

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

In the Matter of the Accusation Against:

Pei Sheng Wang
260 S. Sunnyvale Avenue, #8
Sunnyvale, CA 94086

Acupuncture License No. AC 13491

Respondent


Case No. 1A-2015-270

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on July 13, 2018.

IT IS SO ORDERED July 4, 2018.



Benjamin Bodea, Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
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Attorneys for Complainant

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

9
10 In the Matter of the Accusation Against:

Case No. 1A-2015-270

11 **PEI SHENG WANG**

12 **260 S. Sunnyvale Avenue #8**
Sunnyvale, CA 94086

STIPULATED SURRENDER OF
LICENSE AND ORDER

13 **Acupuncture License No. AC 13491**

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
20 (Board). He brought this action solely in his official capacity and is represented in this matter by
21 Xavier Becerra, Attorney General of the State of California, by Mary Cain-Simon, Supervising
22 Deputy Attorney General.

23 2. Pei Sheng Wang (Respondent) is represented in this proceeding by attorney Marglyn
24 E. Paseka, of Slote, Links and Boreman, LLP, whose address is:
25 One Embarcadero Center, Suite 400
26 San Francisco, CA 94111.

27 3. On or about March 23, 2010, the Board issued Acupuncture License No. AC 13491 to
28 Pei Sheng Wang (Respondent). The Acupuncture License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 1A-2015-270 and will expire on March 31,
2 2019, unless renewed.

3
4 JURISDICTION

5 4. Accusation No. 1A-2015-270 was filed before the Board and is currently pending
6 against Respondent. The Accusation and all other statutorily required documents were properly
7 served on Respondent on January 24, 2018. Respondent timely filed his Notice of Defense
8 contesting the Accusation. A copy of Accusation No. 1A-2015-270 is attached as Exhibit A and
9 incorporated by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 1A-2015-270. Respondent also has carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
14 and Order.

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

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 1A-2015-270, agrees that cause exists for discipline and hereby surrenders his Acupuncture
26 License No. AC 13491 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation he enables the Board to issue
28 an order accepting the surrender of his Acupuncture License without further process.

CONTINGENCY

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

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

ORDER

IT IS HEREBY ORDERED that Acupuncture License No. AC 13491, issued to Respondent Pei Sheng Wang, is surrendered and accepted by the Acupuncture Board.

1. The surrender of Respondent's Acupuncture License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Acupuncture Board.

2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must

1 comply with all the laws, regulations and procedures for reinstatement of a revoked or
2 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
3 contained in Accusation No. 1A-2015-270 shall be deemed to be true, correct and admitted by
4 Respondent when the Board determines whether to grant or deny the petition.

5 5. Respondent shall pay the agency its costs of investigation and enforcement as
6 follows:

7 \$1,944.00 on the effective date of the Board's Decision and Order; and

8 \$1,296.00 prior to issuance of a new or reinstated license.

9 6. If Respondent should ever apply or reapply for a new license or certification, or
10 petition for reinstatement of a license, by any other health care licensing agency in the State of
11 California, all of the charges and allegations contained in Accusation, No. 1A-2015-270 shall be
12 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
13 Issues or any other proceeding seeking to deny or restrict licensure.

14
15 ACCEPTANCE

16 I have carefully read the above Stipulated Surrender of License and Order and have fully
17 discussed it with my attorney, Marglyn E. Paseka. I understand the stipulation and the effect it
18 will have on my Acupuncture License. I enter into this Stipulated Surrender of License and Order
19 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
20 Acupuncture Board.

21
22 DATED: 06-21-18


23 PEI SHENG WANG
Respondent

24 I have read and fully discussed with Respondent Pei Sheng Wang the terms and conditions
25 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
26 and content.

27 DATED: 6-22-18


28 MARGLYN E. PASEKA
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

Dated: 6/27/2018

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General


MARY CAIN-SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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