BEFORE THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Second Amended Accusation Against:

HENRY DAVID LEE, L.AC. 3421 Calle Azul 1-B Laguna Woods, CA 92637 Case No. 1A-2014-164 OAH No. 2016100337

Acupuncture License No. AC 8254

One.

DECISION AND ORDER

The attached Stipulated Surrender of License 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 _____ AUG 3 1 2019

It is so ORDERED

AUG 2 1 2019 dea eupon FOR THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS

1	XAVIER BECERRA					
2	Attorney General of California ALEXANDRA M. ALVAREZ					
3	Supervising Deputy Attorney General KAROLYN M. WESTFALL					
4	Deputy Attorney General State Bar No. 234540	Deputy Attorney General				
5	600 West Broadway, Suite 1800					
	San Diego, CA 92101 P.O. Box 85266					
6	San Diego, CA 92186-5266 Telephone: (619) 738-9465					
7	Facsimile: (619) 645-2061					
8 :	Attorneys for Complainant					
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10	BEFORE THE ACUPUNCTURE BOARD					
11.	DEPARTMENT OF CONSUMER AFFAIRS					
12	STATE OF CALIFORNIA					
13	In the Matter of the Second Amended	Case No. 1A-2014-164				
14	Accusation Against:	OAH No. 2016100337				
	HENRY DAVID LEE, L.AC.					
15	3421 Calle Azul 1-B Laguna Woods, CA 92637	STIPULATED SURRENDER OF LICENSE AND DISCIPLINARY ORDER				
16	Acupuncture License No. AC 8254					
17	Respondent.					
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19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-					
20	entitled proceedings that the following matters are true:					
21	PARTIES					
22	1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board					
23	(Board). He brought this action solely in his official capacity and is represented in this matter by					
24	Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall, Deputy					
25	Attorney General.					
26	2. Henry David Lee, L.Ac. (Respondent) is represented in this proceeding by attorney					
27	Edward O. Lear, Esq., whose address is: 5200 West Century Boulevard, Suite 345, Los Angeles,					
28	CA 90045.					
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3. On or about March 20, 2002, the Board issued Acupuncture License No. AC 8254 to Respondent. The Acupuncture License was in full force and effect at all times relevant to the charges and allegations brought in Second Amended Accusation No. 1A-2014-164, and will expire on May 31, 2021, unless renewed.

JURISDICTION

6 4. On or about October 31, 2017, Second Amended Accusation No. 1A-2014-164,
7 which superseded the First Amended Accusation filed on June 19, 2017, was filed before the
8 Board, and is currently pending against Respondent. The Second Amended Accusation and all
9 other statutorily required documents were properly served on Respondent on October 31, 2017.
10 Respondent timely filed his Notice of Defense. A true and correct copy of Second Amended
11 Accusation No. 1A-2014-164 is attached hereto as Exhibit A and incorporated by reference as if
12 fully set forth herein.

ADVISEMENT AND WAIVERS

Respondent has carefully read, fully discussed with counsel, and understands the
charges and allegations in Second Amended Accusation No. 1A-2014-164. Respondent also has
carefully read, fully discussed with counsel, and understands the effects of this Stipulated
Surrender of License and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a
hearing on the charges and allegations in the Second Amended Accusation; the right to confront
and cross-examine the witnesses against him; the right to present evidence and to testify on his
own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
production of documents; the right to reconsideration and court review of an adverse decision;
and all other rights accorded by the California Administrative Procedure Act and other applicable
laws.

7. Having the benefit of counsel, Respondent hereby voluntarily, knowingly, and
intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent agrees that, at an administrative hearing, complainant could establish a
 prima facie case with respect to the charges and allegations contained in Second Amended
 Accusation No. 1A-2014-164, and that he has thereby subjected his Acupuncture License No. AC
 8254 to disciplinary action. Respondent further agrees to be bound by the Board's imposition of
 discipline as set forth in the Disciplinary Order below.

7 9. Respondent understands that by signing this stipulation he enables the Board to issue
8 an order accepting the surrender of his Acupuncture License No. AC 8254 without further
9 process.

10 10. Respondent agrees that if he ever petitions for reinstatement of his Acupuncturist
 11 License No. AC 8254, all of the charges and allegations contained in Second Amended
 12 Accusation No. 1A-2014-164, shall be deemed true, correct, and fully admitted by Respondent
 13 for purposes of that reinstatement proceeding or any other licensing proceeding involving
 14 Respondent in the State of California.

RESERVATION

16 11. The admissions made by Respondent herein are only for the purposes of this
17 proceeding, or any other proceedings in which the Acupuncture Board or other professional
18 licensing agency is involved, and shall not be admissible in any other criminal or civil
19 proceeding.

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CONTINGENCY

This Stipulated Surrender and Disciplinary Order shall be subject to approval by the 21 12. Board. Respondent understands and agrees that counsel for Complainant and the staff of the 22 Board may communicate directly with the Board regarding this Stipulated Surrender and 23 Disciplinary Order, without notice to or participation by Respondent or his counsel. By signing 24 the Stipulated Surrender and Disciplinary Order, Respondent understands and agrees that he may 25 not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers 26 and acts upon it. If the Board fails to adopt this Stipulated Surrender and Disciplinary Order as its 27 28 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or

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effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, 1 and the Board shall not be disqualified from further action by having considered this matter. 2 **ADDITIONAL PROVISIONS** 3 This Stipulated Surrender of License and Disciplinary Order is intended by the parties 13. 4 herein to be an integrated writing representing the complete, final, and exclusive embodiment of 5 6 the agreements of the parties in the above-entitled matter. The parties agree that copies of this Stipulated Surrender of License and Disciplinary 14. 7 Order, including copies of the signatures of the parties, may be used in lieu of original documents 8 and signatures and, further, that such copies shall have the same force and effect as originals. 9 In consideration of the foregoing admissions and stipulations, the parties agree the 10 15. Board may, without further notice to or opportunity to be heard by Respondent, issue and enter 11 the following Disciplinary Order: 12 13 <u>ORDER</u> 14 IT IS HEREBY ORDERED that Acupuncture License No. AC 8254, issued to Respondent Henry David Lee, L.Ac., is surrendered and accepted by the Board. 15 The surrender of Respondent's Acupuncture License No. AC 8254, and the 1. 16 acceptance of the surrendered license by the Board shall constitute the imposition of discipline 17 against Respondent. This stipulation constitutes a record of the discipline and shall become a part 18 19 of Respondent's license history with the Board. 2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of 20 the effective date of the Board's Decision and Order. 21 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was 22 issued, his wall certificate on or before the effective date of the Decision and Order. 23 If Respondent ever files an application for licensure or a petition for reinstatement in 24 4. the State of California, the Board shall treat it as a petition for reinstatement. Respondent must 25 26 comply with all the laws, regulations, and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations 27 contained in Second Amended Accusation No. 1A-2014-164 shall be deemed to be true, correct, 28

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and fully admitted by Respondent when the Board determines whether to grant or deny the 2 petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the 3 amount of \$75,995.25 prior to Respondent submitting a petition for reinstatement of his license. 4

6. If Respondent should ever apply or reapply for a new license or certification, or 5 petition for reinstatement of a license, by any other health care licensing agency in the State of 6 7 California, all of the charges and allegations contained in Second Amended Accusation, No. 1A-2014-164 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any 8 Statement of Issues or any other proceeding seeking to deny or restrict licensure. 9

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and 11 have fully discussed it with my attorney, Edward O. Lear, Esq. I understand the stipulation and 12 13 the effect it will have on my Acupuncture License No. AC 8254. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree 14 to be bound by the Decision and Order of the Acupuncture Board. 15

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DATED: 08 -	15-2019	HENRY DAVID LEE.	LAC				
	Respondent						
l have read ar	I have read and fully discussed with Respondent Henry David Lee, L.Ac., the terms and						
conditions and othe	r matters contained in th	nis Stipulated Surrender of	License and Disciplinary				
Order. I approve its	s form and content.						
DATED:							
saaraa ya ahaa ahaa ahaa ahaa ahaa ahaa a		EDWARD O. LEAR, Attorney for Responde					
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and fully admitted by Respondent when the Board determines whether to grant or deny the petition.

3 5. Respondent shall pay the agency its costs of investigation and enforcement in the
4 amount of \$75,995.25 prior to Respondent submitting a petition for reinstatement of his license.

6. If Respondent should ever apply or reapply for a new license or certification, or
petition for reinstatement of a license, by any other health care licensing agency in the State of
California, all of the charges and allegations contained in Second Amended Accusation, No. 1A2014-164 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney, Edward O. Lear, Esq. I understand the stipulation and the effect it will have on my Acupuncture License No. AC 8254. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED:

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HENRY DAVID LEE, L.AC. Respondent

I have read and fully discussed with Respondent Henry David Lee, L.Ac., the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary

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Order. I approve its form and content.

22 DATED:

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EDWARD O. LEAR, ESQ. Attorney for Respondent

1	ENDORSEMENT					
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3	The foregoing Stipulated Surrender of License and Disciplinary Order is hereby					
4	respectfully submitted for consideration by the Acupuncture Board of the Department of					
5	Consumer Affairs.					
6	DATED: <u>8/15/19</u>			Respectfully submitted,		
7				XAVIER BECERRA Attorney General of California		
8				ALEXANDRA M. ALVAREZ Supervising Deputy Attorney General		
9				MADANIA CO		
10				Karolyn M. Westfall		
11				Deputy Attorney General Attorneys for Complainant		
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	Stipu	lated Surrender		nse and Disciplinary Order (Case No. 1A-2014-164)		

Exhibit A

Second Amended Accusation No. 1A-2014-164