

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

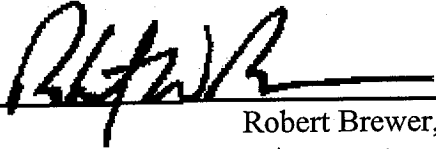
In the Matter of the Statement of Issues)	Case No. 1A-2010-43
Against:)	
)	
YARON COHEN)	
12736 Caswell Ave., Apt.4)	
Los Angeles, CA 90066)	
)	
)	
Applicant/Respondent.)	
<hr/>		

DECISION AND ORDER

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

This Decision shall become effective on DEC 14 2011.

It is so ORDERED NOV 14 2011.



Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 ALBERT Y. MURATSUCHI
Deputy Attorney General
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5 Los Angeles, CA 90013
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E-mail: Albert.Muratsuchi@doj.ca.gov
7 *Attorneys for Complainant*

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

10
11 In the Matter of the Statement of Issues against:

Case No. 1A-2010-43
OAH No. 2011010459

12 **YARON COHEN**
12736 Caswell Avenue
13 Apartment 104
Los Angeles, CA 90066

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

14 Respondent.
15

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 **PARTIES**

20 1. Janelle Wedge ("Complainant") is the Executive Officer of the Acupuncture Board.
21 She brought this action solely in her official capacity and is represented in this matter by Albert
22 Y. Muratsuchi, Deputy Attorney General.

23 2. Respondent Yaron Cohen ("Respondent") is represented in this proceeding by
24 attorney Roger W. Calton, whose address is: Calton Law Group, 31371 Rancho Viejo Road, Suite
25 104, San Juan Capistrano, CA 92675.

26 3. On or about March 25, 2010, Respondent filed an application dated March 23, 2010,
27 with the Acupuncture Board to obtain an Acupuncture License.

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JURISDICTION

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2 4. Statement of Issues No. 1A-2010-43 was filed with the Acupuncture Board
3 (“Board”), Department of Consumer Affairs, and is currently pending against Respondent. The
4 Statement of Issues and all other statutorily required documents were properly served on
5 Respondent on August 12, 2010. A copy of Statement of Issues No. 1A-2010-43 is attached as
6 Exhibit A and incorporated herein by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, fully discussed with counsel, and understands the
9 charges and allegations in Statement of Issues No. 1A-2010-43. Respondent has also carefully
10 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
11 Disciplinary Order.

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

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

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in Statement of
23 Issues No. 1A-2010-43.

24 9. Respondent agrees that his Acupuncture License is subject to denial and that he is to
25 be bound by the Board’s imposition of discipline as set forth in the Disciplinary Order below.

26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the Acupuncture Board. Respondent
28 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may

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

8 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
9 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
10 effect as the originals.

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

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Respondent Yaron Cohen's Acupuncture License will be
16 issued and immediately revoked. The revocation will be stayed and the Respondent placed on
17 FIVE (5) years probation on the following terms and conditions.

18 1. **ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND**
19 **SAMPLES** Respondent shall abstain completely from the personal use or possession of
20 controlled substances as defined in the California Uniform Controlled Substances Act (Division
21 10, commencing with section 11000 of the Health and Safety Code) and dangerous drugs as
22 defined by section 4022 of the Business and Professions Code, or any drugs requiring a
23 prescription. Furthermore, Respondent shall abstain completely from the use of alcoholic
24 beverages. Respondent shall undergo random, biological fluid testing as determined by the
25 Board. Respondent shall bear all costs of such testing. The length of time and frequency will be
26 determined by the Board. Any confirmed positive finding will be considered a violation of
27 probation.

28 ///

1 2. OBEY ALL LAWS Respondent shall obey all federal, state and local laws and all
2 regulations governing the practice of acupuncture in California. A full and detailed account of
3 any and all violations of law shall be reported by Respondent to the Board in writing within
4 seventy-two (72) hours of occurrence.

5 3. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
6 penalty of perjury on forms provided by the Board, stating whether there has been compliance
7 with all the conditions of probation.

8 4. SURVEILLANCE PROGRAM Respondent shall comply with the Board's probation
9 surveillance program and shall, upon reasonable notice, report to the assigned investigative
10 district office. Respondent shall contact the assigned probation surveillance monitor regarding
11 any questions specific to the probation order. Respondent shall not have any unsolicited or
12 unapproved contact with 1) victims or complainants associated with the case; 2) Board members
13 or members of its staff; or 3) persons serving the Board as expert examiners.

14 5. INTERVIEW WITH THE ACUPUNCTURE BOARD OR ITS DESIGNEE
15 Respondent shall appear in person for interviews with the Board or its designee upon request at
16 various intervals and with reasonable notice.

17 6. NOTIFICATION TO EMPLOYER AND CHANGES OF EMPLOYMENT
18 Respondent shall notify any future employers, supervisors, or contractors of his probationary
19 status with the Board prior to accepting employment. Respondent shall provide to the Board the
20 names, physical addresses, and telephone numbers of all employers, supervisors, and contractors.
21 Respondent shall complete the required consent forms and sign an agreement with the employer
22 and supervisor, or the contractor, and the Board to allow the Board to communicate with the
23 employer and supervisor or contractor. Respondent shall cause each employer and supervisor or
24 contractor to submit quarterly written declarations to the Board. These declarations shall include
25 a performance evaluation. Respondent shall notify the Board in writing of any change in his
26 employment status within ten (10) days of such change.

27 7. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event
28 Respondent should leave California to reside or to practice outside the State, Respondent must

1 notify the Board in writing of the dates of departure and return. Periods of residency or practice
2 outside California will not apply to the reduction of this probationary period.

3 8. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
4 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
5 this probation. Respondent shall terminate any such supervisorial relationship in existence on the
6 effective date of this probation.

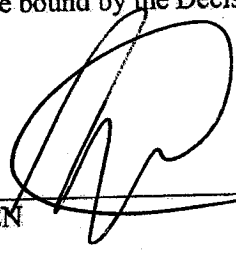
7 9. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
8 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and
9 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
10 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
11 matter is final, and the period of probation shall be extended until the matter is final. No petition
12 for modification or termination of probation shall be considered while there is an accusation or
13 petition to revoke probation pending against Respondent.

14 10. COMPLETION OF PROBATION Upon successful completion of probation,
15 Respondent's license will be fully restored.

16
17 ACCEPTANCE

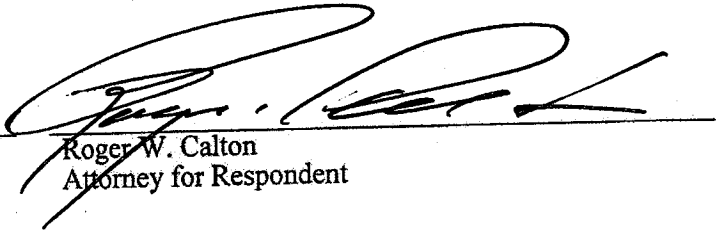
18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Roger W. Calton. I understand the stipulation and the effect it will
20 have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
22 Acupuncture Board.

23
24 DATED: 10/14/11

25 
YARON COHEN
Respondent

26 ///
27 ///
28 ///

1 I have read and fully discussed with Respondent Yaron Cohen the terms and conditions and
2 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
3 form and content.

4
5 DATED: 10/18/11 
6 Roger W. Calton
7 Attorney for Respondent

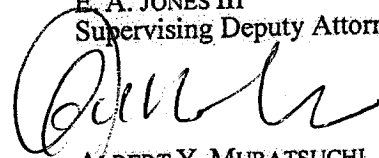
8 **ENDORSEMENT**

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

11 Dated: 10.28.11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



ALBERT Y. MURATSUCHI
Deputy Attorney General
Attorneys for Complainant

18
19 LA2Q10502412

Exhibit A

Statement of Issues No. 1A-2010-43

FILED

AUG 12 2010

ACUPUNCTURE BOARD

1 EDMUND G. BROWN JR.
 Attorney General of California
 2 PAUL C. AMENT
 Supervising Deputy Attorney General
 3 ALBERT Y. MURATSUCHI
 Deputy Attorney General
 4 State Bar No. 173609
 300 South Spring Street, Suite 1702
 5 Los Angeles, CA 90013
 Telephone: (213) 897-6334
 6 Facsimile: (213) 897-9395
 E-mail: Albert.Muratsuchi@doj.ca.gov
 7 Attorneys for Complainant Janelle Wedge,
 Executive Officer of the State of California Acupuncture Board

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

11 In the Matter of the Statement of Issues
 12 Against:

Case No. 1A-2010-43

13 **YARON COHEN**
 12736 Caswell Ave., Apt. 104
 14 Los Angeles, CA 90066

STATEMENT OF ISSUES

15 Respondent.

16
17
18 Complainant alleges:

19 PARTIES

20 1. Janelle Wedge ("Complainant") brings this Statement of Issues solely in her official
 21 capacity as the Executive Officer of the Acupuncture Board ("Board"), State of California
 22 Department of Consumer Affairs.

23 2. On or about March 25, 2010, the Board received an application for an
 24 Acupuncturist's License from YARON COHEN ("Respondent"). On or about March 23, 2010,
 25 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
 26 representations in the application. In a letter dated May 3, 2010, the Board denied Respondent's
 27 application.

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JURISDICTION

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2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 4. Pursuant to the Acupuncture Licensure Act (Business and Professions Code § 4925,
6 *et seq.*), the Acupuncture Board was established for the purpose of ensuring that the acupuncture
7 profession is adequately regulated in order to protect the people of California.

8 5. Section 480 of the Code states in relevant part:

9 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
10 one of the following:

11 "(1) Been convicted of a crime. A conviction within the meaning of this section
12 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

13 ...

14 "(3)

15 "(A) Done any act that if done by a licentiate of the business or profession in
16 question, would be grounds for suspension or revocation of license.

17 "(B) The board may deny a license pursuant to this subdivision only if the
18 crime or act is substantially related to the qualifications, functions, or duties of the
19 business or profession for which application is made.

20 "

21 6. Section 4944 of the Code states:

22 "The board shall have the authority to investigate and evaluate each and every applicant
23 applying for a license to practice acupuncture and to make the final determination of the
24 admission of the applicant to the examination, or for the issuance of a license, in conformance
25 with the provisions of this chapter.

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7. Section 4955 of the Code states in relevant part:

“The board may deny . . . the license of any acupuncturist if he or she is guilty of unprofessional conduct.

“Unprofessional conduct shall include, but not be limited to, the following:

. . .

“(b) Conviction of a crime substantially related to the qualifications, functions, or duties of an acupuncturist, the record of conviction being conclusive evidence thereof.

. . . .”

8. Section 4956 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge which is substantially related to the qualifications, functions, or duties of an acupuncturist is deemed to be a conviction within the meaning of this chapter.

“The board . . . may deny a license . . . when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.”

CAUSE FOR DENIAL OF LICENSE APPLICATION

(Conviction of crime substantially related to qualifications, functions, or duties of an acupuncturist)

9. Respondent's application is subject to denial under section 480(a)(1) and section 4955(b) of the Code because he has been convicted of a crime that is substantially related to the qualifications, functions, or duties of an acupuncturist. On or about July 10, 2006, in a criminal proceeding entitled *State of Arizona vs. Yaron Cohen* in the Superior Court of the State of Arizona, County of Coconino, Case Number CR 2006-0124, Respondent was convicted of the charge of facilitation to import marijuana under two pounds, in violation of Arizona Revised

1 Statutes sections 13-3405(a)(4), 13-3401, 13-701, 13-702 and 13-801, a Class 6 felony offense,
2 committed on December 9, 2005. The circumstances of this case were as follows:

3 a. According to the Arizona Department of Public Safety Offense Report, DR no.
4 2005-064610, on or about December 9, 2005, Respondent was driving solo eastbound on the
5 Interstate 40 when Arizona Department of Public Safety officers observed him to be traveling
6 above the speed limit. The officers initiated a traffic stop, and upon further investigation,
7 discovered four bundles of marijuana weighing 3.5 pounds in Respondent's vehicle. Respondent
8 told the arresting officer that he spent \$12,000 to purchase the marijuana.

9 b. On or about June 5, 2006, Respondent signed a written plea agreement in which
10 he pled guilty to the charge of facilitation to import marijuana under two pounds, a Class 6 felony
11 under Arizona state law.

12 c. In his pre-sentence questionnaire, Respondent wrote that he and his friends
13 purchased the marijuana, and he was transporting the drug "to share it with my friends at home."
14 At his pre-sentence interview conducted by a probation officer on or about June 14, 2006,
15 Respondent admitted that he smoked marijuana about one week prior to his interview, and that he
16 still smoked marijuana three to four times a week.

17 d. On or about July 10, 2006, in the case of *State of Arizona vs. Yaron Cohen*,
18 Superior Court of the State of Arizona, County of Coconino, Case Number CR 2006-0124, the
19 court entered judgment by finding Respondent guilty of the crime of facilitation to import
20 marijuana under two pounds, in violation of Arizona Revised Statutes sections 13-3405(a)(4), 13-
21 3401, 13-701, 13-702 and 13-801, a Class 6 felony offense. Respondent was sentenced to
22 probation for three years, and ordered to serve two days of county jail and 200 hours of
23 community service, among other terms of probation.

24 e. On or about July 24, 2009, the Superior Court of Arizona granted Respondent's
25 petition for termination of probation as of July 9, 2009, and ordered the offense of facilitation to
26 import marijuana to be redesignated as a misdemeanor.

27 10. In a letter dated May 3, 2010, Complainant gave notice to Respondent that the Board
28 denied his application for an acupuncturist's license. The Board determined that Respondent's

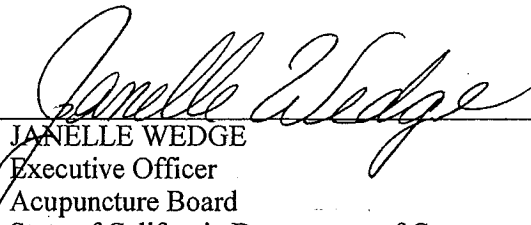
1 prior conviction was substantially related to the qualifications, functions, and duties of an
2 acupuncturist, and cited the nature and severity of Respondent's prior conviction as grounds for
3 denial of his application.

4 PRAYER

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

- 7 1. Denying the application of Yaron Cohen for an Acupuncturist's License; and
- 8 2. Taking such other and further action as deemed necessary and proper.

9
10 DATED: **AUG 12 2010**


11 JANELLE WEDGE
12 Executive Officer
13 Acupuncture Board
14 State of California Department of Consumer Affairs
15 *Complainant*

16 LA2010502412
17 statement of issues.rtf
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