

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

In the Matter of the Accusation Against:

Case No. 1A-2018-7

**LU ZHAN, L.Ac.
7125 El Poste Drive
Buena Park, CA 90620**

Acupuncturist License Number AC 4440

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 February 16, 2024.

It is so ORDERED January 17, 2024.

Original Signature on file

FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
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Supervising Deputy Attorney General
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10 **ACUPUNCTURE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **LU ZHAN, L.Ac.**
14 **7125 El Poste Drive**
15 **Buena Park, CA 90620**
16 **Acupuncturist License Number AC 4440**
17 Respondent.

Case No. 1A-2018-7
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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 Rob Bonta, Attorney General of the State of California, by Colleen M. McGurrin, Deputy
24 Attorney General.
- 25 2. LU ZHAN, L.Ac. (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.
- 27 3. On or about November 25, 1992, the Board issued Acupuncturist License Number
28 AC 4440 to Respondent, LU ZHAN, L.Ac. The Acupuncturist License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 1A-2018-7 and will expire on
2 May 31, 2024, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 1A-2018-7 was filed before the Board, and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on September 25, 2023. Respondent timely filed her Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 1A-2018-7 is attached as Exhibit A and
8 incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 1A-2018-7. Respondent also has carefully read, and understands the effects of
12 this Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 1A-2018-7, agrees that cause exists for discipline and hereby surrenders her Acupuncturist
25 License Number AC 4440 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Acupuncturist License without further process.

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1 CONTINGENCY

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

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

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

16 ORDER

17 IT IS HEREBY ORDERED that Acupuncturist License Number AC 4440, issued to
18 Respondent LU ZHAN, L.Ac., is surrendered and accepted by the Board.

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

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

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

27 4. If Respondent ever files an application for licensure or a petition for reinstatement in
28 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-2018-7 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 in the
6 amount of \$29,425.50 prior to issuance of a new or reinstated license.

7 6. If Respondent should ever apply or reapply for a new license or certification, or
8 petition for reinstatement of a license, by any other health care licensing agency in the State of
9 California, all of the charges and allegations contained in Accusation, No. 1A-2018-7 shall be
10 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
11 Issues or any other proceeding seeking to deny or restrict licensure.

12 ACCEPTANCE

13 I have carefully read the Stipulated Surrender of License and Order. I understand the
14 stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated
15 Surrender of License and Order freely, voluntarily, knowingly, and intelligently, and agree to be
16 bound by the Decision and Order of the Acupuncture Board.

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18 DATED: 11/23/2023 
19 LU ZHAN, L.Ac.
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: November 27, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

Colleen M. McGurrin
COLLEEN M. MCGURRIN
Deputy Attorney General
Attorneys for Complainant

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