

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

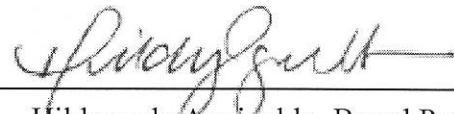
In the Matter of the Statement of Issues)	
Against:)	Case No. 1A-2015-93
)	
GREGORY WILLIS)	
1345 A 17 th Street)	
San Francisco, CA 94112)	
)	
)	
Respondent.)	
_____)	

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 February 17, 2017.

It is so ORDERED January 18, 2017.



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

1 KAMALA D. HARRIS
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Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **ACUPUNCTURE BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:
13 **GREGORY WILLIS**
1345A 17th Street
14 San Francisco, CA 94112
15 Applicant.

Case No. 1A-2015-93

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
22 (Board). He brought this action solely in his official capacity and is represented in this matter by
23 Kamala D. Harris, Attorney General of the State of California, by Lynne K. Dombrowski, Deputy
24 Attorney General.

25 2. Applicant Gregory Willis (Applicant) is represented in this proceeding by attorney
26 Adam B. Brown, whose address is: Law Offices of Brown & Brown, 3848 W. Carson Street,
27 Suite 206, Torrance, CA 90503.
28

1 information the Board deems relevant to the case. Applicant shall execute a release authorizing
2 the evaluator to release all information to the Board. The completed evaluation is the sole
3 property of the Board.

4 If the Board concludes from the results of the evaluation that Applicant is unable to
5 practice independently and safely, he shall immediately cease practice and shall not resume
6 practice until notified by the Board. If the Board concludes from the results of the evaluation that
7 Applicant would benefit from ongoing psychotherapy, Applicant shall comply with the Board's
8 directives in that regard.

9 Applicant shall pay all costs associated with the psychological evaluation. Failure to pay
10 costs will be considered a violation of the probation order.

11 2. ALCOHOL AND DRUG ABUSE TREATMENT Effective 30 days from the
12 date of this decision, Applicant shall enter an inpatient or outpatient alcohol or other drug abuse
13 recovery program (a minimum of six (6) months duration) or an equivalent program as approved
14 by the Board.

15 Quitting the program without permission or being expelled for cause shall constitute a
16 violation of probation by Applicant. Subsequent to the program, Applicant shall participate in
17 on-going treatment at least three times a week during the first year of probation, such as receiving
18 individual and/or group therapy from a psychologist trained in alcohol and drug abuse treatment
19 and/or attending Twelve-Step meetings, or the equivalent as approved by the Board, and/or other
20 substance abuse recovery programs approved by the Board. Applicant shall pay all costs of
21 treatment and therapy, and provide documentation of attendance at Twelve-Step meetings or the
22 equivalent as approved by the Board. The psychologist shall confirm that Applicant has complied
23 with the requirements of this decision and shall notify the Board immediately if he or she believes
24 the Applicant cannot safely render acupuncture services. Applicant shall execute a release
25 authorizing the psychologist to divulge the aforementioned information to the Board.

26 An inpatient or outpatient drug or alcohol abuse recovery program taken after the facts
27 that gave rise to the charges in the Statement of Issues, but prior to the effective date of the
28 Decision may, in the sole discretion of the Board or its designee, be accepted towards the

1 fulfillment of this condition if the program would have been approved by the Board or its
2 designee had the program been taken after the effective date of the Decision.

3 3. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND
4 SAMPLES Applicant shall abstain completely from the personal use or possession of controlled
5 substances as defined in the California Uniform Controlled Substances Act (Division 10,
6 commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by
7 Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. This
8 prohibition does not apply to medications lawfully prescribed to Applicant by a licensed
9 practitioner for a bona fide illness or condition.

10 Applicant shall abstain completely from the use of products or beverages containing
11 alcohol. Applicant shall undergo random, biological fluid testing as determined by the Board.
12 Applicant shall bear all costs of such testing. The length of time and frequency will be
13 determined by the Board. Any confirmed positive finding will be considered a violation of
14 probation.

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

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

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

25 7. SURVEILLANCE PROGRAM Applicant shall comply with the Board's
26 probation surveillance program and shall, upon reasonable notice, report to the assigned
27 investigative district office. Applicant shall contact the assigned probation surveillance monitor
28 regarding any questions specific to the probation order. Applicant shall not have any unsolicited

1 or unapproved contact with 1) victims or complainants associated with the case; 2) Board
2 members or members of its staff; or 3) persons serving the Board as expert examiners.

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

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

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

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

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

24 13. COMPLETION OF PROBATION Upon successful completion of probation,
25 Applicant'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, Adam B. Brown. I understand the stipulation and the effect it will have on my Acupuncturist 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: 12/8/2016 
GREGORY WILLIS
Applicant

I have read and fully discussed with Applicant Gregory Willis the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

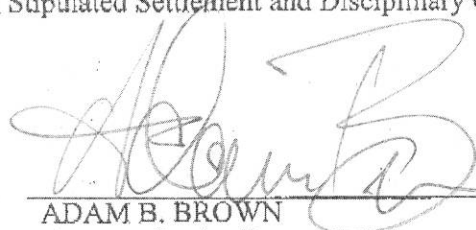
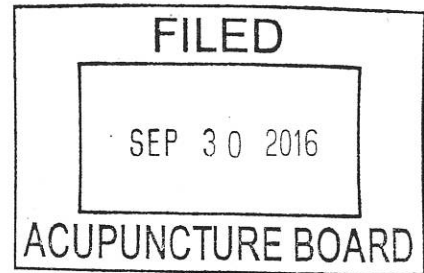
DATED: 12/9/16 
ADAM B. BROWN
Attorney for Applicant

Exhibit A

Statement of Issues No. 1A-2015-93

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI
Deputy Attorney General
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7 *Attorneys for Complainant*



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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 1A-2015-93

13 **GREGORY WILLIS**
14 1345 A 17th Street
San Francisco, CA 94112

STATEMENT OF ISSUES

15
16 Applicant.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Benjamin Bodea (Complainant) brings this Statement of Issues solely in his official
21 capacity as the Interim Executive Officer of the Acupuncture Board.

22 2. On June 10, 2016, the Acupuncture Board (Board) received an application for an
23 Acupuncture License from Gregory Willis (Applicant). The Board denied the application on June
24 28, 2016. Applicant requested a hearing to contest the denial in a letter dated July 27, 2016.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Acupuncture Board under the authority
27 of the following laws. All section references are to the Business and Professions Code unless
28 otherwise indicated.

1 A. Section 480 of the Code states:

2 “(a) A board may deny a license regulated by this code on the grounds that the
3 applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this
5 section means a plea or verdict of guilty or a conviction following a plea of
6 nolo contendere. Any action that a board is permitted to take following the
7 establishment of a conviction may be taken when the time for appeal has
8 elapsed, or the judgment of conviction has been affirmed on appeal, or when
9 an order granting probation is made suspending the imposition of sentence,
10 irrespective of a subsequent order under the provisions of Section 1203.4 of the
11 Penal Code.

12 ...

13 (3) (A) Done any act that if done by a licentiate of the business or
14 profession in question, would be grounds for suspension or revocation of
15 license.

16 (B) The board may deny a license pursuant to this subdivision only if
17 the crime or act is substantially related to the qualifications, functions, or
18 duties of the business or profession for which application is made.”

19 B. Section 4955 of the Code states:

20 “The board may deny, suspend, or revoke, or impose probationary conditions
21 upon, the license of any acupuncturist if he or she is guilty of unprofessional
22 conduct.

23 Unprofessional conduct shall include, but not be limited to, the following:

24 (a) Using or possessing any controlled substance as defined in Division 10
25 (commencing with Section 11000) of the Health and Safety Code, or dangerous
26 drug or alcoholic beverage to an extent or in a manner dangerous to himself or
27 herself, or to any other person, or to the public, and to an extent that the use
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1 impairs his or her ability to engage in the practice of acupuncture with safety to the
2 public.

3 (b) Conviction of a crime substantially related to the qualifications, functions,
4 or duties of an acupuncturist, the record of conviction being conclusive evidence
5 thereof.

6 ...

7 (i) Any action or conduct that would have warranted the denial of the
8 acupuncture license.”

9 C. Section 4956 of the Code states:

10 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
11 made to a charge which is substantially related to the qualifications, functions, or
12 duties of an acupuncturist is deemed to be a conviction within the meaning of this
13 chapter.

14 The board may order a license suspended or revoked, or may deny a license, or
15 may impose probationary conditions upon a license, when the time for appeal has
16 elapsed, or the judgment of conviction has been affirmed on appeal, or when an
17 order granting probation is made suspending the imposition of sentence
18 irrespective of a subsequent order under the provisions of Section 1203.4 of the
19 Penal Code allowing the person to withdraw his or her pleas of guilty and to enter
20 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
21 accusation, complaint, information, or indictment.@

22 D. Section 493 of the Code provides:

23 “Notwithstanding any other provision of law, in a proceeding conducted by a
24 board within the department pursuant to law to deny an application for a license or
25 to suspend or revoke a license or otherwise take disciplinary action against a
26 person who holds a license, upon the ground that the applicant or the licensee has
27 been convicted of a crime substantially related to the qualifications, functions, and
28 duties of the licensee in question, the record of conviction of the crime shall be

1 conclusive evidence of the fact that the conviction occurred, but only of that fact,
2 and the board may inquire into the circumstances surrounding the commission of
3 the crime in order to fix the degree of discipline or to determine if the conviction is
4 substantially related to the qualifications, functions, and duties of the licensee in
5 question. “

6 **FIRST CAUSE FOR DENIAL OF APPLICATION**

7 **(Conviction of a Crime Substantially Related to the Practice of an Acupuncturist)**

8 4. Applicant's application is subject to denial under Code section 4955, subdivision (b),
9 and section 480, subdivisions (a)(1) and (a)(3)(B) and/or (a)(3)(A), in that he was convicted of a
10 crime substantially related to the qualifications, functions, and duties of an acupuncturist. The
11 circumstances are as follows:

12 5. On January 14, 2015, in a criminal proceeding entitled *The People of the State of*
13 *California v. Gregory Willis*, Case Number SCR101101 in Butte County Superior Court,
14 Applicant was charged with one count of driving under the influence of alcohol [Vehicle Code
15 section 23152(a)], one count of driving with a blood alcohol content of .08% [Vehicle Code
16 section 23152(b)] and one count of refusal to take a chemical test to determine his blood alcohol
17 level [Vehicle Code section 23578]. On April 20, 2015, Applicant was convicted in this criminal
18 case, by plea of no contest, of a violation of Vehicle Code section 23152(a), driving under the
19 influence of alcohol. The remaining charges were dismissed. Applicant was sentenced to 96
20 hours in jail, and to three years of criminal probation which includes requirements that he abstain
21 from alcohol and controlled substances, submit to alcohol testing, attend a DUI program, attend a
22 12-step program three times a week, and not refuse a chemical test.

23 6. The facts underlying the criminal conviction are that on December 6, 2014, at 11:45
24 p.m., a California Highway Patrol Officer observed Respondent attempting to make a left turn,
25 losing control of his vehicle and then “spinning out” across the roadway. The officer observed
26 objective signs of alcohol use, including red and watery eyes, slow and slurred speech, and a
27 strong odor of alcohol. Respondent performed poorly on field sobriety tests, and then refused to
28

1 submit to a chemical blood alcohol test as required by law. A blood sample was subsequently
2 obtained after a warrant was issued, and showed a blood alcohol content of .12%.

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(Unprofessional Conduct/Dangerous Use of Alcohol and/or Controlled Substances)**

5 7. Applicant's application is further subject to denial under section 4955 and/or
6 section 4955, subdivision (a) and/or subdivision (i) and/or section 480(a), subdivision (3)(A) of
7 the Code.

8 8. Applicant's conduct in driving under the influence of alcohol with a blood alcohol
9 level well over the legal limit, as more particularly alleged in the First Cause for Denial of
10 Application, constitutes unprofessional conduct through the use of alcohol to an extent or in a
11 manner dangerous to himself, or to any other person, or to the public, and to an extent that the use
12 impairs his ability to engage in the practice of acupuncture with safety to the public.

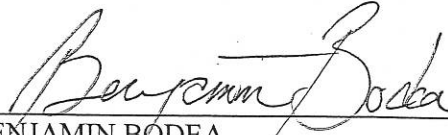
13 9. In addition, on July 24, 2010, Applicant was stopped in Alameda County by the
14 California Highway Patrol while he was in a car stopped at a highway off-ramp. Applicant was
15 arrested and, at the time of his arrest, was found to be in possession of marijuana and a clear
16 plastic bag containing 13 white tablets, which Applicant admitted to be Methadone, which were
17 not prescribed to him.

18 **PRAYER**

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

- 21 1. Denying the application of Gregory Willis for an Acupuncture License; and
22 2. Taking such other and further action as deemed necessary and proper.

23
24 DATED: SEP 30 2016

25 
26 BENJAMIN BODEA
27 Interim Executive Officer
28 Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

SF2016201379