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

12 In the Matter of the Accusation Against:

Case No. AC 2024-2027

13 **RAFAEL AUGUSTO RIOS II**
1232 N. Park Ave.
Pomona, CA 91768

ACCUSATION

14 **Chiropractor License No. DC 26480**

15 Respondent.

16
17 **PARTIES**

18 1. Kristin Walker (Complainant) brings this Accusation solely in her official capacity as
19 the Executive Officer of the Board of Chiropractic Examiners, Department of Consumer Affairs.

20 2. On or about September 17, 1999, the Board issued Chiropractor License Number DC
21 26480 to Rafael Augusto Rios II (Respondent). The Chiropractor License was in full force and
22 effect at all times relevant to the charges brought herein and will expire on January 31, 2026,
23 unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board, under the authority of the following
26 sections of the Chiropractic Act (Act).¹, Business and Professions Code section 1000-10(a)

27 ¹ The Chiropractic Act, an initiative measure approved by the electors on November 7,
28 1922, while not included in the Business and Professions Code by the legislature, is set out in
(continued...)

1 provides that the Board may by rule or regulation adopt, amend or repeal rules of professional
2 conduct appropriate to the establishment and maintenance of a high standard of professional
3 service and the protection of the public. The regulations adopted by the board appear in Title 16,
4 California Code of Regulations, section 300, *et seq.*

5 4. Section 10 of the Act states, in pertinent part, that the Board may suspend or revoke a
6 license to practice chiropractic or may place the license on probation for violations of the rules
7 and regulations adopted by the Board or for any cause specified in the Chiropractic Initiative Act.

8 5. California Code of Regulations, title 16, section 372, states:

9 The suspension, expiration, or forfeiture by operation of law of a license issued by the
10 board, or its suspension, or forfeiture by order of the board or by order of a court of law, or its
11 surrender without the written consent of the board shall not, during any period in which it may be
12 renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue
13 a disciplinary proceeding against the licensee upon any ground provided by law or to enter an
14 order suspending or revoking the license or otherwise taking disciplinary action against the
15 licensee on any such ground.

16 **STATUTORY AND REGULATORY PROVISIONS**

17 6. California Code of Regulations, title 16, section 316, states, in pertinent part:

18 ...

19 (b) Where a chiropractic license is used in connection with any premises, structure or
20 facility, no sexual acts or erotic behavior involving patients, patrons or customers, including, but
21 not necessarily limited to, sexual stimulation, masturbation or prostitution, shall be permitted on
22 said premises, structure or facility.

23 (c) The commission of any act of sexual abuse, sexual misconduct, or sexual relations
24 by a licensee with a patient, client, customer or employee is unprofessional conduct and cause for
25 disciplinary action. This conduct is substantially related to the qualifications, functions, or duties
26 of a chiropractic license.

27 _____
28 West's Annotated California Codes as sections 1000-1 to 1000-19, and is included in Deering's
California Codes as Appendix I, for convenient reference.

7. California Code of Regulations, title 16, section 317, states, in pertinent part, “The board shall take action against any holder of a license who is guilty of unprofessional conduct which has been brought to its attention [...].”

8. Business and Professions Code section 805.8, subdivision (a)(5) defines sexual misconduct as, “inappropriate contact or communication of a sexual nature.

COST RECOVERY

9. California Code of Regulations, title 16, section 317.5, subdivision (a), states, in pertinent part:

(a) In any order in resolution of a disciplinary proceeding before the Board of Chiropractic Examiners, the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the Chiropractic Initiative Act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL ALLEGATIONS

10. Patient RJ presented to Respondent's office called Doctor Fix It Health and Wellness located at 9135 Archibald Ave., Suite C, Rancho Cucamonga, CA 91730 from October 11, 2021 through November 29, 2021 for chiropractic treatment.

11. During Patient RJ's third visit for treatment, Respondent requested Patient RJ come into the office after business hours, which ensured no other staff would be present.

12. Upon arrival at Respondent's office, Respondent locked the front door and suggested a full body massage, and Patient RJ agreed. As Patient RJ was lying down for treatment, Respondent asked why her clothes were still on, and Patient RJ explained that she did not want to take off all her clothes.

13. Respondent then took Patient RJ's shoes off and reached for the middle of her leggings to remove them; however, Patient RJ put her arm out to stop Respondent from taking off her leggings.

14. Respondent then moved Patient RJ's arm away and forcefully started tugging the leggings until he took them off completely. Patient RJ was not covered with a sheet as this

1 occurred. Patient RJ started to shake following this unwanted occurrence and feared Respondent
2 would rape her if she did not comply.

3 15. Respondent continued with the full body massage and made inappropriate sexual
4 comments about Patient RJ's body, including "your butt is so nice," "your hair is beautiful" while
5 running his finger through her hair, and "your back is so nice."

6 16. Respondent also kissed Patient RJ's feet, spine, and the back of her neck. Respondent
7 also pushed his hands into Patient RJ's inner thigh coming extremely close to her vagina, causing
8 Patient RJ to exclaim "Woah" and turn around to address Respondent.

9 17. As Patient RJ confronted Respondent, she saw Respondent was extremely close to
10 her face. Respondent then stated "I could kiss you right now, you are so beautiful."

11 18. In other instances, Respondent made inappropriate comments to Patient RJ, including
12 that she smelled good while trying to hug her.

13 19. Respondent also sent inappropriate text and social messages to Patient RJ during the
14 time Respondent was treating Patient RJ, including messages about her breasts and discussions
15 about kissing Patient RJ.

16 20. On January 14, 2022, Patient RJ filed a police report with the San Bernardino
17 Sheriff's Department regarding Respondent's sexual misconduct.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Sexual Misconduct with a Patient)

20 21. Respondent is subject to disciplinary action under section 10 of the Act and
21 California Code of Regulations, title 16, section 316, subdivision (c) and California Code of
22 Regulations, title 16, section 317, in that Respondent engaged in unprofessional conduct as
23 defined in California Business and Professions Code section 805.8 subdivision (a)(5), by
24 committing an act of sexual abuse, sexual misconduct, or sexual relations with a patient, client, or
25 customer. Complainant hereby refers to and by this reference incorporates the allegations
26 contained in paragraphs 10 through 20, above, as though set forth fully.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Sexual Acts on Premises)

3 22. Respondent is subject to disciplinary action under section 10 of the Act and
4 California Code of Regulations, title 16, section 316, subdivision (b), in that Respondent engaged
5 in sexual acts with a patient at the chiropractor premises, structure, or facility. Complainant
6 hereby refers to and by this reference incorporates the allegations contained in paragraphs 10
7 through 20, above, as though set forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct)

10 23. Respondent is subject to disciplinary action under section 10 of the Act and
11 California Code of Regulations, title 16, section 317 in that Respondent engaged in
12 unprofessional conduct during his treatment of Patient RJ. Complainant hereby refers to and by
13 this reference incorporates the allegations contained in paragraphs 10 through 20, above, as
14 though set forth fully.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Chiropractic Examiners issue a decision:

1. Revoking or suspending Chiropractor License Number DC 26480, issued to Rafael Augusto Rios II;

2. Ordering Rafael Augusto Rios II to pay the Board of Chiropractic Examiners the reasonable costs of the investigation and enforcement of this case, pursuant to Title 16, California Code of Regulations, section 317.5, and if placed on probation, the costs of probation monitoring; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/17/2025

Signature on File

KRISTIN WALKER

Executive Officer

Board of Chiropractic Examiners

Department of Consumer Affairs

State of California

Complainant

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