISDICTION**

4. On or about October 31, 2017, Second Amended Accusation No. 1A-2014-164, which superseded the First Amended Accusation filed on June 19, 2017, was filed before the Board, and is currently pending against Respondent. The Second Amended Accusation and all other statutorily required documents were properly served on Respondent on October 31, 2017. Respondent timely filed his Notice of Defense. A true and correct copy of Second Amended Accusation No. 1A-2014-164 is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

**ADVICEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Second Amended Accusation No. 1A-2014-164. Respondent also has 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 Second 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. Having the benefit of counsel, Respondent hereby voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent agrees that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations contained in Second Amended Accusation No. 1A-2014-164, and that he has thereby subjected his Acupuncture License No. AC 8254 to disciplinary action. Respondent further agrees to be bound by the Board’s imposition of discipline as set forth in the Disciplinary Order below.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Acupuncture License No. AC 8254 without further process.

10. Respondent agrees that if he ever petitions for reinstatement of his Acupuncturist License No. AC 8254, all of the charges and allegations contained in Second Amended Accusation No. 1A-2014-164, 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.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Acupuncture Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This Stipulated Surrender and Disciplinary Order 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 Stipulated Surrender and Disciplinary Order, without notice to or participation by Respondent or his counsel. By signing the Stipulated Surrender and Disciplinary Order, 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 Stipulated Surrender and Disciplinary Order 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.

**ADDITIONAL PROVISIONS**

13. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final, and exclusive embodiment of the agreements of the parties in the above-entitled matter.

14. The parties agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

**ORDER**

IT IS HEREBY ORDERED that Acupuncture License No. AC 8254, issued to Respondent Henry David Lee, L.Ac., is surrendered and accepted by the Board.

1. The surrender of Respondent’s Acupuncture License No. AC 8254, 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 Second Amended Accusation No. 1A-2014-164 shall be deemed to be true, correct,
and fully 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 $75,995.25 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 Second Amended Accusation, No. 1A-2014-164 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.

**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney, Edward O. Lear, Esq. I understand the stipulation and the effect it will have on my Acupuncture License No. AC 8254. 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: 08-15-2019

HENRY DAVID LEE, L.Ac.

Respondent

I have read and fully discussed with Respondent Henry David Lee, 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: 

EDWARD O. LEAR, ESQ.
Attorney for Respondent
and fully 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 $75,995.25 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 Second Amended Accusation, No. 1A-2014-164 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.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney, Edward O. Lear, Esq. I understand the stipulation and the effect it will have on my Acupuncture License No. AC 8254. 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: ____________________________

HENRY DAVID LEE, L.AC.
Respondent

I have read and fully discussed with Respondent Henry David Lee, 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: 8/15/19

EDWARD O. LEAR, ESQ.
Attorney for Respondent
ENDORSEMENT

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

DATED: 8/15/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant
Exhibit A

Second Amended Accusation No. 1A-2014-164