

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MICHAEL S. COCHRANE  
Deputy Attorney General  
4 State Bar No. 185730  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2074  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
13 KYOUNG SEOK JEON, L.AC.  
78 Frances Circle  
14 Buena Park, CA 90621  
15 Acupuncturist License No. AC-8838,  
16 Respondent.

Case No. 1A-2007-88  
**DEFAULT DECISION**  
**AND ORDER**  
[Gov. Code, §11520]

18 FINDINGS OF FACT

19 1. On or about April 7, 2009, Complainant Janelle Wedge, in her official capacity  
20 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed  
21 Accusation No. 1A-2007-88 against Kyoung Seok Jeon, L.Ac. (respondent) before the  
22 Acupuncture Board (Board). A true and correct copy of Accusation No. 1A-2007-88 is attached  
23 hereto as Attachment "A" and is incorporated by reference as if fully set forth herein.

24 2. On or about December 5, 2002, the Board issued Acupuncturist License No.  
25 AC-8838 to respondent. The Acupuncturist License was in full force and effect at all times  
26 relevant to the charges brought in Accusation No. 1A-2007-88, expired on September 30, 2008,  
27 and has not been renewed.

28 ///

1           3. On or about April 7, 2009, Kristine Brothers, an employee of the Complainant  
2 Agency, served by Certified Mail a true and correct copy of the Accusation No. 1A-2007-88,  
3 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code  
4 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which  
5 was and is 78 Frances Circle, Buena Park, CA 90621. A true and correct copy of the documents  
6 that were served along with the Accusation and Declaration of Service are attached hereto as  
7 Attachment "B" and are incorporated by reference as if fully set forth herein. Service of the  
8 Accusation was effective as a matter of law under the provisions of Government Code section  
9 11505, subdivision (c).

10           4. On April 9, 2009, the aforementioned documents referenced in paragraph 3,  
11 above, which were mailed by certified mail, were delivered to respondent's address of record and  
12 signed for by an individual using the surname "Jeon." A true and correct copy of the signed  
13 Return Receipt returned to the Board by the United States Postal Service is attached hereto as  
14 Attachment "C" and incorporated by reference as if fully set forth herein.

15           5. Government Code section 11506 states, in pertinent part:

16           “(c) The respondent shall be entitled to a hearing on the merits if the  
17 respondent files a notice of defense, and the notice shall be deemed a specific  
18 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
19 of defense shall constitute a waiver of respondent's right to a hearing, but the  
20 agency in its discretion may nevertheless grant a hearing.”

21           6. Respondent failed to file a Notice of Defense within 15 days after service upon  
22 him of a true and correct copy of Accusation No. 1A-2007-88 and has therefore waived his right  
23 to a hearing on the merits of the charges and allegations contained therein.

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

7. California Government Code section 11520 states, in pertinent part:

“(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent’s express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

“...”

8. Pursuant to its authority under Government Code section 11520, the Board finds respondent is in default. The Board will take action without further hearing and, based on respondent’s express admissions by way of default and the evidence before it, contained in Attachments A, B and C, finds that the charges and allegations in Accusation No. 1A-2007-88, and each of them, separately and severably, are true and correct.

9. California Business and Professions Code section 118 states:

“...”

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

“...”

10. California Business and Professions Code section 4955 states, in pertinent part,

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

///

///



1 11. California Business and Professions Code section 726 states, in pertinent part,  
2 “The commission of any act of sexual abuse, misconduct, or relations with a  
3 patient, client, or customer constitutes unprofessional conduct and grounds for  
4 disciplinary action for any person licensed under this division, under any initiative  
5 act referred to in this division and under Chapter 17 (commencing with Section  
6 9000) of Division 3.

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

#### 12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, respondent Kyoung Seok Jeon, L.Ac.,  
14 has subjected his Acupuncturist License No. AC-8838 to disciplinary action.

15 2. Pursuant to its authority under California Government Code section 11520, and  
16 based upon the evidence before it, the Board hereby finds that the charges and allegations  
17 contained in Accusation No. 1A-2007-88, and the Findings of Fact contained in paragraphs 1  
18 through 11, above, and each of them, separately and severally, are true and correct.

19 3. Pursuant to its authority under California Government Code section 11520, and  
20 by reason of the Findings of Fact contained in paragraphs 1-11, above, and Determination of  
21 Issues 1 and 2, above, the Board hereby finds that respondent Kyoung Seok Jeon, L.Ac., has  
22 subjected his Accupuncture License No. AC-8838 to disciplinary action under California  
23 Business and Professions Code sections 4955 and 726 in that he has:

24 (a) Committed acts of sexual abuse against a patient during the course of her  
25 acupuncture treatment; and,

26 (b) Committed acts of unprofessional conduct by 1) committing acts of sexual  
27 abuse and misconduct with a patient under the guise of acupuncture treatment, and 2) becoming a  
28 fugitive by failing to show up to his criminal trial as ordered by the Superior Court, to face felony



1 charges of sexual battery by fraud and sexual penetration by means of fraudulent representation  
2 of a professional purpose.

3 ORDER

4 IT IS HEREBY ORDERED, that Acupuncturist License No. AC-8838, heretofore  
5 issued to Respondent KYOUNG SEOK JEON, L.Ac., is revoked for each of the violations,  
6 separately and severally, of California Business and Professions Code sections 4955 and 726, as  
7 found in the Determination of Issues, above.

8 This Decision shall become effective on AUG 29 2009.

9 It is so ORDERED JUL 30 2009

10   
11 FOR THE ACUPUNCTURE BOARD

12  
13  
14  
15  
16  
17  
18  
19 Attachments:

- 20 Attachment A: Accusation No. 1A-2007-88  
21 Attachment B: Accusation No. 1A-2007-88's Related Documents, and Declaration of  
22 Service  
23 Attachment C: Copy of USPS Return Receipt Card  
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

Attachment A

Accusation No. 1A-2007-88

COPY

FILED

APR 7 2009

1 EDMUND G. BROWN JR.,  
Attorney General of the State of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MICHAEL S. COCHRANE, State Bar No. 185730  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101

ACUPUNCTURE BOARD

5 P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2074  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 1A-2007-88

13 KYOUNG SEOK JEON, L.A.c.  
78 Frances Circle  
14 Buena Park, CA 90621

ACCUSATION

15 Acupuncture License No. AC-8838,

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 December 5, 2002, the Acupuncture Board (Board) issued  
23 Acupuncturist License Number AC-8838 to Kyoung Seok Jeon, L.Ac. (Respondent). The  
24 Acupuncturist License expired on September 30, 2008, and has not been renewed.

25 ///

26 ///

27 ///

28 ///



JURISDICTION

1  
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 118, subdivision (b) of the Code provides, in pertinent part, that  
6 the Board maintains its authority to institute or continue a disciplinary proceeding or action  
7 against a licensee upon any ground provided by law, notwithstanding the suspension, expiration,  
8 or forfeiture of the license by operation of law, or by virtue of the license’s suspension, forfeiture,  
9 or cancellation by order of the Board or by order of a court of law, or by virtue of the surrender of  
10 the license without the written consent of the Board.

11           5.     Section 4955 of the Code states, in pertinent part,  
12           “The board may deny, suspend, or revoke, or impose probationary  
13 conditions upon, the license of any acupuncturist if he or she is guilty of  
14 unprofessional conduct...”

15           6.     Section 726 of the Code states:  
16           “The commission of any act of sexual abuse, misconduct, or relations with  
17 a patient, client, or customer constitutes unprofessional conduct and grounds for  
18 disciplinary action for any person licensed under this division, under any initiative  
19 act referred to in this division and under Chapter 17 (commencing with Section  
20 9000) of Division 3.

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

26 ///

27 ///

28 ///

1 COST RECOVERY

2 7. Section 4959 of the Code states:

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

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

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

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

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

21 FIRST CAUSE FOR DISCIPLINE

22 (Sexual Abuse Against a Patient)

23 8 Respondent is subject to disciplinary action under section 4955, as defined  
24 by section 726, of the Code, in that, he committed an act of sexual abuse, misconduct, or  
25 relations with a patient, client, or customer, as more particularly described hereinafter:

26 (a) On or about January 22, 2007, Patient J.L. went to respondent’s  
27 acupuncture office by appointment to receive an acupuncture treatment for back pain.  
28 Respondent directed Patient J.L. to an examination room, and instructed her to put on a

1 gown. Patient J.L. complied by taking off her blouse and putting the gown on with the  
2 opening to the front.

3 (b) Respondent recommended that he perform acupressure to Patient  
4 J.L., and mentioned another female patient that he had treated with acupressure who was  
5 healed of her pain as a result. Respondent added that he does not use the type of  
6 treatment he had in mind on all of his patients because if he did then he would lose his  
7 healing powers more rapidly.

8 (c) Respondent rubbed heated herbs on Patient J.L.'s lower abdomen, and  
9 then let the herbs sit while he applied acupressure to the chest area. Respondent asked  
10 the patient to remove her bra, and she complied. Using both hands, respondent used his  
11 palms and fingers to touch the entire area of her breasts. He also touched both of her  
12 nipples. Patient J.L. suspected that respondent was fondling her breasts in a sexual  
13 manner, but she trusted respondent because he was a doctor and because he attended the  
14 same church as one of her relatives, and so did not complain. Respondent, while feeling  
15 Patient J.L.'s breasts, continued to talk about the other female patient to whom he  
16 provided similar treatment, and he mentioned that she had small breasts like Patient J.L.

17 (d) On or about January 23, 2007, Patient J.L. again went to respondent's  
18 office by appointment. Respondent directed her to an examination room, and instructed  
19 her to put on a gown. Respondent unsuccessfully tried to remove Patient J.L.'s bra, and  
20 then asked Patient J.L. to remove it. Patient J.L. took off her bra as instructed, but she  
21 left her pants, underwear, and shoes on.

22 (e) Respondent began applying acupressure to Patient J.L.'s legs with his bare  
23 hands, but stated he could not correctly apply the pressure because she was wearing thick  
24 pants. Respondent asked the patient to take her pants off, and she complied. Respondent  
25 then applied acupressure all over Patient J.L.'s body, including her chest, breasts, and  
26 arms. While rubbing and touching Patient J.L.'s breasts, respondent again talked about  
27 the other female patient he discussed the day before and how he treated her pain in a  
28 similar fashion.



1 (f) Respondent continued to talk to Patient J.L. while massaging her lower  
2 abdominal area. Respondent then placed his right hand underneath Patient J.L.'s  
3 underwear and started touching her vaginal area. He then placed one of his fingers inside  
4 Patient J.L.'s vagina. Patient J.L. then asked whether this was part of the treatment, and  
5 asked respondent to stop. Respondent replied, "Relax and feel it. A lot of women are sick  
6 because they do not get a lot of love from her husband," while he continued to place his  
7 finger in her vagina. Patient J.L. again stated she did not want to do this. Respondent  
8 removed his hand, and Patient J.L. changed the subject by stating she was experiencing  
9 pain in her neck and shoulders.

10 (g) On or about January 25, 2007, Patient J.L. reported the above  
11 incidents to Garden Grove Police Department. While at the police station, Patient  
12 J.L. made a recorded pretext phone call to respondent, with police officers present  
13 including one who was a certified Korean translator. Patient J.L. confronted  
14 respondent in Korean about touching her clitoris and putting his finger in her  
15 vagina, and respondent replied that he did so because sexual stimulation is a  
16 method to release tension and pain. Respondent instructed Patient J.L. to forget  
17 the incident and to keep taking her herbal tea.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 9. Respondent is further subject to disciplinary action under section 4955 for  
4 unprofessional conduct in that he engaged in conduct which breaches the rules or ethical code of  
5 the profession of acupuncture, or conduct which is unbecoming to a member in good standing of  
6 the acupuncture profession, and which demonstrates an unfitness to practice acupuncture<sup>1</sup> as  
7 more particularly described hereinafter:

8 (a) Paragraph 8, above, is hereby incorporated by reference as if fully set  
9 forth herein.

10 (b) On or about March 23, 2007, the Orange County District Attorney filed a  
11 felony complaint warrant alleging two felony counts of sexual battery by fraud, in  
12 violation of Penal Code section 243.4, subdivision (c), and one felony count of sexual  
13 penetration by means of fraudulent representation of a professional purpose, in violation  
14 of Penal Code section 289, subdivision (d)(4).

15 (c) On or about May 24, 2007, respondent was released on \$100,000 bail.

16 (d) On or about December 18, 2007, in the case *People of the State of*  
17 *California v. Kyoung Seok Jeon*, Superior Court Case No. 07WF1149, a preliminary  
18 hearing was held. After Patient J.L. testified, the Superior Court found cause to bind  
19 respondent over for trial on all three felony counts. In addition, the Superior Court  
20 adopted the Board's recommendation to suspend respondent's Acupuncture License No.  
21 AC-8838 as a condition of bail until further order by the Court.

22 (e) On or about January 22, 2009, respondent, in violation of the  
23 Superior Court's order, failed to appear for his trial. The Superior Court has  
24 deemed respondent a fugitive and has issued a warrant for his arrest.

25 ///

26 ///

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

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

PRAYER


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

1. Revoking or suspending Acupuncturist License Number AC-8838, issued to respondent Kyoung Seok Jeon, L.A.c.

2. Ordering respondent Kyoung Seok 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;

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

DATED: APR 7 2009

  
JANELLE WEDGE  
Executive Officer  
Acupuncture Board  
State of California  
Complainant

SD2007802877

80343578.wpd



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

Attachment B

Accusation No. 1A-2007-88's Related Documents, and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MICHAEL S. COCHRANE, State Bar No. 185730  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2074  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 KYOUNG SEOK JEON, L.A.C.

14 Respondent.

Case No. 1A-2007-88

**STATEMENT TO RESPONDENT**

[Gov. Code §§ 11504, 11505(b)]

15  
16  
17 TO RESPONDENT:

18 Enclosed is a copy of the Accusation that has been filed with the Acupuncture  
19 Board of the Department of Consumer Affairs (Board), and which is hereby served on you.

20 Unless a written request for a hearing signed by you or on your behalf is delivered  
21 or mailed to the Board, represented by Deputy Attorney General Michael S. Cochrane, within  
22 fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you,  
23 you will be deemed to have waived your right to a hearing in this matter and the Board may  
24 proceed upon the Accusation without a hearing and may take action thereon as provided by law.

25 The request for hearing may be made by delivering or mailing one of the enclosed  
26 forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided  
27 in section 11506 of the Government Code, to

28 ///

1                   **Michael S. Cochrane**  
2                   **Deputy Attorney General**  
3                   **110 West "A" Street, Suite 1100**  
4                   **San Diego, California 92101**

5  
6                   **P.O. Box 85266**  
7                   **San Diego, California 92186-5266.**

8                   You may, but need not, be represented by counsel at any or all stages of these  
9 proceedings.

10                   The enclosed Notice of Defense, if signed and filed with the Board, shall be  
11 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any  
12 objection to the form of the Accusation unless you file a further Notice of Defense as provided in  
13 section 11506 of the Government Code within fifteen (15) days after service of the Accusation  
14 on you.

15                   If you file any Notice of Defense within the time permitted, a hearing will be held  
16 on the charges made in the Accusation.

17                   The hearing may be postponed for good cause. If you have good cause, you are  
18 obliged to notify the Office of Administrative Hearings, 1350 Front Street, Suite 6022, San  
19 Diego, CA 92101, within ten (10) working days after you discover the good cause. Failure to  
20 notify the Office of Administrative Hearings within ten (10) days will deprive you of a  
21 postponement.

22                   Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are  
23 enclosed.

24                   If you desire the names and addresses of witnesses or an opportunity to inspect  
25 and copy the items mentioned in section 11507.6 of the Government Code in the possession,  
26 custody or control of the Board you may send a Request for Discovery to the above designated  
27 Deputy Attorney General.

28                   **NOTICE REGARDING STIPULATED SETTLEMENTS**

                  It may be possible to avoid the time, expense and uncertainties involved in an  
administrative hearing by disposing of this matter through a stipulated settlement. A stipulated



1 settlement is a binding written agreement between you and the government regarding the matters  
2 charged and the discipline to be imposed. Such a stipulation would have to be approved by the  
3 Acupuncture Board but, once approved, it would be incorporated into a final order.

4 Any stipulation must be consistent with the Board's established disciplinary  
5 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the  
6 Board's Disciplinary Guidelines will be provided to you on your written request to the state  
7 agency bringing this action.

8 If you are interested in pursuing this alternative to a formal administrative hearing,  
9 or if you have any questions, you or your attorney should contact Deputy Attorney General  
10 Michael S. Cochrane at the earliest opportunity.

11 DATED: March 27, 2009

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

14 THOMAS S. LAZAR  
15 Supervising Deputy Attorney General

16 

17 MICHAEL S. COCHRANE  
18 Deputy Attorney General

19 Attorneys for Complainant

20 80347905.wpd

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

Attachment B

Accusation No. 1A-2007-88's Related Documents, and Declaration of Service

DECLARATION OF SERVICE BY MAIL

In the Matter of the Accusation filed Against:

KYOUNG SEOK JEON

Case No. 1A-2007-88

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95814-0226. I served a true copy of the attached:

**STATEMENT TO RESPONDENT, ACCUSATION,  
REQUEST FOR DISCOVERY, NOTICE OF DEFENSE (2),  
GOVERNMENT CODE SECTIONS 11507.5, 11507.6 and 11507.7**

by certified/regular mail on each of the following; by placing same in an envelope(s) addressed (respectively) as follows:

NAME and ADDRESS

CERTIFIED MAIL NO.

Kyoung Seok Jeon, AC 8838  
78 Frances Circle  
Buena Park, CA 90621

7008 3230 0001 0938 2404

Michael Cochrane, Deputy Attorney General  
California Department of Justice  
Office of the Attorney General/HQE  
110 West "A" Street, Ste. 1100  
San Diego, CA 92101

regular mail

Thomas Lazar, Supervising Attorney General  
California Department of Justice  
Office of the Attorney General/HQE  
110 West "A" Street, Ste. 1100  
San Diego, CA 92101

regular mail

Each said envelope was, on April 7, 2009, sealed and deposited in the U.S. mail box at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid for attempt at service on Respondent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 7, 2009, at Sacramento, California.

  
\_\_\_\_\_  
DECLARANT



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MICHAEL S. COCHRANE, State Bar No. 185730  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2074  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 1A-2007-88

13 KYOUNG SEOK JEON, L.AC.

**REQUEST FOR DISCOVERY**

14 Respondent.

[Gov. Code § 11507.6]

15  
16 TO RESPONDENT:

17 Under section 11507.6 of the Government Code of the State of California, parties  
18 to an administrative hearing, including the Complainant, are entitled to certain information  
19 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the  
20 Government Code concerning such rights is included among the papers served.

21 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU  
22 ARE HEREBY REQUESTED TO:

- 23 1. Provide the names and addresses of witnesses to the extent known to the  
24 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
- 25 2. Provide an opportunity for the Complainant to inspect and make a copy of any of  
26 the following in the possession or custody or under control of the Respondent:
  - 27 a. A statement of a person, other than the Respondent, named in the initial  
28 administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative  
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by any  
4 party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and  
6 of other persons having personal knowledge of the acts, omissions or events which are the  
7 basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and  
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be  
11 admissible in evidence, including but not limited to, any patient or hospital records  
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to  
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names  
15 and addresses of witnesses or of persons having personal knowledge of the acts,  
16 omissions or events which are the basis for the proceeding, or (2) reflect matters  
17 perceived by the investigator in the course of his or her investigation, or (3) contain or  
18 include by attachment any statement or writing described in (a) to (e), inclusive, or  
19 summary thereof.

20  
21 For the purpose of this Request for Discovery, "statements" include written  
22 statements by the person, signed, or otherwise authenticated by him or her, stenographic,  
23 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,  
24 and written reports or summaries of these oral statements.

25 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for  
26 Discovery should be deemed to authorize the inspection or copying of any writing or thing which  
27 is privileged from disclosure by law or otherwise made confidential or protected as attorney's  
28 work product.

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

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: March 27, 2009

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

THOMAS S. LAZAR  
Supervising Deputy Attorney General



MICHAEL S. COCHRANE  
Deputy Attorney General

Attorneys for Complainant

80347905.wpd  
SD2007802877



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

In the Matter of the Accusation Against:

KYOUNG SEOK JEON, L.A.C.

Respondent.

Case No. 1A-2007-88

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; Disciplinary Guidelines; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: \_\_\_\_\_

Respondent's Name \_\_\_\_\_

Respondent's Signature \_\_\_\_\_

Respondent's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Respondent's Telephone Number \_\_\_\_\_

**Check appropriate box:**

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name \_\_\_\_\_

Counsel's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Counsel's Telephone Number \_\_\_\_\_

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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

In the Matter of the Accusation Against:

KYOUNG SEOK JEON, L.AC.

Respondent.

Case No. 1A-2007-88

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; Disciplinary Guidelines; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: \_\_\_\_\_

Respondent's Name \_\_\_\_\_

Respondent's Signature \_\_\_\_\_

Respondent's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Respondent's Telephone Number \_\_\_\_\_

**Check appropriate box:**

I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name \_\_\_\_\_

Counsel's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Counsel's Telephone Number \_\_\_\_\_

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.



**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7  
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

**SECTION 11507.5: Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**SECTION 11507.6: Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.



**SECTION 11507.7: Petition to compel discovery; Order; Sanctions**

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

\*\*\*\*\*

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

Attachment C

Copy of USPS Return Receipt Card

**COMPLETE THIS SECTION**

Items 1, 2, and 3. Also complete Restricted Delivery if desired. Write name and address on the reverse so we can return the card to you. Write on the back of the mailpiece, front if space permits.

Addressed to:

PS Form 3800 (Rev. 11-15-2003)

Kyoung Seok Jeon, AC 8838  
78 Frances Circle  
Buena Park, CA 90621

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X *Kyoung Seok Jeon*  Agent  Addressee

B. Received by (Printed Name) *Kyoung Seok Jeon* C. Date of Delivery *4.9.9.*

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Tracking Number (from service label) **7008 3230 0001 0938 2404**

11, February 2004

Domestic Return Receipt

102595-02-M-1540

7008 3230 0001 0938 2404

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b> Kyoung Seok Jeon, AC 8838	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To Kyoung Seok Jeon, AC 8838 Street, Apt. No., or P.O. Box, No. 78 Frances Circle City, State, ZIP+4 Buena Park, CA 90621	
PS Form 3800, August 2006 <span style="float: right;">See Reverse for Instructions</span>	