

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


In the Matter of the Accusation Against:) Case No. 1A-2008-12
)
HUA WANG)
480 Monroe)
Irvine, CA 92620)
)
Acupuncture License No. AC 4339)
)
Respondent.)
_____)

DECISION AND ORDER

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

This Decision shall become effective on JUL 16 2010

It is so ORDERED JUN 17 2010



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

1 EDMUND G. BROWN JR.
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 HEIDI R. WEISBAUM
Deputy Attorney General
4 State Bar No. 101489
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2098
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:
13 HUA WANG, L.Ac.
480 Monroe
14 Irvine, CA 92620
15 Acupuncture License No. AC4339
16 Respondent.

Case No. 1A-2008-12

**STIPULATED SURRENDER OF LICENSE
AND DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

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

25 2. Hua Wang, L.Ac. (Respondent) is represented by attorney Ronald Talmo, whose
26 address is Ronald Talmo, Attorney at Law, 2415 N. Hesperian, Santa Ana, CA 92706.

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1 3. On September 15, 1992, the Board issued Acupuncture License No. AC 4339 to
2 Respondent Hua Wang, L.Ac. The license was in full force and effect at all relevant times, and
3 will expire on June 30, 2010, unless renewed.

4 JURISDICTION

5 4. On April 29, 2009, Accusation No. 1A-2008-12 was filed before the Board and is
6 currently pending against Respondent. A true and correct copy of the Accusation and all other
7 statutorily required documents were properly served on Respondent who timely filed a Notice of
8 Defense contesting the Accusation. A true and correct copy of Accusation No. 1A-2008-12 is
9 attached as Exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent carefully read, fully discussed with counsel, and understands the charges
12 and allegations in Accusation No. 1A-2008-12. Respondent also carefully read, fully discussed
13 with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary
14 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 does not contest that at an administrative hearing Complainant could
25 establish a prima facie case with respect to the charges and allegations contained in Accusation
26 No. 1A-2008-12, and that he has thereby subjected his Acupuncture License No. AC4339 to
27 disciplinary action.

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1 act on this stipulation after receiving it. By signing this stipulation, Respondent fully understands
2 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
3 time the Board considers and acts upon it.

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

6 ORDER

7 IT IS HEREBY ORDERED that Acupuncture License No. AC4339, issued to Respondent
8 Hua Wang, L.Ac., is surrendered and accepted by the Acupuncture Board.

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

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

14 16. Should Respondent ever apply for licensure or petition for reinstatement in the State
15 of California, the Board shall treat it as a new application for licensure. Respondent must comply
16 with all the laws, regulations and procedures for licensure in effect at the time the application or
17 petition is filed, and all of the charges and allegations contained in Accusation No. 1A-2008-12
18 shall be deemed true, correct and fully admitted by Respondent when the Board determines
19 whether to grant or deny the application or petition.

20 17. Should Respondent ever apply or reapply for reinstatement of his Acupuncture
21 License, Respondent shall pay to the Board its costs of investigation and prosecution of this case,
22 which costs are \$13, 478.50, prior to issuance of a new or reinstated license

23 18. Should Respondent ever apply or reapply for a new license or certification, or petition
24 for reinstatement of a license, by any other health care licensing agency in the State of California,
25 all of the charges and allegations contained in Accusation No. 1A-2008-12 shall be deemed true,
26 correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other
27 proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

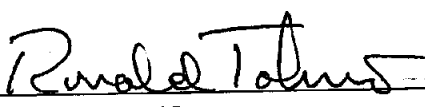
I have carefully read the Stipulated Surrender of License and Disciplinary Order. I understand the stipulation and the effect it will have on my Acupuncture License No. AC4339. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 5-19-10


HUA WANG, L.Ac.
Respondent

I have read and fully discussed with Respondent Hua Wang, L.Ac., the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 5-19-10


RONALD TALMO
Attorney at Law

ENDORSEMENT

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

Dated: May 21, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
THOMAS S. LAZAR
Supervising Deputy Attorney General



HEIDI R. WEISBAUM
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 1A-2008-12

FILED

APR 29 2009

ACUPUNCTURE BOARD

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

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 1A-2008-12

13 HUA WANG, L.AC.
14 480 Monroe
Irvine, CA 92620
15 Licensed Acupuncturist No. AC 4339

ACCUSATION

Respondent.

16
17 Complainant alleges:

18 PARTIES

- 19 1. Janelle Wedge (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Acupuncture Board.
21 2. On September 15, 1992, the Acupuncture Board issued Licensed
22 Acupuncturist No. AC 4339 to HUA WANG, L.Ac. (Respondent). At all times relevant to the
23 charges brought here, the license was in full force and effect. It will expire on June 30, 2010,
24 unless renewed.

25 JURISDICTION

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

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4. Section 4955 states:

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

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

"....

"(c) False or misleading advertising.

"....

"(j) The violation of any law or local ordinance on an acupuncturist's business premises by an acupuncturist's employee or a person who is working under the acupuncturist's professional license or business permit, that is substantially related to the qualifications, functions, or duties of an acupuncturist. These violations shall subject the acupuncturist who employed the individuals, or under whose acupuncturist license the employee is working, to disciplinary action."

5. Section 4955.1 of the Code states:

"The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not . . . limited to, any of the following:

"....

"(b) Committing a fraudulent or dishonest act as an acupuncturist.

"(c) Committing any act involving dishonesty or corruption with respect to the qualifications, functions, or duties of an acupuncturist."

6. Section 4959 of the Code states:

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

"(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a

1 proposed decision and remands the case to an administrative law judge, the
2 administrative law judge shall not increase the amount of any costs assessed in the
3 proposed decision.

4 “(c) When the payment directed in the board's order for payment of costs is not
5 made by the licensee, the board may enforce the order for payment in the superior court in
6 the county where the administrative hearing was held. This right of enforcement shall be
7 in addition to any other rights the board may have as to any licensee directed to pay costs.

8 “(d) In any judicial action for the recovery of costs, proof of the board's decision
9 shall be conclusive proof of the validity of the order of payment and the terms for
10 payment.

11 “(e) All costs recovered under this section shall be considered a reimbursement
12 for costs incurred and shall be deposited in the Acupuncture Fund.”

13 FIRST CAUSE FOR DISCIPLINE

14 (Violation of Local Ordinance on Business Premises)

15 7. Respondent is subject to disciplinary action under Section 4955,
16 subdivision (j), because in July 2008, September 2008, and October 2008, he allowed his
17 employees, who had not obtained massage technician permits, to perform massages in violation
18 of Santa Ana Municipal Code Chapter 22-4. The circumstances are as follows:

19 A. On about January 16, 2008, Respondent was notified in writing by
20 the City of Santa Ana that illegal massage activity was occurring at his business,
21 located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California. This
22 business address was listed on Craigslist.org as offering massages by young Latina
23 and Asian girls.

24 B. On about July 24, 2008, at about 1915, Santa Ana Police Officers
25 entered the premises of Respondent's Health and Healing Center of Natural
26 Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana,
27 California. The officers observed an outer client area and five rooms with
28 massage tables and oils. No doctor or acupuncturist was present on the premises.

1 The officers spoke with three women who admitted giving massages to clients,
2 and who also admitted not having permits from the City of Santa Ana to do so.

3 C. On about September 17, 2008, at about 1500, three undercover
4 police officers with the Santa Ana Police Department Vice Unit and Southcoast
5 Directed Patrol, entered the premises of Respondent's Health and Healing Center
6 of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana,
7 California. The officers asked if they could have massages with separate girls,
8 were told they could, and were given massage client forms to complete. No
9 doctor was present on the premises. None of the female employees had massage
10 technician permits.

11 (1) While on the premises of Respondent's business, the officers noted a
12 City of Santa Ana Business License issued to Health and Healing Center of
13 Natural Medicine, hanging on the wall in the reception area. On the same wall
14 hung certificates from the Acupuncture Board for Respondent and another
15 acupuncturist. Also in the reception area was a sign-in sheet with the names of
16 the clients, the corresponding name of the masseuse, and whether the service
17 provided was a half-hour or hour. The officers further observed there were five
18 client rooms, only one of which contained implements used for the purpose of
19 acupuncture. Each room had a bed or table to lie on, stands with shelves for
20 towels and lotions, and a small lamp for lighting. In addition, there was a
21 bathroom and a table shower on which clients could lie down and be washed with
22 a water device located in the shower.

23 (2) While on the premises of Respondent's business, one officer entered a
24 room where he found a nude male lying on his back on a massage table with a
25 small towel covering his genitals. The male client informed the officer he had
26 paid \$60 for a one-hour massage and an extra \$40 for a "release", known to the
27 officer as a "happy ending" or when a masseuse or prostitute masturbates a client
28 to orgasm. The male client stated he had learned about the business through

1 Craigslist on the Internet. The male client identified one of the female employees
2 as the one who had given him the "happy ending."

3 (3) Three of the female employees were arrested for performing massages
4 without a permit. Following their arrests, the women were interviewed and stated
5 that Respondent came to the business once a week for about one hour per day.
6 There was also a manager who came every morning to set the women's schedules
7 and pick up the money the women had earned from the previous day.

8 (4) While on the premises of Respondent's business, the officers
9 discovered in the room labeled "Doctor," the second acupuncturist massaging a
10 clothed female whom, minutes before, the officers had seen inside the reception
11 area.

12 D. On about October 23, 2008, at about 1700, Detective J. Gonzalez,
13 an undercover officer with the Santa Ana Police Department Vice Unit, entered
14 the premises of Respondent's Health and Healing Center of Natural Medicine,
15 located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California. He was
16 greeted by a female and was asked if he wanted a massage from a Chinese girl, to
17 which he said, "Yes." He was then asked if he wanted a half-hour or full hour,
18 was charged \$40, paid with a marked \$100 bill, and was walked to a room where
19 he was told to undress. The officer initially kept his shorts on. When the girl
20 entered the room, she told him to take off his shorts because she was going to
21 massage his buttocks; he complied with the request. As she began the massage,
22 she informed the officer she was going to get another girl to help her "finish" him
23 at the end of the massage. At that point, Detective Gonzalez asked to use the
24 restroom where he signaled the other officers with the Santa Ana Police
25 Department Vice Unit and Northeast Directed Patrol.

26 (1) About five minutes after the Detective Gonzalez entered Respondent's
27 premises, Detective F. Hashempour, a second undercover officer with the Santa
28 Ana Police Department Vice Unit, entered the premises, was greeted by a man

1 sitting behind the reception desk and a woman. The man, later identified as a
2 chiropractor, asked if the officer wanted a half-hour massage or an hour. The
3 officer was not asked if he was in need of acupuncture services or chiropractic
4 services. The officer stated he wanted a half-hour, paid the man \$40, signed the
5 sign-in sheet, and was directed to a room. After about five minutes, a female
6 employee entered to give him the massage. Detective Hashempour was then
7 alerted by Detective Gonzalez.

8 (2) While on the premises of Respondent's business, the officers noted a
9 City of Santa Ana Business License issued to Health and Healing Center of
10 Natural Medicine, hanging on the wall in the reception area. Also in the reception
11 area was a sign-in sheet with the names of the clients, the corresponding name of
12 the masseuse, and whether the service provided was a half-hour or hour. The
13 officers observed five client rooms, one of which was labeled "Doctor." Inside
14 this room, a chiropractor certificate was on the wall. The chiropractor was the man
15 seated at the reception desk when the undercover officers entered the premises.

16 (3) While on the premises of Respondent's business, the officers arrested
17 four female employees, all of whom admitted giving massages. Three of the
18 women did not have massage technician permits; the fourth allegedly had a permit
19 but stated the doctor told her she would not need it because there would be a
20 doctor on site. No doctor or acupuncturist was present on the premises.

21 E. On about October 23, 2008, Respondent was again notified in
22 writing by the City of Santa Ana that unlawful massage activity was occurring at
23 his Health and Healing Center of Natural Medicine, located at 1155 W. Central
24 Avenue, Suite 214, in Santa Ana, California.

25 SECOND CAUSE FOR DISCIPLINE

26 (Act Involving Corruption)

27 8. Respondent is subject to disciplinary action under section 4955.1,
28 subdivision (c), because in about December 2006, he used his acupuncture license to obtain a

1 City of Santa Ana Business license for an unlawful massage business at his Health and Healing
2 Center of Natural Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana,
3 California.

4 9. Respondent is further subject to disciplinary action under section 4595.1,
5 subdivision (c), because from about December 2006 to about November 14, 2008, he authorized
6 illegal massage activity at his Health and Healing Center of Natural Medicine, located at 1155
7 W. Central Avenue, Suite 214, in Santa Ana, California, as more particularly described above in
8 paragraph 7 and all of its subparts.

9 THIRD CAUSE FOR DISCIPLINE

10 (False Advertising)

11 10. Respondent is subject to disciplinary action under section 4955,
12 subdivision (c), because from about July 2008 through October 2008, Respondent committed
13 false and/or misleading advertising by the signage at his Health and Healing Center of Natural
14 Medicine, located at 1155 W. Central Avenue, Suite 214, in Santa Ana, California, which
15 advertised his office as providing therapeutic acupressure, acupuncture and pain management
16 along with massage, when no therapeutic acupressure, acupuncture and pain management was
17 practiced at that location.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Fraud or Dishonest Act)

20 11. Respondent is subject to disciplinary action under section 4955.1,
21 subdivision (b), because in about December 2006, he obtained a City of Santa Ana Business
22 License for his Health and Healing Center of Natural Medicine, located at 1155 W. Central
23 Avenue, Suite 214, in Santa Ana, California, by describing the business as acupuncture when he
24 knew the license was for an unlawful massage business.

25 PRAYER

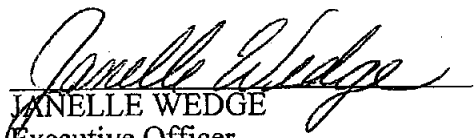
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein
27 alleged, and that following the hearing, the Board issue a decision:

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1. Revoking, suspending or imposing disciplinary conditions on Licensed Acupuncturist No. AC 4339, issued to Hua Wang, L.Ac.;
2. Ordering Hua Wang, L.Ac., to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: APR 29 2009


LYNELLE WEDGE
Executive Officer
Acupuncture Board
State of California
Complainant

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

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

12 In the Matter of the Accusation Against:

13 HUA WANG, L.AC.

14 Respondent.

Case No. 1A-2008-12

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

15
16 TO RESPONDENT HUA WANG, L.Ac.:

17 Enclosed is a copy of the Accusation that has been filed with the Acupuncture
18 Board (Board), and which is hereby served on you.

19 Unless a written request for a hearing signed by you or on your behalf is delivered
20 or mailed to the Board within fifteen (15) days after a copy of the Accusation was personally
21 served on you or mailed to you, you will be deemed to have waived your right to a hearing in this
22 matter and the Board may proceed upon the Accusation without a hearing and may take action
23 thereon as provided by law.

24 The request for hearing may be made by delivering or mailing one of the enclosed
25 forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided
26 in section 11506 of the Government Code, to

27 **Heidi R. Weisbaum**
Deputy Attorney General
28 **110 W. A Street, Ste. 1100**
San Diego, CA 92101

1 You may, but need not, be represented by counsel at any or all stages of these
2 proceedings.

3 The enclosed Notice of Defense, if signed and filed with the Board, shall be
4 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any
5 objection to the form of the Accusation unless you file a further Notice of Defense as provided in
6 section 11506 of the Government Code within fifteen (15) days after service of the Accusation
7 on you.

8 If you file any Notice of Defense within the time permitted, a hearing will be held
9 on the charges made in the Accusation.

10 The hearing may be postponed for good cause. If you have good cause, you are
11 obliged to notify the Office of Administrative Hearings, 1350 Front Street, Suite 6022, San
12 Diego, CA 92101, within ten (10) working days after you discover the good cause. Failure to
13 notify the Office of Administrative Hearings within ten (10) days will deprive you of a
14 postponement.

15 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are
16 enclosed.

17 If you desire the names and addresses of witnesses or an opportunity to inspect
18 and copy the items mentioned in section 11507.6 of the Government Code in the possession,
19 custody or control of the Board you may send a Request for Discovery to:

20 **Heidi R. Weisbaum**
21 **Deputy Attorney General**
22 **110 W. A Street, Ste. 1100**
23 **San Diego, CA 92101**

24 **NOTICE REGARDING STIPULATED SETTLEMENTS**

25 It may be possible to avoid the time, expense and uncertainties involved in an
26 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
27 settlement is a binding written agreement between you and the government regarding the matters
28 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
Board but, once approved, it would be incorporated into a final order.

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Any stipulation must be consistent with the Board's established disciplinary guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the Board's Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Deputy Attorney General Heidi R. Weisbaum at the earliest opportunity.

DATED: April 20, 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

80354094.wpd

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
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12 In the Matter of the Accusation Against:

13 HUA WANG, L.Ac.

14 Respondent.

Case No. 1A-2008-12

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

15
16 TO RESPONDENT HUA WANG, L.Ac.:

17 Under section 11507.6 of the Government Code of the State of California, parties
18 to an administrative hearing, including the Complainant, are entitled to certain information
19 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
20 Government Code concerning such rights is included among the papers served.

21 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
22 ARE HEREBY REQUESTED TO:

- 23 1. Provide the names and addresses of witnesses to the extent known to the
24 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
25 2. Provide an opportunity for the Complainant to inspect and make a copy of
26 any of the following in the possession or custody or under control of the Respondent:
27 a. A statement of a person, other than the Respondent, named in the initial
28 administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by any
4 party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and
6 of other persons having personal knowledge of the acts, omissions or events which are the
7 basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be
11 admissible in evidence, including but not limited to, any patient or hospital records
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names
15 and addresses of witnesses or of persons having personal knowledge of the acts,
16 omissions or events which are the basis for the proceeding, or (2) reflect matters
17 perceived by the investigator in the course of his or her investigation, or (3) contain or
18 include by attachment any statement or writing described in (a) to (e), inclusive, or
19 summary thereof.

20 For the purpose of this Request for Discovery, "statements" include written
21 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
22 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
23 and written reports or summaries of these oral statements.

24 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
25 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
26 is privileged from disclosure by law or otherwise made confidential or protected as attorney's
27 work product.

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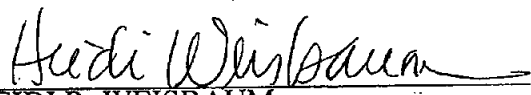
Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: April 20, 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

80354094.wpd
SD2009803695

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

In the Matter of the Accusation Against:

HUA WANG, L.A.C.

Respondent.

Case No. 1A-2008-12

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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

In the Matter of the Accusation Against:

HUA WANG, L.AC.

Respondent.

Case No. 1A-2008-12

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

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Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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For delivery information visit our website at www.usps.com

DECLARATION OF SERVICE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

In the Matter of the Accusation filed Against:

HUA WANG

I, the undersigned, declare that I am over 18 years of age and address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95814

Sent To
Hua Wang, AC 4339
 Street, Apt. No. or P.O. No.
480 Monroe
 City, State, ZIP+4
Irvine, CA 92620

**STATEMENT TO RESPONDENT.
 REQUEST FOR DISCOVERY, NOTICE OF DEFENSE (2),
 GOVERNMENT CODE SECTIONS 11507.5, 11507.6 and 11507.7**

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

<u>NAME and ADDRESS</u>	<u>CERTIFIED MAIL NO.</u>
Hua Wang, AC 4339 480 Monroe Irvine, CA 92620	7008 3230 0001 0938 5894

Heidi R. Weisbaum, Deputy Attorney General
 California Department of Justice
 Office of the Attorney General, HQE
 110 West "A" Street, Ste. 1100
 San Diego, CA 92101

regular mail

Steven V. Adler, Supervising
 California Department of Justice
 Office of the Attorney General
 110 West "A" Street, Ste. 1100
 San Diego, CA 92101

Each said envelope was, on April 29, 2008, delivered to the Respondent in California, the county in which I am the Respondent.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 29, 2008.

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: Case No. 1A-2008-12 Hua Wang, AC 4339 480 Monroe Irvine, CA 92620</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Hua Wang</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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DECLARATION OF SERVICE BY MAIL

In the Matter of the Accusation Filed Against:

HUA WANG

Case No. 1A-2008-12

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95811-0228. I served a true copy of the attached:

STIPULATED SURRENDER OF LICENSE AND ORDER

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

NAME and ADDRESS

CERTIFIED MAIL NO.

Hua Wang, L.Ac.
480 Monroe
Irvine, CA 92620

7009 1410 0002 2164 0214

Ronald Talmo
Attorney at Law
2415 N. Hesperian
Santa Ana, CA 92706

regular mail

Heidi Weisbaum, Deputy Attorney General
California Department of Justice
Office of the Attorney General/HQE
110 West "A" St., Ste. 1100
San Diego, CA 92101

regular mail

Thomas Lazar, Supervising Deputy Attorney General
California Department of Justice
Office of the Attorney General/HQE
110 West "A" St., Ste. 1100
San Diego, CA 92101

regular mail

Each said envelope was, on June 17, 2010, sealed and deposited in the U.S. mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid for an attempt at service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 17, 2010 at Sacramento, California.



DECLARANT