

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


In the Matter of the Accusation Against:	)	Case No. 1A-2005-148 and 1A-2005-174
	)	OAH No. 2009010125
DAVID HONGJUNE JEON, L.Ac.	)	
10775 VIA ALBERTO, UNIT B	)	
San Diego, CA 92129	)	
	)	
Acupuncture License No. AC-6314	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the California Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on           AUG 14 2009          .

IT IS SO ORDERED           JUL 15 2009          .

  
\_\_\_\_\_  
Robert Brewer, Chair  
Acupuncture Board  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MATTHEW M. DAVIS, State Bar No. 202766  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
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7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:  
13 DAVID HONGJUNE JEON, L.Ac.  
10775 Via Alberto, Unit B  
14 San Diego, CA 92129  
15 Acupuncturist License No. AC-6314,  
16 Respondent.

Case No. 1A-2005-148 and 1A-2005-174  
OAH No. 2009010125  
**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

19 **PARTIES**

20 1. Complainant Janelle Wedge is the Executive Officer of the Acupuncture  
21 Board and is represented in the above-entitled matter by Edmund G. Brown, Jr., Attorney  
22 General of the State of California, by Matthew M. Davis, Deputy Attorney General.

23 2. DAVID HONGJUNE JEON, L.Ac., (hereinafter "respondent") is  
24 represented herein by Leticia Perez, Esq., Perez and Associates, 7676 Hazard Drive, Fl. 5, San  
25 Diego, CA 92108, Telephone: (619) 246-0658.

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1 applicable laws, having been fully advised of same by his attorney of record, Leticia Perez, Esq.  
2 Respondent, having the benefit of counsel, hereby knowingly, intelligently, freely and voluntarily  
3 waives and gives up each and every one of the rights set forth and/or referenced above.

4 **CULPABILITY**

5 9. Respondent understands that by signing this Stipulated Surrender of  
6 License and Order he is enabling the Board to issue an order accepting the surrender of his  
7 Acupuncturist License Number AC-6314 without further process.

8 10. Respondent admits the complete truth and accuracy of each and every  
9 charge and allegation, separately and severally, in Accusation No. 1A-2005-148/1A-2005-174,  
10 agrees that he has thereby subjected his Acupuncturist License No. Ac-6314 to disciplinary  
11 action, and hereby surrenders his Acupuncturist License No. Ac-6314 for the Board's formal  
12 acceptance. Respondent further agrees that if he ever petitions for reinstatement of  
13 Acupuncturist License Number AC-6314, all of the charges and allegations contained in  
14 Accusation No. 1A-2005-148/1A-2005-174, and each of them, separately and severally, shall be  
15 deemed true, correct and fully admitted by respondent for purposes of any proceeding involving  
16 respondent's petition for reinstatement and any other licensing proceeding involving respondent  
17 in the State of California.

18 11. Respondent further agrees that if he ever petitions for reinstatement of  
19 Acupuncturist License Number AC-6314, he shall reimburse the Board for its costs of  
20 investigation and enforcement in this case in the sum of fifteen thousand ten dollars  
21 (\$15,010.00). Respondent further agrees that, if he ever petitions for reinstatement of  
22 Acupuncturist License Number AC-6314 and the Board votes to grant the petition, the Board  
23 shall not be required to reinstate respondent's Acupuncturist License Number AC-6314 until and  
24 unless respondent has fully reimbursed the Board the sum of fifteen thousand ten dollars  
25 (\$15,010.00). Respondent may be permitted to pay these costs in a payment plan approved by  
26 the Board.

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1 CONTINGENCY

2 12. This Stipulated Surrender of License and Order shall be subject to  
3 approval by the Board. The parties agree that this Stipulated Surrender of License and Order  
4 shall be submitted to the Board for its consideration in the above-entitled matter and, further, that  
5 the Board shall have a reasonable period of time in which to consider and act on this stipulation  
6 after receiving it. By signing this stipulation, respondent fully understands and agrees  
7 that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the  
8 Board considers and acts upon it.

9 13. The parties agree that this Stipulated Surrender of License and Order shall  
10 be null and void and not binding upon the parties unless approved and adopted by the Board,  
11 except for this paragraph, which shall remain in full force and effect. Respondent fully  
12 understands and agrees that in deciding whether or not to approve and adopt this Stipulated  
13 Surrender of License and Order, the Board may receive oral and written communications from its  
14 staff and/or the Attorney General's office. Communications pursuant to this paragraph shall not  
15 disqualify the Board, any member thereof, and/or any other person from future participation in  
16 this or any other matter affecting or involving respondent. In the event that the Board, in its  
17 discretion, does not approve and adopt this Stipulated Surrender of License and Order, with the  
18 exception of this paragraph, it shall not become effective, shall be of no evidentiary value  
19 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party  
20 hereto. Respondent further agrees that should the Board reject this Stipulated Surrender of  
21 License and Order for any reason, respondent will assert no claim that the Board, or any member  
22 thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated  
23 Surrender of License and Order or of any matter or matters related hereto.

24 ADDITIONAL PROVISIONS

25 14. This Stipulated Surrender of License and Order is intended by the parties  
26 herein to be an integrated writing representing the complete, final and exclusive embodiment of  
27 the agreements of the parties in the above-entitled matter.

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1 costs of investigation and enforcement in this case in the sum of fifteen thousand ten dollars  
2 (\$15,010.00). In addition, if respondent ever petitions for reinstatement of Acupuncturist  
3 License Number AC-6314 and the Acupuncture Board of California votes to grant the petition,  
4 the Acupuncture Board of California shall not be required to reinstate respondent's Acupuncturist  
5 License Number AC-6314 until and unless respondent has fully reimbursed the Board the sum of  
6 fifteen thousand ten dollars (\$15,010.00). Respondent may be permitted to pay these costs in a  
7 payment plan approved by the Acupuncture Board of California.

8 ACCEPTANCE

9 I, DAVID HONGJUNE JEON, L.Ac, have carefully read this Stipulated  
10 Surrender of License and Order. I understand the stipulation and the effect it will have on my  
11 Acupuncturist License Number AC-6314. I enter into this Stipulated Surrender of License  
12 freely, voluntarily, intelligently, and agree to be bound by the Decision and Order of the  
13 Acupuncture Board of California, Department of Consumer Affairs.

14 DATED: 05/07/2009

15   
16 DAVID HONGJUNE JEON, L.Ac,  
Respondent

17  
18 I have read and fully discussed with respondent David Hongjune Jeon, L.Ac., the  
19 terms and conditions and other matters contained in this Stipulated Surrender of License and  
20 Order. I approve its form and content.

21 DATED: 05-11-09

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23 LETICIA PEREZ, 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 California, Department of Consumer Affairs.

DATED: 5/13/08

EDMUND G. BROWN JR., Attorney General  
of the State of California

By M. Davis  
MATTHEW M. DAVIS  
Deputy Attorney General

Attorneys for Complainant



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**Attachment "A"**  
**Accusation filed in Case Nos.**  
**1A-2005-148 and 1A-2005-174**

**FILED**

**NOV 14 2008**

**ACUPUNCTURE BOARD**

1 EDMUND G. BROWN JR.,  
Attorney General of the State of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MATTHEW M. DAVIS State Bar No. 202766  
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4 110 West "A" Street, Suite 1100  
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5 P.O. Box 85266  
6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 1A-2005-148 and 1A-2005-174

14 DAVID HONGJUNE JEON, L.Ac.  
3405 Kenyon St., #201  
San Diego, CA 92110

**ACCUSATION**

15 Acupuncturist License No. AC-6314

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Janelle Wedge (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Acupuncture Board.

22 2. On or about May 31, 1998, the Acupuncture Board (Board) issued  
23 Acupuncturist License Number AC-6314 to David Hongjune Jeon, L.Ac (Respondent). The  
24 Acupuncturist License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on May 31, 2009, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the  
3 following laws. All section references are to the Business and Professions Code (Code) unless  
4 otherwise indicated.

5 4. Section 4955 of the Code states:

6 “The board may deny, suspend, or revoke, or impose probationary  
7 conditions upon, the license of any acupuncturist if he or she is guilty of  
8 unprofessional conduct.

9 “Unprofessional conduct shall include, but not be limited to, the  
10 following:

11 “...

12 “(d) Aiding or abetting in, or violating or conspiring in, directly or  
13 indirectly, the violation of the terms of this chapter or any regulation adopted by  
14 the board pursuant to this chapter.

15 “...”

16 5. Section 4955.2 of the Code states:

17 “The board may deny, suspend, revoke, or impose probationary conditions  
18 upon the license of any acupuncturist if he or she is guilty of committing any of  
19 the following:

20 “(a) Gross negligence.

21 “(b) Repeated negligent acts.

22 “(c) Incompetence.”

23 6. California Code of Regulations, title 16, section 1399.451, subdivision (e),  
24 states:

25 “Any complication, including but not limited to, hematoma, peritonitis or  
26 pneumothorax arising out of acupuncture treatment shall be referred immediately  
27 to a physician or dentist or podiatrist, if appropriate, if immediate medical  
28 treatment is required. ”

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7. Section 726 of the Code states:

“The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

“This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.”

**RECOVERY OF COSTS**

8. Section 4959 of the Code states:

“(a) The board may request the administrative law judge, under his or her proposed decision in resolution of a disciplinary proceeding before the board, to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed actual and reasonable costs of the investigation and prosecution of the case.

“(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of any costs assessed in the proposed decision.

“(c) When the payment directed in the board's order for payment of costs is not made by the licensee, the board may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

1           “(d) In any judicial action for the recovery of costs, proof of the board’s  
2 decision shall be conclusive proof of the validity of the order of payment and the  
3 terms for payment.

4           “(e) All costs recovered under this section shall be considered a  
5 reimbursement for costs incurred and shall be deposited in the Acupuncture  
6 Fund.”

## 7           **FIRST CAUSE FOR DISCIPLINE**

### 8           **(Sexual Misconduct with Patients)**

9           9.       Respondent is subject to disciplinary action under sections 4955 and 726  
10 of the Code, in that he has engaged in sexual misconduct, and/or has had a sexual relations with a  
11 patient. The circumstances are as follows:

#### 12           **Patient G.Z.**

13           (a)       Beginning on or about January 9, 2002, Respondent provided  
14 acupuncture treatment to patient G.Z. Respondent continued to provide  
15 acupuncture treatment to patient G.Z. until 2004.

16           (b)       Between January 2002 and 2004, Respondent remained in the exam room  
17 while patient G.Z. disrobed. Between January 2002 and 2004, Respondent failed  
18 to “drape”<sup>1/</sup> patient G.Z. and provided treatment to patient G.Z. while she was  
19 only dressed in a bra and thong underwear.

20           (c)       Between January 2002 and 2003, Respondent pressed his clothed penis  
21 against patient G.Z. In 2003, Respondent kissed patient G.Z.’s shoulder and hand.  
22 In 2003, Respondent slapped patient G.Z.’s buttocks on multiple occasions.

23           (d)       In 2004, Respondent removed cotton balls from patient G.Z.’s vaginal area  
24 and made contact with her vagina.

#### 25           **Patient J.M.**

26           (e)       In 2003, Respondent treated patient J.M. in her underwear.

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28       1. Draping is the practice by which an Acupuncturist covers a patient for privacy.

1                    Patient M.C.

2                    (f)     On or about May 12, 2005, Respondent provided treatment to patient M.C.  
3                    On or about May 12, 2005, Respondent hugged patient M.C., laid on the exam  
4                    table with patient M.C., and placed his hands on her abdomen.

5                    Patient S.R.

6                    (g)     In or about the Summer of 2004, Respondent treated patient S.R. for a  
7                    cold. During treatment, Respondent kissed patient S.R. on the mouth and  
8                    abdomen.

9                    (h)     In or about the Summer of 2004, Respondent attempted to needle patient  
10                    S.R. in the Ren1<sup>2</sup> area. This treatment is not indicated for a cold.

11                    SECOND CAUSE FOR DISCIPLINE

12                    (Gross Negligence)

13                    10.     Respondent is further subject to disciplinary action under section 4955.2,  
14                    subdivision (a) of the Code, in that he has committed acts of gross negligence in the practice of  
15                    acupuncture. The circumstances are as follows:

16                    11.     Paragraph 9 above, is hereby incorporated by reference and realleged as if  
17                    fully set forth herein.

18                    THIRD CAUSE FOR DISCIPLINE

19                    (Repeated Negligent Acts)

20                    12.     Respondent is further subject to disciplinary action under section 4955.2,  
21                    subdivision (b) of the Code, in that he has committed repeated acts of negligence in the practice  
22                    of acupuncture. The circumstances are as follows:

23                    13.     Paragraph 9, is hereby incorporated by reference and realleged as if fully  
24                    set forth herein.

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                  2. Ren 1 is the area between the vagina and the anus.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 14. Respondent is further subject to disciplinary action under section 4955.2,  
4 subdivision (d) of the Code, and section 1399.451, subdivision (e) of Title 16 of the California  
5 Code of Regulations, in that he has demonstrated incompetence by failing to immediately refer  
6 patient M.C. to a physician when complications arose during the provision of acupuncture  
7 treatment. The circumstances are as follows:

8 **Patient M.C.**

9 (a) On or about May 12, 2005, Respondent provided treatment to patient M.C.

10 Patient M.C. began to experience severe temperature swings, vomited and  
11 hallucinated during the treatment. Respondent did not call for help and allowed  
12 patient M.C. to remain at his clinic for over 6 hours. Respondent allowed patient  
13 M.C. to drive herself home.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Violation of Acupuncture Licensure Act or Regulation)**

16 15. Respondent is further subject to disciplinary action under section 4955, as  
17 defined by section 4955, subdivision (d), of the Code, in that he has violated the terms of the  
18 Acupuncture Licensure Act, or a regulation adopted by the Board pursuant to the Acupuncture  
19 Licensure Act. The circumstances are as follows:

20 16. Paragraphs 9, 10, 11, 12, 13 and 14, above, are hereby incorporated by  
21 reference and realleged as if fully set forth herein.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 17. Respondent is further subject to disciplinary action under section 4955 of  
4 the Code, in that he has engaged in unprofessional conduct by breaching the rules or ethical code  
5 of conduct of the profession of acupuncture, or by engaging in conduct unbecoming to an  
6 acupuncturist in good standing in the profession and which demonstrates an unfitness to practice  
7 acupuncture.<sup>3/</sup> The circumstances are as follows:

8 18. Paragraphs 9, 10, 11, 12, 13 and 14, above, are hereby incorporated by  
9 reference and realleged as if fully set forth herein.

10 PCOM Students J.C. and G.B.

11 (a) In Spring 2004, Respondent worked as an instructor at the Pacific College  
12 of Oriental medicine. Respondent provided "tuina"<sup>4/</sup> demonstrations on student  
13 J.C. and student G.B. wherein Respondent lifted student J.C. and student G.B.  
14 from behind, draped student J.C.'s and student G.B.'s buttocks and lower backs  
15 across his groin area, and swung student J.C. and student G.B. from side to side.

16 PCOM Students

17 (b) In 2003, Respondent threatened to fail his acupuncture students at Pacific  
18 College of Oriental Medicine if they did not participate in needling  
19 demonstrations around the genital area.

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27 3. See *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

28 4. An adjustment technique used in acupuncture.




PRAYER

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

1. Revoking or suspending Acupuncturist License Number AC-6314, issued to David Hongjune Jeon, L.Ac.;
2. Ordering David Hongjune Jeon, L.Ac. to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959; and
3. Taking such other and further action as deemed necessary and proper.

DATED: NOV 14 2008

  
\_\_\_\_\_  
JANELLE WEDGE  
Executive Officer  
Acupuncture Board  
State of California  
Complainant

SD2008801658