

1 **BEFORE THE BOARD OF ACUPUNCTURE EXAMINERS**
2 **FOR THE STATE OF ARIZONA**

3 In the Matter of:)

4 James Reece, L.Ac.)
5 Holder of License No. 0200)
6 For the Practice of Acupuncture)
7 State of Arizona,)

Respondent.)

Complaint No. L-2002-05

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
ORDER: SURRENDER OF
LICENSE**

8 James Reece, L.AC. ("Licensee") holder of license number 0200 for the practice of
9 acupuncture in Arizona, agreed to voluntarily surrender his license to the Arizona Board of
10 Acupuncture Examiners on December 17, 2003. Under A.R.S. § 41-1092.07(F)(5), ("Licensee")
11 and the Board agree as follows:

12 **CONSENT AGREEMENT**

- 13
- 14 1. The Board and Licensee enter into this Consent Agreement in order to promptly
15 and judiciously resolve a contested case, consistent with the public interest and the statutory
16 requirements of the Board.
- 17 2. Licensee enters into this Consent Agreement for the purposes of this Board
18 proceeding only. The Consent Agreement, Finding of Fact, Conclusions of Law, and Surrender of
19 License shall not be construed as conclusive evidence of a violation for any other proceedings.
- 20 3. Licensee has consulted with an attorney prior to entering into this Consent
21 Agreement.
- 22 4. Under A.R.S. § 41-1092.07(F)(5), the Board shall adopt the Findings of Fact,
23 Conclusions of Law and Order Accepting Surrender of License set forth below.
- 24 5. Licensee has read and understands this Consent Agreement, Findings of Fact,
25 Conclusions of Law, and Order, and makes this agreement freely and voluntarily.
- 26 6. Licensee irrevocably waives his right to a hearing, rehearing, or judicial review.

1 a sexual and suggestive manner, is inappropriate for the treatment which was to be provided.

2 16. Licensee failed to maintain medical records regarding his treatment of Patient G.

3 **CONCLUSIONS OF LAW**

4 Based on the foregoing Consent Agreement and Findings of Fact, the Board adopts the
5 following Conclusions of Law:

6 17. The Board of Acupuncture Examiners has jurisdiction of James Reece, L. Ac. And
7 over the subject matter herein under A.R.S. § 32-3901, et. seq.

8 18. The conduct and circumstances described above constitute a violation of A.R.S. §
9 32-3901(4)(l), "conduct that is contrary to the recognized standards of ethics of the acupuncture
10 profession or that may be a danger to the health, welfare or safety of the patient or the public."

11 19. The conduct and circumstances described above constitute a violation of A.R.S. -
12 3951(A)(3), "Unprofessional conduct or incompetence in the conduct of the licensee's practice."

13 20. The conduct and circumstances described above constitute a violation of the
14 definition of unprofessional conduct as defined in A.R.S. § 32-3901(4) and are grounds under
15 A.R.S. 32-3951(A)(3) that would, after due process subject the Licensee to the possible
16 revocation or suspension of his license.

17 **SURRENDER OF LICENSE**

18 Based upon the foregoing Consent Agreement, Findings of Fact, and Conclusions of Law,
19 IT IS ORDERED accepting the surrender of license number 0200 held by James Reece, effective

20 June 23, 2004

21 DATED this 23rd day of June, 2004.

22 ARIZONA BOARD OF
23 ACUPUNCTURE EXAMINERS

24 By James Reece
25 James Reece
26

By Deborah Malone
for Deborah Malone, Chairman
Martha Grout, MD, Secretary

1 **SIGNED COPY** mailed this
2 ~~25th~~ day of ~~March~~, 2004, to:

3 *June*
4 James Reece
5 1105 Daniel Drive
6 Petoluma, CA 94545

7 David Derickson, Esq.
8 Derickson Law Offices
9 3636 North Central, Suite 1150
10 Phoenix, AZ 85012

11 Terrie Zenoff, Esq.
12 Assistant Attorney General
13 1275 West Washington
14 Phoenix, AZ 85007

15 By *Christine Springer*
16 #414761

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