

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

In the Matter of the Accusation Against:

BENG YUE YAN

**1854 35th Avenue
San Francisco, CA 94122**

Acupuncture License No. AC 61

Respondent.

Case No. 1A-2012-18

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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 September 17, 2015.

It is so ORDERED August 18, 2015.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
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Attorneys for Complainant
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ACUPUNCTURE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **BENG YUE YAN**

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14 **Acupuncture License No. AC 61**

15 Respondent.

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**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

19 PARTIES

20 1. Terri Thorfinnson ("Complainant") is the Executive Officer of the Acupuncture
21 Board. She brought this action solely in her official capacity and is represented in this matter by
22 Kamala D. Harris, Attorney General of the State of California, by Ashley Harlan, Deputy
23 Attorney General.

24 2. Beng Yue Yan ("Respondent") is represented in this proceeding by attorney Robert
25 Cheasty, whose address is

26 Cheasty, Cheasty & Malek, LLP

27 1604 Solano Avenue

28 Berkeley, CA 94707.

1 basis for the charges in the Accusation and that those charges constitute cause for discipline.
2 Respondent hereby gives up his right to contest that cause for discipline exists based on those
3 charges.

4 10. Respondent agrees that if he ever applies for licensure or petitions for reinstatement
5 of licensure, all of the charges and allegations contained in Accusation No. 1A-2012-18 shall be
6 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or
7 any other licensing proceeding involving Respondent in the State of California.

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

10 CONTINGENCY

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

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

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

25 ORDER

26 IT IS HEREBY ORDERED that Acupuncture License No. AC 61, issued to Respondent
27 Beng Yue Yan, is surrendered and accepted by the Acupuncture Board.

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

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

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

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 1A-2012-18 shall be deemed to be true, correct and admitted by Respondent
14 when the Board determines whether to grant or deny the petition.

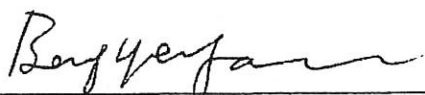
15 5. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 1A-2012-18 shall be
18 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 6. Respondent shall pay the Board its costs of investigation and enforcement in the
21 amount of \$17,529.50 prior to issuance of a new or reinstated license


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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Robert Cheasty. I understand the stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 7/2/15 
BENG YUE YAN
Respondent

I have read and fully discussed with Respondent Beng Yue Yan the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 7/3/15  For Robert Cheasty
ROBERT CHEASTY
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: *July 3, 2015*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



ASHLEY HARLAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2012-18