

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

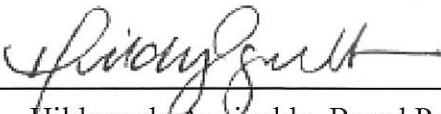
In the Matter of the Accusation Against:)	Case No. 1A-2014-207
)	
JUSTIN R. BOVERT, L.AC.)	
3020 Kroy Way)	
Sacramento, CA 95820)	
)	
Acupuncture License No. AC 16366)	
)	
Respondent.)	
_____)	

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 January 5, 2017.

It is so ORDERED December 6, 2016.



Hildegard Agumaldo, Board President
Acupuncture Board
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
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California Department of Justice
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8 *Attorneys for Complainant*

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10 **BEFORE THE**
ACUPUNCTURE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

14 **JUSTIN R. BOVERT, AC**
517 7th St.
15 Sacramento, CA 95814

16 Acupuncturists License No. AC 16366

17 Respondent.

Case No. 1A-2014-207

OAH No. 2016050223

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
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 Interim Executive Officer of the Acupuncture
23 Board (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by Mara Faust, Deputy
25 Attorney General.

26 2. Respondent Justin R. Bovert, AC (Respondent) is represented in this proceeding by
27 attorney Steve Whitworth, Esq., whose address is: Law Offices of Steve Whitworth, 517 7th St.
28 Sacramento, CA 95814.

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
4 those charges.

5 11. Respondent agrees that his Acupuncturists License is subject to discipline and he
6 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

7 12. Respondent agrees that if he ever petitions for early termination or modification of
8 probation, or if an accusation and/or petition to revoke probation is filed against him before the
9 Board, all of the charges and allegations contained in Accusation No. 1A-2014-207 shall be
10 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
11 other licensing proceeding involving Respondent in the State of California.

12 CONTINGENCY

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

22 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
24 signatures thereto, shall have the same force and effect as the originals.

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

28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Acupuncturists License No. AC 16366 issued to
3 Respondent Justin R. Bovert, AC is revoked. However, the revocation is stayed and Respondent
4 is placed on probation for two (2) years from the effective date of the Decision on the following
5 terms and conditions.

6 1. ALCOHOL AND DRUG ABUSE TREATMENT Effective 30 days from the date of
7 this decision, respondent shall commence attending Twelve-Step meetings or the equivalent, as
8 approved by the Board. Attendance shall be at least three (3) times per month during the first
9 year of probation. Proof of attendance at these meetings must be submitted quarterly to the
10 Board. Failure to attend the meetings or to timely submit proof of attendance will be considered a
11 violation of probation.

12 2. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND
13 SAMPLES Respondent shall abstain completely from the personal use or possession of
14 controlled substances as defined in the California Uniform Controlled Substances Act (Division
15 10, commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by
16 Section 4022 of the Business and Professions Code, or any drugs requiring a prescription.
17 Respondent shall abstain completely from the use of alcoholic beverages. Respondent shall
18 undergo random, biological fluid testing as determined by the AC. Respondent shall bear all
19 costs of such testing. The length of time and frequency will be determined by the AC. Any
20 confirmed positive finding will be considered a violation of probation.

21 3. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING
22 Respondent shall reimburse the AC for the hourly costs it incurs in monitoring the probation to
23 ensure compliance for the duration of the probation period.

24 4. COURSEWORK Respondent shall take and provide evidence of successful
25 completion of the First Offender 3 month program and MADD program ordered in the matter of
26 the *People of the State of California v. Justin Ronald Bovert*, Contra Costa Superior Court No.
27 04-183314-4.

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1 5. COMMUNITY SERVICE Respondent shall perform 50 hours of community service.
2 The services rendered shall be professional in nature and under the auspices of a governmental
3 entity or a non-profit corporation tax exempt under the Internal Revenue Code. Within sixty (60)
4 days of the effective date of the decision, respondent shall submit to the Board for its prior
5 approval a community service plan. Prior to engaging in community service, respondent shall
6 provide a copy of the decision in this matter to the manager, director or other person in charge of
7 the organization (“Decision Maker”) where this service will be performed. Within fifteen (15)
8 days of providing the documentation to the Decision Maker, as required, Respondent shall submit
9 written proof of compliance to the Acupuncture Board. In no event shall such proof be provided
10 later than two weeks after having engaged in community service. Additionally, Respondent shall
11 have the manager, director, or other person in charge of the organization submit confirmation
12 directly to the Board when respondent has completed the 50 hours of community service required
13 by this agreement.

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

18 7. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
19 penalty of perjury on forms provided by the AC, stating whether there has been compliance with
20 all the conditions of probation.

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

27 9. INTERVIEW WITH THE AC OR ITS DESIGNEE Respondent shall appear in
28 person for interviews with the AC or its designee upon request at various intervals and with

1 reasonable notice.

2 10. CHANGES OF EMPLOYMENT Respondent shall notify the AC in writing, through
3 the assigned probation surveillance compliance officer of any and all changes of employment,
4 location and address within 30 days of such change.

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

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

13 13. COST RECOVERY Respondent shall pay to the AC its costs of investigation and
14 enforcement in the amount of \$2,400.00. Respondent shall be permitted to pay these costs in a
15 payment plan approved by the Board, with payments to be completed no later than six months
16 prior to the end of the probation term. Cost recovery will not be tolled. Respondent understands
17 that failure to make payments in accordance with any formal agreement entered into with the
18 board or pursuant to any Decision by the board shall be considered a violation of probation.

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


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

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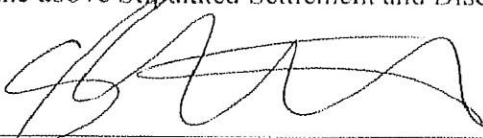
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steve Whitworth, Esq. I understand the stipulation and the effect it will have on my Acupuncturists 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 Acupuncture Board.

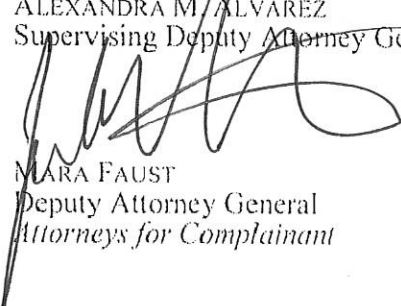
DATED: 10/20/16 
JUSTIN R. BOVERT, AC
Respondent

I have read and fully discussed with Respondent Justin R. Bover, AC the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/20/16 
STEVE WHITWORTH, ESQ.
Attorney for Respondent

ENDORSEMENT

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

Dated: 10/21/16 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

MARA FAUST
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2014-207