

FILED

SEP 29 2014

ACUPUNCTURE BOARD

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7  
 8 **BEFORE THE**  
**ACUPUNCTURE BOARD**  
 9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 1A-2013-62

11 **LARRY FORSBERG**  
 12 **2824 E. 23<sup>rd</sup> Street**  
 13 **Oakland, CA 94601**

**A C C U S A T I O N**

14 Acupuncture License No. AC 3022

15 Respondent

16  
 17 Complainant alleges:

18 PARTIES

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

21 2. On or about December 1, 1987, the Board issued Acupuncture License Number AC  
 22 3022 to Larry Forsberg (Respondent). The Acupuncture License was in full force and effect at all  
 23 times relevant to the charges brought herein and will expire on September 30, 2016, unless  
 24 renewed.

25 JURISDICTION

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

1 4. Section 4955 of the Code states:

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

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

5 "..."

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

9 "..."

10 5. Section 4956 of the Code states:

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

14 The board may order a license suspended or revoked, or may deny a license, or may impose  
15 probationary conditions upon a license, when the time for appeal has elapsed, or the judgment of  
16 conviction has been affirmed on appeal, or when an order granting probation is made suspending  
17 the imposition of sentence irrespective of a subsequent order under Section 1203.4 of the Penal  
18 Code allowing the person to withdraw his or her pleas of guilty and to enter a plea of not guilty,  
19 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or  
20 indictment."

21 COST RECOVERY

22 6. Section 4959 of the Code states:

23 "(a) The board may request the administrative law judge, under his or her  
24 proposed decision in resolution of a disciplinary proceeding before the board, to  
25 direct any licensee found guilty of unprofessional conduct to pay to the board a sum  
26 not to exceed actual and reasonable costs of the investigation and prosecution of the  
27 case.

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1           9.    On or about March 29, 2013, Respondent was arrested for violating Penal Code (PC)  
2 section 273.5 (corporal injury to spouse/cohabitant/child's parent) and PC section 220(a)(1). On  
3 that date, an Emergency Protective Order (EPO) was granted and served on Respondent while he  
4 was at the Berkeley Police Department jail. The EPO stated that Respondent must not contact  
5 CV, and expired on April 5, 2013.

6           10. On or about April 3, 2013, CV reported that she received four phone calls from  
7 Respondent in violation of the EPO.

8           11. On or about April 8, 2013 a criminal complaint titled *People of the State of California*  
9 *v. Larry Carl Forsberg*, case no. 586281-6 was filed in Alameda County Superior Court. Count 1  
10 charged Respondent with violating PC 243(e)(1)(battery) against CV. Count 2 charged  
11 Respondent with violating PC 273.5(a) (corporal injury to spouse/cohabitant/child's parent).  
12 Count 3 charged Respondent with violating PC 273a(b) (cruelty to child by inflicting injury).  
13 Count 4 charged Respondent with violating PC 273.6(a) (disobeying domestic relations court  
14 order) on April 3, 2013. Count 5 charged Respondent with violating PC 273.6(a) (disobeying  
15 domestic relations court order) on April 4, 2013.

16           12. On or about September 20, 2013, Respondent entered a plea of no contest and the  
17 Court found him guilty of Count 1, PC 243(e)(1) and Count 2, PC 273.5(A). The District  
18 Attorney's Office dismissed the remaining counts. The Court placed Respondent on probation  
19 for three years with terms and conditions that include five days in county jail (with five days  
20 credit) and attend 52 weeks of Domestic Violence Counseling. Respondent was ordered not to  
21 annoy, harass, or molest CV. Respondent was also ordered to attend an alcohol/drug program at  
22 least two times per week for the first 120 days of probation.

23           13. Respondent's actions and plea subjects his license to discipline based on his  
24 substantially-related conviction in violation of code sections 4955(b) and 4956.

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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 Acupuncture Number AC 3022, issued to Larry Forsberg;
2. Ordering Larry Forsberg to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959;
3. Taking such other and further action as deemed necessary and proper.

DATED: SEP 29 2014



TERRI THORFINNSON  
Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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