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FILED

OCT 18 2011

ACUPUNCTURE BOARD

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

11
12 In the Matter of the Accusation Against:

Case No. 1A-2010-75

13 **WILLIAM JAMES GOIT, L.AC.**
14 **135 W. Avenida Santiago**
San Clemente, CA 92672

A C C U S A T I O N

15 **Acupuncturist License No. AC 2716**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Janelle Wedge (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

22 2. On or about July 15, 1986, the Acupuncture Board issued Acupuncturist License
23 Number AC 2716 to William James Goit, L.Ac. (Respondent). The Acupuncturist License was in
24 full force and effect at all times relevant to the charges brought herein. On or about November
25 16, 2010, pursuant to a Stipulation signed by respondent, and Order of the Superior Court
26 adopting the stipulation in *People v. William James Goit*, Orange County Superior Court Court,
27 Case No. 10 SM 01604, respondent's Acupuncture License, Number AC 2716 was restricted,
28 requiring, in part, that respondent have a third party chaperone present during any consultation,

1 examination, or treatment of any female patient. Respondent's Acupuncturist License Number
2 AC 2716 will expire on July 31, 2012, unless renewed.

3 **JURISDICTION**

4 3. This Accusation is brought before the Acupuncture Board (Board), Department of
5 Consumer Affairs, under the authority of the following laws. All section references are to the
6 Business and Professions Code (Code) unless otherwise indicated.

7 4. Section 4955 of the Code states:

8 "The board may deny, suspend, or revoke, or impose probationary conditions
9 upon, the license of any acupuncturist if he or she is guilty of unprofessional conduct.

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

11 ". . .

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

15 ". . .

16 "(i) Any action or conduct that would have warranted the denial of
17 the acupuncture license.

18 ". . . ."

19 5. Section 4956 of the Code states:

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

24 "The board may order a license suspended or revoked, or may deny a license, or
25 may impose probationary conditions upon a license, when the time for appeal has
26 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
27 granting probation is made suspending the imposition of sentence irrespective of a
28 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing

1 the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or
2 setting aside the verdict of guilty, or dismissing the accusation, complaint,
3 information, or indictment.”

4 **COST RECOVERY**

5 6. Section 4959 of the Code states:

6 “(a) The board may request the administrative law judge, under his or her
7 proposed decision in resolution of a disciplinary proceeding before the board, to
8 direct any licensee found guilty of unprofessional conduct to pay to the board a sum
9 not to exceed actual and reasonable costs of the investigation and prosecution of the
10 case.”

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Conviction of a Crime)

13 7. Respondent is subject to disciplinary action under section 4955, as defined by 4955,
14 subdivision (b), in that he was convicted of a crime substantially related to the qualifications,
15 functions, or duties of an acupuncturist, the record of conviction being conclusive evidence
16 thereof. The circumstances are as follows:

17 A. On or about April 21, 2010, patient S.T. went to respondent for her usual
18 acupuncture therapy which included pressure massage. During the massage,
19 Respondent slowly lifted up patient S.T.’s shirt, pulled her pants lower and exposed
20 the top of her buttocks. Respondent massaged to the patient’s inner thighs and groin
21 area, and Respondent brushed her vagina with his hands through her clothing several
22 times. While patient S.T. was positioned face down on the examination table,
23 Respondent pulled patient S.T.’s pelvic region off the table, grabbed her pants and
24 pulled them down over her buttocks. S.T. reported the incident to the Orange County
25 Sheriff’s Department.

26 B. On or about April 27, 2010, a Complaint was filed in *People of the State*
27 *of California v. William James Goit*, Orange County Superior Court, Harbor Justice

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Center, Case No. 10-SM 10604, charging respondent with one count of misdemeanor sexual battery in violation of Penal Code section 243.4(e)(1) [Count 1].

C. On or about November 16, 2010, respondent signed a Stipulation for Restriction of Acupuncture License as Condition of Release in *People v. William James Goit*, Orange County Superior Court, Case No. 10-SM 01604, which was signed as an Order by the Superior Court, pursuant to Penal Code section 23. Pursuant to the Order, Respondent's Acupuncture License No. AC 2716, was restricted, in part, so that respondent was not allowed to consult with, examine, or provide treatment to any female patient without a third party chaperone present during any consultation, examination, or treatment, as approved by the Acupuncture Board and charted.

D. On or about May 13, 2011, the criminal complaint in Orange County Superior Court, Case No. 10-SM 01604 was amended by interlineations, adding one count of assault in violation of Penal Code section 240. Respondent pled guilty, and was thus convicted of violating Penal Code section 240. He wrote on the General Misdemeanor Guilty Plea Form: "[i]n Orange County on 4/23/10, I did willfully and unlawfully battered [sic] S.T." Pursuant to a plea agreement, Count 1 was dismissed.

E. On May 11, 2011, respondent was sentenced for his criminal conviction, as follows: He was placed on three years informal probation with various terms and conditions, including but not limited to, paying fines, fees, and restitution, continuing to abide by the terms and conditions of the November 16, 2010 Stipulation and Order restricting his acupuncture license and requiring a chaperone for all female patients, attending and completing one counseling session a month for one year, and obeying all laws. A 60 day jail sentence was imposed and suspended pending compliance with other terms and conditions of probation.

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SECOND CAUSE FOR DISCIPLINE

(Any Action or Conduct Warranting Denial of License)

8. Respondent is subject to disciplinary action under section 4955, as defined by 4955, subdivision (i), in that he engaged in conduct and was convicted of a crime that would have warranted the denial of the acupuncture license. Paragraph 7 and its subsections are realleged and incorporated by reference herein.

PRAYER

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

- 1. Revoking or suspending Acupuncturist License Number AC 2716, issued to respondent, William James Goit, L.Ac.
- 2. Ordering respondent, William James Goit, L.Ac., to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: **OCT 18 2011**

Janelle Wedge

JANELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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