

FILED

AUG 25 2009

ACUPUNCTURE BOARD

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

12 In the Matter of the Accusation Against:

Case No. 1A-2009-67

13 **LILY SHANNON COOGAN**
1103 East Cliff Drive, #3
Santa Cruz, CA 95062

A C C U S A T I O N

14 **Acupuncture License No. AC 7115**

15 Respondent.

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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 February 9, 2000, the Acupuncture Board issued Acupuncture License
23 Number AC 7115 to Lily Shannon Coogan (respondent). The Acupuncture License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on
25 March 31, 2011, unless renewed.

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1 **COST RECOVERY**

2 6. Section 4959 of the Code states, in relevant part:

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Criminal Convictions)**

10 7. Respondent is subject to disciplinary action under section 4955, subdivision (b), of
11 the Code in that respondent has been convicted of criminal offenses substantially related to the
12 qualifications, functions, or duties of an acupuncturist. The circumstances are as follows:

13 a. On or about January 14, 2000, respondent was arrested for driving while under
14 the influence of alcohol in San Luis Obispo, California. A blood draw at the time of arrest
15 revealed a BAC of .23. On or about February 2, 2000, in a criminal proceeding entitled *People v.*
16 *Lily Shannon Coogan*, San Luis Obispo County Municipal Court No. M292781, respondent was
17 convicted by plea of guilty to a violation of Vehicle Code section 23152 (a) (DUI), a
18 misdemeanor. Respondent was sentenced to three years probation; ordered to attend a DUI first
19 offender program; her driver's license was restricted for 90 days; and, she was ordered to pay a
20 fine in the amount of \$1,280.

21 b. On or about June 1, 2002, respondent was arrested for attempting to steal a
22 bottle of wine from a Safeway store at 2:40 a.m. in Santa Cruz, California. On or about July 3,
23 2002, in a criminal proceeding entitled *People v. Lily Shannon Coogan*, Santa Cruz County
24 Superior Court No. M12761, respondent was convicted by plea of guilty to a violation of Penal
25 Code section 484 (a), petty theft, a misdemeanor. Respondent was sentenced to one year
26 probation; ordered to pay fines in the amount of \$181; and, she was ordered to complete 24 hours
27 of community service. On or about April 24, 2003, respondent wrote a letter of explanation to the
28 Board, stating that at the time of the incident she was drunk and oblivious to her actions.

1 c. On or about July 5, 2008, respondent was arrested for driving while under the
2 influence of alcohol in an unincorporated area of Humboldt County. A Breath Test at the time of
3 arrest revealed a BAC of .11/.10. In a criminal complaint filed on or about August 12, 2008, in
4 *People v. Lily Shannon Coogan*, Humboldt County Superior Court No. CR084647, respondent
5 was charged with violations of Vehicle Code section 23152 (a) (DUI) (Count I); and, 23152 (b)
6 (driving with a .08 or more BAC) (Count II). On or about November 14, 2008, respondent was
7 convicted by plea of guilty to a violation of Vehicle Code section 23103.5, reckless driving/
8 alcohol related, a misdemeanor lesser included DUI offense. Respondent was sentenced to three
9 years probation; ordered to attend an alcohol education program; and, order to pay fines in the
10 amount \$1,407.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Dangerous Use of Alcohol)**

13 8. The allegations of the First Cause for Discipline, above, are incorporated herein by
14 reference as if fully set forth.

15 9. Respondent is subject to disciplinary action under section 4955, subdivision (a),
16 in that respondent has used alcoholic beverages to an extent or in a manner dangerous to
17 herself, or to other persons, or to the public, and to an extent that such use impairs her
18 ability to engage in the practice of acupuncture with safety to the public.

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1 **PRAYER**

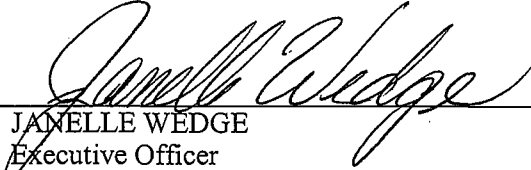
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Acupuncture Board issue a decision:

4 1. Revoking or suspending Acupuncture License Number AC 7115, issued to Lily
5 Shannon Coogan.

6 2. Ordering Lily Shannon Coogan to pay the Acupuncture Board the reasonable costs of
7 the investigation and enforcement of this case, pursuant to Business and Professions Code section
8 4959.

9 3. Taking such other and further action as deemed necessary and proper.
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11 DATED: AUG 25 2009

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14 JANELLE WEDGE
15 Executive Officer
16 Acupuncture Board
17 Department of Consumer Affairs
18 State of California
19 Complainant

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21 accusation.rtf
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