

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

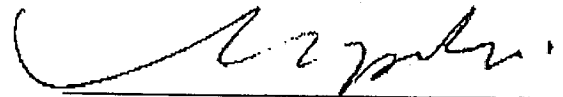
In the Matter of the First Amended)
Accusation Filed Against:) Case No. 1A-2010-168
)
DONG MEI LI, L.AC.)
11740 San Pablo Ave. Ste. A)
El Cerrito, CA 94530)
)
Acupuncture License No. AC 5809)
)
Respondent.)
_____)

DECISION AND ORDER

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

This Decision shall become effective on NOV 08 2013.

It is so ORDERED OCT 09 2013.



Michael Shi, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
State Bar No. 97276
3 Supervising Deputy Attorney General
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Attorneys for Complainant

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

10 In the Matter of the First Amended Accusation
11 Against:
12 **DONG MEI LI**
13 **11740 San Pablo Avenue, Suite A**
El Cerrito, CA 94530
14
15 **Acupuncture License No. AC 5809**
16 **Respondent.**

Case No. 1A-2010-168
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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
21 1. Terri A. Thorfinnson (Complainant) is the Executive Officer of the Acupuncture
22 Board. She brought this action solely in her official capacity and is represented in this matter by
23 Kamala D. Harris, Attorney General of the State of California, by Catherine E. Santillan, Senior
24 Legal Analyst.
25 2. DONG MEI LI (Respondent) is represented by attorney Ann H. Larson of
26 McNamara, Ney, Beatty, Slattery, Borges & Ambacher LLP 1211 Newell Avenue, Walnut Creek,
27 CA 94596.
28

1 3. On or about March 16, 1997, the Acupuncture Board issued Acupuncture License No.
2 AC 5809 to Respondent. The Acupuncture License was in full force and effect at all times
3 relevant to the charges brought in First Amended Accusation No. 1A-2010-168 and will expire on
4 October 31, 2014, unless renewed.

5 JURISDICTION

6 4. First Amended Accusation No. 1A-2010-168 was filed before the Acupuncture Board
7 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
8 First Amended Accusation and all other statutorily required documents were properly served on
9 Respondent on April 16, 2013. Respondent has filed a Notice of Defense contesting the First
10 Amended Accusation.

11 5. A copy of First Amended Accusation No. 1A-2010-168 is attached as Exhibit A and
12 incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in First Amended Accusation No. 1A-2010-168. Respondent has also
16 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
17 Settlement and Disciplinary Order.

18 7. Respondent is fully aware of her legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the First Amended Accusation; the right to be
20 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
21 against him; the right to present evidence and to testify on her own behalf; the right to the
22 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
23 the right to reconsideration and court review of an adverse decision; and all other rights accorded
24 by the California Administrative Procedure Act and other applicable laws.

25 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
26 every right set forth above.

1 CULPABILITY

2 9. At an administrative hearing, Complainant could establish a prima facie case with
3 respect to the allegations in First Amended Accusation No. 1A-2010-168, and Respondent
4 therefore, subjects her license to discipline.

5 10. Respondent agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Acupuncture Board. Respondent
9 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
12 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
13 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
14 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
15 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
16 not be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
19 effect as the originals.

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

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Acupuncture License No. AC 5809 issued to DONG MEI
25 LI (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on
26 probation for two (2) years on the following terms and conditions:

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1. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING

Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period.

2. COURSEWORK

Respondent shall take and successfully complete not less than twenty (20) additional hours of continuing education or the equivalent of twenty (20) hours in a graduate level program to be approved by the Board in the area of medical record keeping and/or ethics, or an alternative course to be approved by the board. Course content shall be pertinent to the violation and all coursework must be completed within the first two (2) years of probation. The required coursework must be in addition to any continuing education courses that may be required for license renewal.

Within ninety (90) days of the effective date of this decision, respondent shall submit a plan for the Board's prior approval for meeting the educational requirements. All costs of the coursework shall be borne by the respondent.

3. OBEY ALL LAWS

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

4. QUARTERLY REPORTS

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

5. SURVEILLANCE PROGRAM

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

1 6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
2 person for interviews with the Board or its designee upon request at various intervals and with
3 reasonable notice.

4 7. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
5 through the assigned probation surveillance compliance officer of any and all changes of
6 employment, location and address within 30 days of such change.

7 8. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event
8 respondent should leave California to reside or to practice outside the State, respondent must
9 notify the Board in writing of the dates of departure and return. Periods of residency or practice
10 outside California will not apply to the reduction of this probationary period.

11 9. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
12 employ or supervise or apply to employ or supervise acupuncture trainees in a practice setting
13 during the course of this probation. Respondent shall terminate any such supervisorial
14 relationship in existence on the effective date of this probation.

15 10. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
16 enforcement in the amount of \$790.00.

17 11. VIOLATION OF PROBATION If respondent violates probation in any respect, the
18 Board may, after giving respondent notice and the opportunity to be heard, revoke probation and
19 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
20 filed against respondent during probation, the Board shall have continuing jurisdiction until the
21 matter is final, and the period of probation shall be extended until the matter is final. No petition
22 for modification or termination of probation shall be considered while there is an accusation or
23 petition to revoke probation pending against respondent.

24 12. COMPLETION OF PROBATION Upon successful completion of probation,
25 respondent's license will be fully restored.

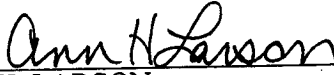
26 ACCEPTANCE

27 I have carefully read the Stipulated Settlement and Disciplinary Order and have fully
28 discussed it with my attorney, Ann H. Larson. I understand the stipulation and the effect it will

1 have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order
2 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
3 Acupuncture Board.

4
5 DATED: 05/14/13 
6 DONG MEI LI
7 Respondent

8
9 I have read and fully discussed with Respondent Dong Mei Li the terms and conditions and
10 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
11 form and content.

12 DATED: 5/17/13 
13 ANN H. LARSON
14 Attorney for Respondent

15
16 ENDORSEMENT

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

19 DATED: 5/17/13

20 Respectfully submitted,
21 KAMALA D. HARRIS
22 Attorney General of California
23 JOSE R. GUERRERO
24 Supervising Deputy Attorney General

25 
26 CATHERINE E. SANTILLAN
27 Senior Legal Analyst
28 *Attorneys for Complainant*

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