

**ACUPUNCTURE BOARD**

444 North 3<sup>rd</sup> Street, Suite 260, Sacramento, CA 95814

Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov



July 15, 2009

Jian Lin, AC 6933  
6080 University Avenue  
San Diego, CA 92115

Re: **Case No. 1A-2007-166**  
**Stipulated Settlement and Disciplinary Order**

Dear Mr. Lin:

Enclosed is a copy of the **Stipulated Settlement and Disciplinary Order** in the matter of the accusation filed against you. Please note the effective date of the Decision is August 14, 2009.

The Decision orders your license to be revoked, however, revocation is stayed and your license is placed on 5 years probation with specific terms and conditions. As part of your probation order, you must complete 20 (twenty) semester units or 30 (thirty) quarter units of coursework in ethics, hazardous waste control, and public safety laws relating to acupuncture. Please submit your plan to satisfy these conditions to the board for prior approval within 90 days of the effective date. Payment of cost recovery for \$4,000 has also been ordered and must be paid before the term of your probation has ended.

The Acupuncture Board encourages your diligent compliance with all of the terms and conditions stipulated in this agreement. If you have any questions regarding your probation and/or the conditions you are required to meet, please contact your probation monitor, Kristine Brothers, Enforcement Coordinator at [Kristine\\_Brothers@dca.ca.gov](mailto:Kristine_Brothers@dca.ca.gov) or by phone.

Sincerely,

  
JANELLE WEDGE  
Executive Officer

Enclosure

cc: **Heidi R. Weisbaum, DAG, DOJ**  
Steven V. Adler, SDAG, DOJ  
Eric K. Chen, Law Offices of Eric K. Chen

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


In the Matter of the Accusation Against:	)	Case No. 1A-2007-166
	)	OAH No. 2008100301
JIAN LIN, L.AC.	)	
6080 University Avenue	)	
San Diego, CA 92115	)	
	)	
Acupuncture License No. AC 6933	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

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

This Decision shall become effective on                     AUG 14 2009                    .

It is so ORDERED                     JUL 15 2009                    .

  
\_\_\_\_\_  
Robert Brewer, Chair  
Acupuncture Board  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 STEVEN V. ADLER  
Supervising Deputy Attorney General  
3 HEIDI R. WEISBAUM, State Bar No. 101489  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101

5  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2098  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

11  
12 In the Matter of the Accusation Against:

13 JIAN LIN, L.Ac.  
14 6080 University Avenue  
San Diego, Ca 92115

15 Acupuncture License No. AC 6933

16 Respondent.  
17

Case No. 1A-2007-166

OAH No. 2008100301

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Janelle Wedge (Complainant) is the Executive Officer of the Acupuncture  
22 Board and brought this action solely in her official capacity. She is represented in this matter by  
23 Edmund G. Brown Jr., Attorney General of the State of California, by Heidi R. Weisbaum,  
24 Deputy Attorney General.

25 2. Respondent JIAN LIN, L.Ac. (Respondent) is represented in this  
26 proceeding by attorney Eric K. Chen, whose address is 18725 East Gale Avenue, Suite 228  
27 City of Industry, CA 91748.

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1 Course content shall be pertinent to the violation and all coursework must be completed within  
2 the first three years of probation. The required coursework must be in addition to any continuing  
3 education courses that may be required for license renewal.

4 Within 90 days of the effective date of this decision, Respondent shall submit a  
5 plan for the Board's prior approval for meeting the educational requirements. All costs of the  
6 coursework shall be borne by Respondent.

7 3. COURSEWORK - PUBLIC SAFETY LAWS RELATING TO  
8 ACUPUNCTURE Respondent shall take and successfully complete a course regarding public  
9 safety laws relating to the practice of acupuncture. Classroom attendance must be specifically  
10 required. Course content shall be pertinent to the violation and all coursework must be  
11 completed within the first three years of probation. The required coursework must be in addition  
12 to any continuing education courses that may be required for license renewal.

13 Within 90 days of the effective date of this decision, Respondent shall submit a  
14 course for the Board's prior approval for meeting this requirement. All costs of the coursework  
15 shall be borne by Respondent.

16 4. REIMBURSEMENT FOR PROBATION SURVEILLANCE  
17 MONITORING Respondent shall reimburse the Board for the hourly costs it incurs in  
18 monitoring the probation to ensure compliance for the duration of the probation period.

19 5. OBEY ALL LAWS Respondent shall obey all federal, state and local  
20 laws and all regulations governing the practice of acupuncture in California. A full and detailed  
21 account of any and all violations of law shall be reported by the respondent to the Board in  
22 writing within 72 hours of occurrence.

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

26 7. SURVEILLANCE PROGRAM Respondent shall comply with the  
27 Board's probation surveillance program and shall, upon reasonable notice, report to the assigned  
28 investigative district office. Respondent shall contact the assigned probation surveillance

1 monitor regarding any questions specific to the probation order. Respondent shall not have any  
2 unsolicited or unapproved contact with 1) victims or complainants associated with the case;  
3 2) Board members or members of its staff; or 3) persons serving the Board as expert examiners.

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

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

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

14 11. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent  
15 shall not employ or supervise or apply to employ or supervise acupuncture trainees during the  
16 course of this probation. Respondent shall terminate any such supervisory relationship in  
17 existence on the effective date of this probation.

18 12. COST RECOVERY Respondent shall pay to the Board its costs of  
19 investigation and enforcement in the amount of \$ 4000.00.

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

27 14. COMPLETION OF PROBATION Upon successful completion of  
28 probation, respondent's license will be fully restored.

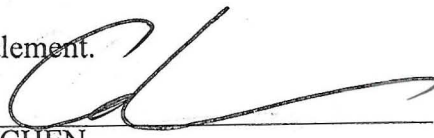
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Eric K. Chen. I understand the stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 4-27-09   
JIAN LIN, L.Ac. (Respondent)  
Respondent

I concur with this stipulated settlement.

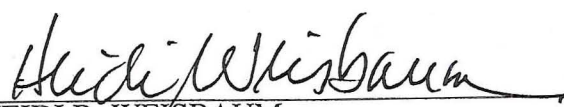
DATED: 5-5-09   
ERIC K. CHEN  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board.

DATED: May 11, 2009 EDMUND G. BROWN JR., Attorney General  
of the State of California

STEVEN V. ADLER  
Supervising Deputy Attorney General

  
HEIDI R. WEISBAUM  
Deputy Attorney General  
Attorneys for Complainant