

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

XIPING WU
32322 S. Coast Highway, Suite C
Laguna Beach, CA 92651

Acupuncture License No. AC 7840

Respondent.

Case No. 1A-2016-100

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 7, 2018.

It is so ORDERED January 8, 2018.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 1A-2016-100

14 **XIPING WU**
15 **32322 S. Coast Highway, Suite C**
Laguna Beach, CA 92651

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 **Acupuncture License No. AC 7840**

17 Respondent.

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 Executive Officer of the Acupuncture Board
23 (Board). He brought this action solely in his official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall, Deputy
25 Attorney General.

26 2. Respondent XiPing Wu (Respondent) is represented in this proceeding by attorney
27 Michael J. Khouri, Esq., whose address is Khouri Law Firm, 24012 Calle de la Plata, Suite 210,
28 Laguna Hills, CA 92653.

1 **CULPABILITY**

2 8. Respondent agrees that, at an administrative hearing, complainant could establish a
3 *prima facie* case with respect to the charges and allegations contained in Accusation No. 1A-
4 2016-100, and that she has thereby subjected her Acupuncture License No. AC 7840 to
5 disciplinary action. Respondent further agrees to be bound by the Board's imposition of
6 discipline as set forth in the Disciplinary Order below.

7 9. Respondent agrees that if an accusation is filed against her before the Board, or in any
8 other proceeding before the Board, including but not limited to a petition for early termination of
9 probation, all of the charges and allegations contained in Accusation No. 1A-2016-100 shall be
10 deemed true, correct, and fully admitted by respondent for purposes of any such proceeding or
11 any other licensing proceeding involving respondent in the State of California.

12 10. With Respondent's early acknowledgement that cause exists for the Board's action,
13 Complainant finds good cause under Business and Professions Code section 4960.5, and thereby
14 agrees that Respondent may file a petition for early termination of probation eighteen (18) months
15 after the effective date of the Board's Decision. However, under no circumstances shall
16 probation be terminated prior to Respondent's successful completion of two (2) years' of
17 probation.

18 **CONTINGENCY**

19 11. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
20 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
21 submitted to the Board for its consideration in the above-entitled matter and, further, that the
22 Board shall have a reasonable period of time in which to consider and act on this Stipulated
23 Settlement and Disciplinary Order after receiving it. By signing this stipulation, respondent fully
24 understands and agrees that she may not withdraw her agreement or seek to rescind this
25 stipulation prior to the time the Board considers and acts upon it.

26 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
27 and void and not binding upon the parties unless approved and adopted by the Board, except for
28 this paragraph, which shall remain in full force and effect. Respondent fully understands and

1 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
2 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
3 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
4 the Board, any member thereof, and/or any other person from future participation in this or any
5 other matter affecting or involving respondent. In the event that the Board does not, in its
6 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the
7 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
8 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
9 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order
10 be rejected for any reason by the Board, respondent will assert no claim that the Board, or any
11 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
12 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

13 **ADDITIONAL PROVISIONS**

14 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
15 be an integrated writing representing the complete, final and exclusive embodiment of the
16 agreements of the parties in the above-entitled matter.

17 14. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
18 including copies of the signatures of the parties, may be used in lieu of original documents and
19 signatures and, further, that such copies shall have the same force and effect as originals.

20 15. In consideration of the foregoing admissions and stipulations, the parties agree the
21 Board may, without further notice to or opportunity to be heard by respondent, issue and enter the
22 following Disciplinary Order:

23 **DISCIPLINARY ORDER**

24 IT IS HEREBY ORDERED that Acupuncture License No. AC 7840 issued to respondent
25 XiPing Wu is revoked. However, the revocation is stayed and respondent is placed on probation
26 for three (3) years from the effective date of the Decision and Order on the following terms and
27 conditions.

28 1. **OBEY ALL LAWS** Respondent shall obey all federal, state and local laws and all

1 regulations governing the practice of acupuncture in California. A full and detailed account of any
2 and all violations of law shall be reported by the respondent to the Board in writing within
3 seventy-two (72) hours of occurrence.

4 2. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
5 penalty of perjury on forms provided by the Board, stating whether there has been compliance
6 with all the conditions of probation.

7 3. COURSEWORK Respondent shall take and successfully complete not less than 4
8 hours of coursework in the area: Ethics and complete the Clean Needle Technique, 7th Edition,
9 course offered by the Council of Colleges of Acupuncture and Oriental Medicine. The
10 coursework shall be taken as approved by the Board. Classroom attendance must be specifically
11 required. Course content shall be pertinent to the violation and all coursework must be completed
12 within the first year of probation. The required coursework must be in addition to any continuing
13 education courses that may be required for license renewal. Within ninety (90) days of the
14 effective date of the Decision, respondent shall submit a plan for the Board's prior approval for
15 meeting the educational requirement. All costs of the coursework shall be borne by respondent.

16 4. SURVEILLANCE PROGRAM Respondent shall comply with the Board's
17 probation surveillance program and shall, upon reasonable notice, report to the assigned
18 investigative district office. Respondent shall contact the assigned probation surveillance monitor
19 regarding any questions specific to the probation order. Respondent shall not have any
20 unsolicited or unapproved contact with 1) victims or complainants associated with the case; 2)
21 Board members or members of its staff; or 3) persons serving the Board as expert examiners.

22 5. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING
23 Respondent shall reimburse the Board for the hourly costs it incurs in monitoring her probation to
24 ensure compliance for the duration of the probation period.

25 6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
26 person for interviews with the Board or its designee upon request at various intervals and with
27 reasonable notice.

28 ///

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

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

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

12 10. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
13 enforcement in the amount of \$3,485.00. Respondent shall be permitted to pay these costs in a
14 payment plan approved by the Board, with payments to be completed no later than three months
15 prior to the end of the probation term and the period of probation shall be automatically extended
16 should respondent require additional time to complete payment of the full sum. Cost recovery
17 will not be tolled. Respondent understands that failure to timely pay costs is a violation of
18 probation, and submission of evidence demonstrating financial hardship does not preclude the
19 Board from pursuing further disciplinary action. However, respondent understands that providing
20 evidence and supporting documentation of financial hardship may delay further disciplinary
21 action. Consideration to financial hardship will not be given should respondent violate this term
22 and condition, unless an unexpected AND unavoidable hardship is established from the date of
23 this order to the date payment(s) is due.

24 11. VIOLATION OF PROBATION If respondent violates probation in any respect, the
25 Board may, after giving respondent notice and the opportunity to be heard, revoke probation and
26 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
27 filed against respondent during probation, the Board shall have continuing jurisdiction until the
28 matter is final, and the period of probation shall be extended until the matter is final. No petition

1 for modification or termination of probation shall be considered while there is an accusation or
2 petition to revoke probation pending against respondent.

3 12. COMPLETION OF PROBATION Upon successful completion of probation.
4 respondent's license will be fully restored.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order, and have fully
7 discussed it with my attorney, Michal J. Khouri, Esq. I understand the stipulation and the effect it
8 will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary
9 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
10 of the Acupuncture Board.

11
12 DATED: 12/6/17 
13 XIPING WU
Respondent

14 I have read and fully discussed with respondent Xiping Wu, the terms and conditions and
15 other matters contained in this Stipulated Settlement and Disciplinary Order. I approve its form
16 and content.

17
18 DATED: 12/6/17 
19 MICHAEL J. KHOURI, ESQ.
Attorney for Respondent

20
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

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

Dated:

12/11/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

SD2017704458
12723690.doc

Exhibit A

Accusation No. 1A-2016-100