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

Case No. 1A-2019-58

In the Matter of the Accusation Against:

HAICHAO HUANG

402 8th Avenue, Ste 203 San Francisco CA 94118

Acupuncture License No. 8705

Respondent.

## **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 \_\_\_\_\_July 31, 2020\_\_\_\_\_.

It is so ORDERED \_\_\_\_\_July 21, 2020

Original Signature on File FOR THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS

1	XAVIER BECERRA		
2	Attorney General of California JANE ZACK SIMON		
3	Supervising Deputy Attorney General State Bar No. 116564		
4	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004		
5	Telephone: (415) 510-3521 Facsimile: (415) 703-5480		
6	E-mail: Janezack.simon@doj.ca.gov Attorneys for Complainant		
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8	BEFORE THE ACUPUNCTURE BOARD		
9	DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 1A-2019-58	
12	HAICHAO HUANG, L.Ac. 402 8th Avenue, Ste 203		
13	San Francisco CA 94118	STIPULATED SURRENDER OF LICENSE AND ORDER	
14	Acupuncture License No. AC 8705	LICENSE AND ORDER	
15	Respondent		
16			
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
18	entitled proceedings that the following matters are true:		
19	PAR	TIES	
20	1. Benjamin Bodea (Complainant) is th	e Executive Officer of the Acupuncture Board	
21	(Board). He brought this action solely in his off	cial capacity and is represented in this matter by	
22	Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon, Supervising		
23	Deputy Attorney General.		
24	2. Haichao Huang, L.Ac. (Respondent)	is representing himself in this proceeding.	
25	3. On October 2, 2002, the Board issued Acupuncture License No. AC 8705 to Haichad		
26	Huang, L.Ac.The Acupuncture License is renewed and current, with and expiration date of		
27	March 31, 2022.		
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		Stipulated Surrander of License (Case No. 1A, 2010, 58)	

1	JURISDICTION	
2	4. Accusation No. 1A-2019-58 was filed before the Board, and is currently pending	
3	against Respondent. The Accusation and all other statutorily required documents were properly	
4	served on Respondent. A copy of Accusation No. 1A-2019-58 is attached as Exhibit A.	
5	ADVISEMENT AND WAIVERS	
6	5. Respondent has carefully read and understands the charges and allegations in	
7	Accusation No. 1A-2019-58. Respondent also has carefully read and understands the effects of	
8	this Stipulated Surrender of License and Order.	
9	6. Respondent is fully aware of his legal rights in this matter, including the right to a	
10	hearing on the charges and allegations in the Accusation; the right to confront and cross-examine	
11	the witnesses against him; the right to present evidence and to testify on his own behalf; the right	
12	to the issuance of subpoenas to compel the attendance of witnesses and the production of	
13	documents; the right to reconsideration and court review of an adverse decision; and all other	
14	rights accorded by the California Administrative Procedure Act and other applicable laws.	
15	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and	
16	every right set forth above.	
17	<u>CULPABILITY</u>	
18	8. Respondent understands that the charges and allegations in Accusation No. 1A-2019-	
19	58, if proven at a hearing, constitute cause for imposing discipline upon his Acupuncture License.	
20	9. For the purpose of resolving the Accusation without the expense and uncertainty of	
21	further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual	
22	basis for the charges in the Accusation and that those charges constitute cause for discipline.	
23	Respondent hereby gives up his right to contest that cause for discipline exists based on those	
24	charges.	
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	Stipulated Surrender of License (Case No. 1A-2019-58)	

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Acupuncture License without further process.

#### **CONTINGENCY**

11. This stipulation shall be subject to approval by the Board. Respondent understands 4 and agrees that counsel for Complainant and the staff of the Board may communicate directly 5 with the Board regarding this stipulation and surrender, without notice to or participation by 6 Respondent. By signing the stipulation, Respondent understands and agrees that he may not 7 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers 8 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the 9 10 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 11 be disqualified from further action by having considered this matter. 12 12. The parties understand and agree that Portable Document Format (PDF) and facsimile 13 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures 14

15 thereto, shall have the same force and effect as the originals.

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

18

### **ORDER**

19 IT IS HEREBY ORDERED that Acupuncture License No. 8705, issued to Respondent
20 Haichao Huang, L.Ac., is surrendered and accepted by the Board.

The surrender of Respondent's Acupuncture 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.

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

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

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1	4. If Respondent ever files an application for licensure or a petition for reinstatement in		
2	the State of California, the Board shall treat it as a petition for reinstatement. Respondent must		
3	comply with all the laws, regulations and procedures for reinstatement of a revoked or		
4	surrendered license in effect at the time the petition is filed, and all of the charges and allegations		
5	contained in Accusation No. 1A-2019-58 shall be deemed to be true, correct and admitted by		
6	Respondent when the Board determines whether to grant or deny the petition.		
7	5. Respondent may not petition for reinstatement of a revoked or surrendered		
8	license/registration for three (3) years from the effective date of this Decision. Respondent shall		
9	pay the Board a portion of its costs of investigation and enforcement of this mater in the amount		
10	of \$2,000.00 payable to the Board at the time Respondent submits a petition for reinstatement of		
11	his license.		
12	6. If Respondent should ever apply or reapply for a new license or certification, or		
13	petition for reinstatement of a license, by any other health care licensing agency in the State of		
14	California, all of the charges and allegations contained in Accusation, No. 1A-2019-58 shall be		
15	deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of		
16	Issues or any other proceeding seeking to deny or restrict licensure.		
17	ACCEPTANCE		
18	I have carefully read the above Stipulated Surrender of License and Order. I understand the		
19	stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated		
20	Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound		
21	by the Decision and Order of the Acupuncture Board.		
22	DATED: 07/03/2020 Original Signature on File		
23	HAICHAO HUANG, L.Ac. Respondent		
24	///		
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	Stipulated Surrender of License (Case No. 1A-2019-58)		

1	<b>ENDORSEMENT</b>
2	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
3	for consideration by the Acupuncture Board of the Department of Consumer Affairs.
4	DATED: XAVIER BECERRA
5	Attorney General of California
6	Original Signature on File
7	JANE ZACK SIMON Supervising Deputy Attorney General
8	Supervising Deputy Attorney General Attorneys for Complainant
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	Stipulated Surrander of Licence (Cose No. 1A 2010 59)

# Exhibit A

Accusation No. 1A-2019-58