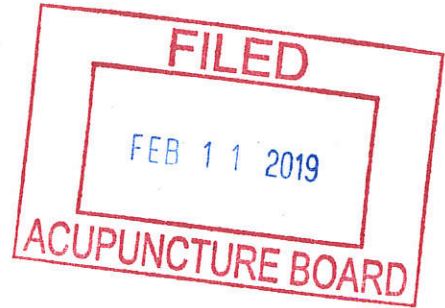


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9
10 **BEFORE THE**
11 **ACUPUNCTURE BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14
15 In the Matter of the Petition to Revoke
Probation Against:

Case No. D1-2011-27

16 **BRENT JOSEPH BERTOLAMI**
17 18223 Snohomish Avenue
Snohomish, WA 98296

PETITION TO REVOKE PROBATION

18 Acupuncturist License No. AC 12979

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Benjamin Bodea ("Complainant") brings this Petition to Revoke Probation solely in
24 his official capacity as the Executive Officer of the Acupuncture Board, Department of Consumer
25 Affairs ("Board").

26 2. On or about February 24, 2009, the Acupuncture Board issued Acupuncturist License
27 Number AC 12979 to Brent Joseph Bertolami ("Respondent"). The Acupuncturist License
28 expired on December 31, 2016, has not been renewed, it is delinquent, and therefore not valid.

evidence and supporting documentation of financial hardship may delay further disciplinary action. Consideration to financial hardship will not be given should Respondent violate this term and condition, unless an unexpected AND unavoidable hardship is established from the date of this order to the date payment(s) is due.”

9. Respondent’s probationary license is subject to revocation because he failed to comply with Probation Condition 12, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about July 1, 2015, the Board’s Decision and Order became effective in case 1A-2011-27. The original termination date of probation was July 1, 2018, and a date six months prior to the original termination date of probation was January 1, 2018. On July 1, 2015, Respondent’s probation was placed in tolled status due to his out-of-state residency. The Board notified Respondent in a letter dated July 6, 2015, that the tolling of probation would keep all of the probation terms in abeyance with the exception of the requirement to pay cost recovery and the requirement to notify the Board of changes in his address and telephone numbers. The Board also notified Respondent that he needed to provide a written payment plan showing how he would reimburse the Board as part of the cost recovery probation condition.

B. Respondent paid the following amounts on the following dates:

Date	Amount Paid	Balance Owed
August 3, 2015	\$3,500.00	\$5,392.50
September 1, 2015	\$154.07	\$5,238.43
October 5, 2015	\$154.07	\$5,084.36
November 5, 2015	\$154.07	\$4,930.29
December 7, 2015	\$154.07	\$4,776.22
January 8, 2018	\$154.07	\$4,622.15

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1 C. On December 31, 2016, the Respondent failed to renew his licensed to practice
2 Acupuncture and the license entered delinquent status. The Board last received a cost recovery
3 payment on January 8, 2018. Respondent continues to owe \$4,622.15 and has not made any
4 additional efforts in the last year to make cost recovery payments. Respondent's probationary
5 license as set forth in Condition 12 is subject to revocation due to a failure to meet his cost
6 recovery obligations.

7
8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Acupuncture Board issue a decision:

- 11 1. Revoking the probation that was granted by the Acupuncture Board in Case No. 1A-
12 2011-27 and imposing the disciplinary order that was stayed thereby revoking Acupuncturist
13 License No. AC 12979 issued to Brent Joseph Bertolami;
- 14 2. Revoking or suspending Acupuncturist License No. AC 12979, issued to Brent
15 Joseph Bertolami;
- 16 3. Ordering Respondent Brent Joseph Bertolami to pay the Acupuncture Board the
17 reasonable costs of the investigation and enforcement of this Petition to Revoke Probation, and if
18 again placed on probation, the costs of probation monitoring; and,
- 19 4. Taking such other and further action as deemed necessary and proper.

20 DATED: **FEB 11 2019**


21 BENJAMIN BODEA
22 Executive Officer
23 Acupuncture Board
24 Department of Consumer Affairs
25 State of California
26 Complainant

27 SA2019300059/33763535.docx

Exhibit A

Decision and Order

Acupuncture Board Case No. 1A-2011-27