

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

**In the Matter of the First Amended Accusation and Petition  
to Revoke Probation Against:**

**ASHLEY RO, L.Ac.,**

**Acupuncturist License No. AC 15197,**

**Respondent.**

**Case No. D1-2016-178**

**OAH No. 2025100164**

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Acupuncture Board Department of Consumer Affairs as its Decision in the above-entitled matter.

This Decision shall become effective on January 30, 2026 .

IT IS SO ORDERED this 31st day of December 2025.

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

RECEIVED

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ACUPUNCTURE BOARD

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Acupuncturist License No. AC 15197  
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**Case No. D1-2016-178**

**OAH No. 2025100164**

**PROPOSED DECISION**

Administrative Law Judge Frances M. Valdez, State of California, Office of Administrative Hearings, heard this matter on November 12 and 13, 2025, by videoconference.

Deputy Attorney General C. Hay-Mie Cho represented complainant Benjamin Bodea, Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

Attorney Edward N. Ajlouny represented respondent Ashley Ro, who was present.

The record closed and the matter was submitted for decision on November 13, 2025.

## **FACTUAL FINDINGS**

1. On April 23, 2025, complainant Benjamin Bodea filed an accusation and petition to revoke probation, solely in his official capacity as the Executive Director of the Acupuncture Board (Board), Department of Consumer Affairs, against respondent Ashley Ro. On August 7, 2025, complainant filed the operative first amended accusation and petition to revoke probation against respondent. Complainant seeks to revoke respondent's license and probation for failure to report an arrest to the Board, committing fraudulent or dishonest acts, and noncompliance with the Board's probation program. Respondent filed a notice of defense and this hearing followed.

### **License and Disciplinary History**

2. The Board issued Acupuncturist License Number AC 15197 to respondent on April 2, 2013. The license was in full force and effect at all times relevant to this matter, and will expire on October 31, 2026, unless renewed.

3. On November 21, 2019, the Board filed an accusation in Case Number 1A-2016-178, seeking to discipline respondent's license due to her misdemeanor criminal conviction on June 12, 2019, for violating Penal Code section 550, subdivision (a)(6) (knowingly making or causing to be made any false or fraudulent claim for payment of a health care benefit); for unprofessional conduct, fraud and dishonesty; and for submitting false insurance claims.

4. Respondent signed a stipulated settlement and disciplinary order, which was adopted by the Board in a Decision and Order effective September 17, 2020, and in which she admitted all allegations and charges against her. Respondent's license was revoked with the revocation stayed, and respondent was placed on probation for five years on terms and conditions as discussed below.

### **Probation Conditions**

5. Condition 1 of respondent's probation requires her to obey all laws and report to the Board a full and detailed account of any violations of law within 72 hours of the occurrence.

6. Condition 2 of respondent's probation requires her to submit, under penalty of perjury, quarterly reports to the Board on a provided form.

7. Condition 5 of respondent's probation requires her to notify the Board in writing within 30 days of any changes of employment, location, and employment address.

8. Condition 8 of respondent's probation requires her to pay the Board its costs of investigation and enforcement in the amount of \$37,225.75. Respondent was permitted to pay these costs pursuant to a payment plan approved by the Board.

9. Condition 9 of respondent's probation provides that if respondent violates her probation conditions, the Board may set aside the stay order and impose the discipline provided in the Decision and Order, revocation.

10. Condition 14 of respondent's probation requires her to submit a proposed written disclosure to patients for Board approval. The written disclosure

must include certain information regarding the Board and respondent's probation. Once approved, respondent shall obtain from patients a signed copy of the disclosure.

11. Condition 17 of respondent's probation requires her to complete a total of 45 hours of coursework in the following areas: 5 hours of ethics in 2021, 2023, and 2025; and 30 hours of billing within the first 3 years of probation.

12. Condition 19 of respondent's probation requires her to submit for Board approval the name of a practice and billing monitor who has no prior or current business or personal relationship with respondent. After approval, the practice and billing monitor is required to submit quarterly reports evaluating respondent's performance. If the practice and billing monitor resigns, respondent must notify the Board within five days.

### **Respondent's Arrest and Reporting to the Board**

13. On March 28, 2024, respondent was arrested at San Francisco International Airport based on an outstanding warrant from the Santa Clara County Sheriff's Office.

14. The Board was notified of respondent's arrest by an investigator from the district attorney's office.

15. Respondent submitted a quarterly report for January through March 2024, which was signed and dated March 30, 2024. Respondent checked "No" in response to the question "[s]ince the last quarterly report have you been arrested, charged, or convicted of any federal or state statute, or county or city ordinance?" At hearing, respondent testified that because she had planned to be in Korea when the

quarterly report was due, she completed the form prior to her arrest and asked her daughter to mail the form in her absence.

16. Respondent did not notify the Board of her arrest until she was requested to do so by the Board in May 2024.

### **Practice and Billing Monitor**

17. As set forth in Factual Finding 12, respondent was required to utilize a practice and billing monitor who follows a Board monitoring plan and submits quarterly reports evaluating respondent.

18. On April 12, 2021, Kristen "Cricket" Borges, Board Enforcement Coordinator, emailed Acupuncturist 1,<sup>1</sup> stating that respondent "indicated you are willing to assist the Board by serving as her practice/billing monitor" and attaching relevant documents. The same day, Borges sent a letter by mail to Acupuncturist 1 regarding his responsibilities as a practice and billing monitor.

19. On April 16, 2021, Acupuncturist 1 signed a document entitled "Release Authorizing Communication between Board and Monitor" in which he agreed to monitor respondent's practice of acupuncture. Respondent also signed the document authorizing Acupuncturist 1 to divulge information to the Board regarding her practice.

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<sup>1</sup> The name of Acupuncturist 1 is not used in this proposed decision to protect his privacy because he is an alleged crime victim.

20. On July 8, 2021, the Board received a quarterly evaluation form signed by Acupuncturist 1 and respondent. A phone number was provided for Acupuncturist 1.

21. On October 27, 2021, the Board received a quarterly evaluation form purportedly signed by Acupuncturist 1 and respondent. The phone number listed for Acupuncturist 1 differs from the phone number that was provided on the July 2021 quarterly evaluation form.

22. The Board received quarterly evaluation forms signed by respondent and purportedly signed by Acupuncturist 1 with Acupuncturist 1's purported phone number from October 2021 through June 2025, for a total of 15 quarterly evaluation forms.<sup>2</sup> On most of these forms, Acupuncturist 1's name was misspelled, with two letters of his first name transposed. Each of these forms purportedly evaluates respondent's professionalism; patient communication and interaction skills; diagnostic, treatment, and clinical skills; safety; and billing, patient records, and business practices. Each form includes a one-sentence comment regarding respondent, such as, "Miss Ro demonstrated the use of proper charts for patient records" or "Miss Ro demonstrated the professional way of finding coverage benefit in Acupuncture with Insurance companies."

23. Acupuncturist 1 testified at hearing. He has been a licensed acupuncturist since March 2019. Acupuncturist 1 saw an online job posting for an acupuncturist position at respondent's clinic; he applied and was hired. Acupuncturist 1 estimates he

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<sup>2</sup> A quarterly evaluation form for respondent was submitted to the Board for April through June 2024; however, the document contains no signatures. Therefore, this form is not included in the total number.

worked for respondent for only a few weeks before he resigned. Respondent told Acupuncturist 1 that she was on probation and asked him to be her practice and billing monitor. Acupuncturist 1 did not fully understand the role of a practice and billing monitor. He thought it meant that as part of his employment, he would observe respondent treating patients. He agreed and signed the form discussed in Factual Finding 19, which he thought was required for his employment. Acupuncturist 1 recalled signing the form described in Factual Finding 20 and confirmed that the phone number listed was his cell phone number.

24. Acupuncturist 1 confirmed that his name is spelled incorrectly and that he was never associated with the phone number listed on most of the quarterly evaluation forms submitted after July 2021. Acupuncturist 1 confirmed that the "signature of monitor" on each of the 15 quarterly evaluation forms submitted after July 2021 were not his signatures.

25. The Board's initial interview with Acupuncturist 1 was audio recorded. Acupuncturist 1 expressed shock and astonishment when he learned that respondent represented that he was her practice and billing monitor and that his purported signature was on numerous documents he did not sign.

26. Regarding the Board letter sent to Acupuncturist 1, as discussed in Factual Finding 18, Acupuncturist 1 explained that the address was correct except for one digit of the address number, and he did not receive the letter.

27. Acupuncturist 1 could not recall exactly when he last saw respondent but believes it was in April 2021. He did not communicate with her after his resignation. Acupuncturist 1's testimony was credible in all respects.

## **Probation Violations**

28. Borges, Enrico Garcia, and Cindy Johnson testified on behalf of complainant. Each served as a Board probation monitor for respondent and testified credibly regarding their interactions with respondent. The Board's probation monitors engaged in frequent communication with respondent regarding her compliance with probation, including eight quarterly compliance review letters, nine notice of violation letters, and five comprehensive compliance letters. Respondent's Board probation monitors also sent many emails to respondent regarding her probation conditions and her noncompliance. The testimony of Borges, Garcia, and Johnson, along with the documentary evidence, established the probation violations set forth below.

### **FAILURE TO SUBMIT TIMELY AND ACCURATE QUARTERLY REPORTS**

29. The Board requires that quarterly reports be postmarked no later than five days after a quarter ends. Respondent's quarterly reports were untimely for the following quarters: Q4 2020, Q2 2021, Q3 2021, Q1 2022, Q2 2022, Q3 2022, Q4 2022, Q3 2024, Q4 2024, and Q1 2025.

30. The quarterly report form includes language that the probationer submitting the quarterly report does so "under penalty of perjury." Respondent failed to complete her quarterly reports accurately. In many of her quarterly reports, respondent did not complete required fields, incorrectly completed fields that should have been left blank, and failed to include necessary information. The following quarterly reports contained material inaccuracies: Q4 2020, Q2 2021, Q3 2021, Q2 2022, Q3 2022, Q4 2022, Q1 2023, Q2 2023, and Q3 2023.

### **FAILURE TO TIMELY AND ACCURATELY REPORT CHANGES OF EMPLOYMENT**

31. On May 9, 2022, respondent submitted a quarterly report indicating that her business address had changed and was the same as her residence address. However, respondent did not submit the required "Notification of Change of Address of Record" form to the Board. When asked for more information regarding her change of employment address, respondent submitted a declaration stating that her practice relocated in October 2022. Respondent made inconsistent and contradictory statements regarding her change of employment address to her probation monitor.

### **FAILURE TO MAKE TIMELY COST RECOVERY PAYMENTS**

32. Respondent failed to submit a written payment plan by September 28, 2020, as required by the Board. Eventually, the Board and respondent agreed to a monthly payment plan. Respondent often bundled her payments together, sending the Board several checks at one time with different dates on each check. These bundles often included checks for months that already had passed. Respondent was late for the following 28 months: February and March 2021, May through October 2021, July 2022 through March 2023, December 2023 through March 2024, October 2024 through January 2025, and March 2025 through May 2025.

33. In 2023, respondent sent the Board three checks dated June 1, September 30, and December 1, 2022, for \$1,500 each. These checks were returned as unacceptable because respondent submitted them to the Board more than 90 days after their issue dates.

34. In total, respondent paid \$37,225.75 to the Board, which was the entire amount ordered.

## **FAILURE TO PROVIDE DISCLOSURE OF PROBATION STATUS**

35. On October 27, 2021, the Board notified respondent that she had failed to submit her disclosure of probation status form. When respondent submitted a draft form, her proposed language did not comply with Probation Condition 14. On January 20, 2022, the Board probation monitor sent her sample disclosure forms.

36. As of February 2024, there was no record that respondent had obtained Board approval for a disclosure of probation status form. A miscommunication appears to have occurred between Board staff and respondent. To determine whether respondent had been compliant with Probation Condition 14, Johnson requested that respondent submit a list of patients treated in 2022 and 2023 along with copies of disclosure forms signed by each patient. Respondent did not submit the requested information.

37. At hearing, respondent submitted three disclosure forms, which used the sample provided by the Board probation monitor. One of the forms is dated October 1, 2021, which was before the Board probation monitor sent the sample to respondent. The disclosure forms submitted by respondent lack credibility.

## **FAILURE TO SUBMIT TIMELY PRACTICE AND BILLING MONITOR REPORTS**

38. The Board requires that practice and billing monitor reports be postmarked no later than five days after a quarter ends. Respondent's practice and billing monitor reports were untimely for the following quarters: Q2 2021, Q3 2021, Q3 2021, Q1 2022, Q2 2022, Q3 2022, Q4 2024, Q1 2025.

## **FAILURE TO COMPLY WITH COURSEWORK REQUIREMENTS**

39. On February 1, 2021, respondent submitted to the Board an advanced acupuncture billing and coding seminar course completion certificate, but the certificate did not match the Board's continuing education course content or hours and did not state the provider or provider number.

40. On April 20, 2021, respondent submitted to the Board an incorrect proper and ethical billing and coding course completion certificate, as it did not match the Board's continuing education course content.

41. Respondent failed to submit certificates of completion for ethics coursework that were due by September 17, 2021.

### **Respondent's Additional Evidence**

42. Respondent was born in Korea and immigrated to the United States in 1990 when she was a teenager. She did not speak any English when she arrived and English is her second language. She has no other educational background aside from acupuncture.

43. Regarding the quarterly reports, respondent testified that she was not instructed how to complete the forms and did her best. Because the reports were completed on a quarterly basis, she forgot how to complete the forms between submissions.

44. Respondent testified that she has suffered traumas that impact her ability to properly conduct herself and correctly complete forms. She was in a relationship for 20 years in which she had a daughter and experienced domestic violence. In 2016, respondent ended the relationship and now supports herself and her daughter

financially. She reported having depression and anxiety. Respondent reported difficulty focusing and with her memory. Respondent explained that culturally, Koreans are very closed and so she did not speak to her doctors. However, now she is actively seeking treatment from mental health professionals.

45. Respondent was diagnosed with thyroid cancer in December 2023, and is scheduled to have surgery in March 2026. She receives treatment in Korea because she is better able to afford medical care there. Before her diagnosis, she experienced weakness, frequent coughing, and a constant sore throat. It was very challenging for respondent to get out of bed each morning. She reported experiencing severe lower back pain and that she was bedridden for several months in 2022. Respondent explained that her cancer affected her ability to comply with her probation conditions.

46. If respondent's acupuncture license is revoked, her ability to earn a living will be significantly impacted.

## **Costs**

47. Complainant incurred \$26,542.50 in enforcement costs to prosecute this first amended accusation and petition to revoke probation. These costs are supported by a certification that describes the tasks performed, time spent on each task, and method of calculating the cost, in compliance with the requirements of California Code of Regulations, title 1, section 1042. In the absence of any evidence to the contrary, these costs are found to be reasonable.

## LEGAL CONCLUSIONS

1. The standard of proof in this proceeding is clear and convincing evidence, and the burden of proof is on complainant. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) "Clear and convincing evidence requires a finding of high probability. The evidence must be so clear as to leave no substantial doubt. It must be sufficiently strong to command the unhesitating assent of every reasonable mind." (*In re David C.* (1984) 152 Cal.App.3d 1189, 1208.)

### Causes for Discipline

#### FIRST CAUSE FOR DISCIPLINE – FAILURE TO REPORT ARREST

2. Under Business and Professions Code section 4955, subdivision (j),<sup>3</sup> the Board may discipline a licensee who engages in unprofessional conduct that includes violating any law that substantially relates to the qualifications, functions, or duties of an acupuncturist. A licensee's failure to report an arrest to the Board within 30 days of the arrest constitutes unprofessional conduct. (Cal. Code regs., tit. 16, § 1399.469.2, subd. (d)(2).) Cause exists to discipline respondent's license based on her failure to report her arrest as set forth in Factual Findings 13 through 16.

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<sup>3</sup> All further statutory references are to the Business and Professions Code unless otherwise stated.

**SECOND CAUSE FOR DISCIPLINE – COMMISSION OF FRAUDULENT OR  
DISHONEST ACTS**

3. Section 4955.1, subdivisions (b) and (c), provides that the Board may discipline a licensee who commits a fraudulent or dishonest act as an acupuncturist or commits any act involving dishonesty or corruption with respect to the qualifications, functions, or duties of an acupuncturist. Cause exists to discipline respondent's license under section 4955.1, subdivisions (b) and (c), for submitting fraudulent, forged quarterly evaluation forms, as set forth in Factual Findings 22 through 27.

**Causes to Revoke Probation**

**FIRST CAUSE TO REVOKE PROBATION – FAILURE TO OBEY ALL LAWS**

4. The probation conditions require that respondent obey all laws and report to the Board any violations of law. (Factual Finding 5.) Complainant asserts that respondent violated this probation condition by her failure to report her arrest to the Board, answering "no" on her quarterly reports in response to being asked if she had been arrested, and falsely representing that Acupuncturist 1 was her practice and billing monitor.

An arrest alone does not necessarily reflect that respondent violated any laws. Failing to report her arrest to the Board was a violation of law, as set forth in Legal Conclusion 2. Additionally, her false representation that Acupuncturist 1 was her practice and billing monitor constitutes a violation of law. (Legal Conclusion 3.) Cause exists to revoke respondent's probation based on her failure to obey all laws. (Factual Findings 13-16, 23-27; Legal Conclusions 2-3.)

**SECOND CAUSE TO REVOKE PROBATION – FAILURE TO SUBMIT TIMELY AND ACCURATE QUARTERLY REPORTS**

5. Respondent was required to submit quarterly reports to the Board under penalty of perjury. (Factual Finding 6.) Cause exists to revoke respondent's probation based on failure to submit timely and accurate quarterly reports as set forth in Factual Findings 29 and 30.

**THIRD CAUSE TO REVOKE PROBATION – FAILURE TO REPORT TIMELY AND ACCURATE CHANGES OF EMPLOYMENT**

6. Respondent was required to notify the Board in writing of changes of employment, location, and employment address within 30 days of any changes. (Factual Finding 7.) Cause exists to revoke respondent's probation based on her failure to timely report her change of employment address as set forth in Factual Finding 31.

**FOURTH CAUSE FOR REVOCATION OF PROBATION – FAILURE TO MAKE TIMELY MONTHLY COST RECOVERY PAYMENTS**

7. The probation conditions required that respondent pay the Board the costs for the prior enforcement action and respondent was given a payment plan. (Factual Finding 8.) Cause exists to revoke respondent's probation based on her failure to make timely cost recovery payments to the Board as set forth in Factual Findings 32 and 33.

**FIFTH CAUSE FOR REVOCATION OF PROBATION – VIOLATIONS OF PROBATION**

8. The probation conditions provide that if respondent violates her probation conditions, the Board may set aside the stay order and revoke her license.

(Factual Finding 9.) Cause exists to revoke respondent's probation based on her violations of her probationary conditions as set forth in Factual Findings 29 through 41.

**SIXTH CAUSE FOR REVOCATION OF PROBATION – FAILURE TO PROVIDE DISCLOSURE OF PROBATION STATUS**

9. Respondent was required to obtain from patients signed written disclosures regarding her probation status. (Factual Finding 10.) Cause exists to revoke respondent's probation based on her failure to provide disclosures of her probation status to her clients as set forth in Factual Findings 35 through 37.

**SEVENTH CAUSE FOR REVOCATION OF PROBATION – FAILURE TO SUBMIT TIMELY PRACTICE AND BILLING MONITORING REPORTS**

10. Respondent was required to submit quarterly practice and billing monitor reports. Cause exists to revoke respondent's probation based on her failure to submit timely practice and billing monitoring reports as set forth in Factual Finding 38.

**EIGHTH CAUSE FOR REVOCATION OF PROBATION – FAILURE TO COMPLY WITH COURSEWORK REQUIREMENTS**

11. The conditions of respondent's probation require her to complete 45 hours of coursework in specific areas and in specified years. Cause exists to revoke respondent's probation based on her failure to comply with the coursework requirements as set forth in Factual Findings 39 through 41.

## Discussion

12. Respondent's license was previously revoked, but the revocation was stayed, and she was placed on probation for unprofessional conduct, fraud and dishonesty, submitting false insurance claims, and criminal conviction for fraudulent conduct. While respondent was able to comply with certain conditions, she was either unable or unwilling to comply with many probation conditions. Board probation monitors worked extensively with respondent to bring her into compliance with her probation conditions to no avail.

In mitigation, respondent presented evidence regarding her experience with domestic violence and her cancer diagnosis. These events combined with being a non-native English speaker contributed to her challenges in remaining compliant with her Board probation. To a certain extent, it is understandable that respondent struggled to accurately complete forms or follow deadlines given her language barrier and cancer diagnosis. However, respondent's challenges do not explain her sustained deception regarding her practice and billing monitor, which was the most significant way the Board could ensure she did not repeat the violations that caused her to be on probation. Over a period of four years, respondent engaged in an elaborate scheme to deceive the Board by submitting falsified quarterly practice and billing monitor evaluation forms. She most recently submitted a falsified quarterly evaluation form in June 2025, less than five months before the hearing date and after the Board initiated disciplinary action by filing the initial accusation and petition to revoke probation. Respondent was aware that the Board was seeking to discipline her license, yet she still engaged in misconduct.

Respondent's history of license discipline has been considered in determining the degree of discipline in this matter. Respondent's failure to timely report her arrest,

failure to comply with the Board's probation conditions, and years-long and repeated misrepresentations to the Board regarding her practice and billing monitor outweigh her mitigation evidence. Respondent demonstrated a pattern of misconduct and dishonest behavior, and the Board cannot trust that she can abide by the laws and regulations governing acupuncturists. It would be against the public interest to permit respondent to retain her license.

### **Costs**

13. The Board is authorized to recover its reasonable costs of investigation and prosecution. (Bus. & Prof. Code, § 4959.) In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth standards for determining whether costs should be assessed in the particular circumstances of each case, to ensure that licensees with potentially meritorious claims are not deterred from exercising their right to an administrative hearing. Those standards include whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct. Complainant proved reasonable costs of enforcement in the amount of \$26,542.50. (Factual Finding 47.) No cause for reduction of the cost award was established.

### **ORDER**

1. Acupuncturist License No. AC 15197, issued to respondent Ashley Ro, is revoked.
2. The probation granted by the Board of Acupuncture to respondent Ashley Ro is revoked.

3. If and when respondent Ashley Ro's license is reinstated, she shall pay to the Acupuncture Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 4959, in the amount of \$26,542.50.

DATE: 12/15/2025



FRANCES M. VALDEZ

Administrative Law Judge

Office of Administrative Hearings