

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 CLAUDIA RAMIREZ
Deputy Attorney General
4 State Bar No. 205340
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 897-5678
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 KAREN GAO, L.AC.
2100 E. Katella Avenue, #342
13 Anaheim, California 92806

14 Acupuncturist's License No. AC 8509,

15 Respondent.

Case No. 1A-2010-102

OAH No. 2014020353

16 **STIPULATED SURRENDER OF**
17 **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. Terri Thorfinnson ("Complainant") is the Executive Officer of the Acupuncture
22 Board. She brought this action solely in her official capacity and is represented in this matter by
23 Kamala D. Harris, Attorney General of the State of California, by Claudia Ramirez, Deputy
24 Attorney General.

25 2. Karen Gao, L.Ac. ("Respondent") is represented in this proceeding by attorney
26 Michael Bruggeman, Esq., whose address is The Law Office of Michael Bruggeman, 1201 Dove
27 Street, Suite 560, Newport Beach, California, 92660.

28 3. On or about July 3, 2002, the Acupuncture Board issued Acupuncturist's License No.
AC 8509 to Respondent. That license was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 1A-2010-102 and will expire on October 31, 2015, unless
2 renewed.

3 JURISDICTION

4 4. Accusation No. 1A-2010-102 was filed before the Acupuncture Board ("Board"),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on December
7 16, 2013. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 1A-2010-102 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 1A-2010-102. Respondent also has carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
13 and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 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-2010-102 and that she has thereby subjected her license to disciplinary action.

27 9. Respondent agrees that if she ever petitions for reinstatement of her Acupuncture
28 License No. AC8509, all of the charges and allegations contained in Accusation No. 1A-2010-

1 102 shall be deemed true, correct and fully admitted by Respondent for purposes of that
2 reinstatement proceeding or any other licensing proceeding involving Respondent in the State of
3 California.

4 10. Respondent understands that by signing this stipulation she enables the Board to issue
5 an order accepting the surrender of her Acupuncturist's License without further process.

6 CONTINGENCY

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

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

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

21 ORDER

22 IT IS HEREBY ORDERED that Acupuncturist's License No. AC 8509, issued to
23 Respondent Karen Gao, L.Ac., is surrendered and accepted by the Acupuncture Board.

24 1. The surrender of Respondent's Acupuncturist's License and the acceptance of the
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
26 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
27 license history with the Acupuncture Board.

28 2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of

1 the effective date of the Board's Decision and Order.

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

4 4. If Respondent ever files an application for licensure or a petition for reinstatement in
5 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
6 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
7 effect at the time the petition is filed, and all of the charges and allegations contained in
8 Accusation No. 1A-2010-102 shall be deemed to be true, correct and admitted by Respondent
9 when the Board determines whether to grant or deny the petition.

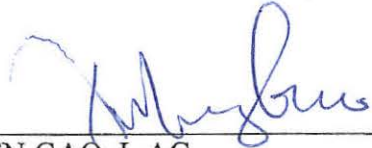
10 5. Respondent shall pay the Board its costs of investigation and enforcement in the
11 amount of \$20,544.00 prior to issuance of a new or reinstated license.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Surrender of License and Order and have fully
14 discussed it with my attorney, Michael Bruggeman, Esq. I understand the stipulation and the
15 effect it will have on my Acupuncturist's License. I enter into this Stipulated Surrender of
16 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Acupuncture Board.

18
19 DATED: _____

7-2/14


KAREN GAO, L.AC.
Respondent

21 I have read and fully discussed with Respondent Karen Gao, L.Ac. the terms and conditions
22 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
23 and content.

24
25 DATED: _____

7/2/14


MICHAEL BRUGGEMAN, ESQ.
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: 7/2/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



CLAUDIA RAMIREZ
Deputy Attorney General
Attorneys for Complainant