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FILED

OCT 16 2014

ACUPUNCTURE BOARD

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

12 In the Matter of the Accusation Against:

Case No. 1A-2009-199

13 **JYUNG WOOK EOM, L.Ac.**
14 **Seocho Gu Seocho Dong 1714-33**
15 **Seoul**

A C C U S A T I O N

16 **Acupuncturist License No. AC 12453,**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Terri Thorfinnson (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

21 2. On or about April 3, 2008, the Acupuncture Board issued Acupuncturist License
22 Number AC 12453 to Jyung Wook Eom, L.Ac. (Respondent). The Acupuncturist License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on February
24 29, 2016, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4955 of the Code states in pertinent part:

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

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

9 “....

10 “(b) Conviction of a crime substantially related to the qualifications, functions, or duties of
11 an acupuncturist, the record of conviction being conclusive evidence thereof.

12 “....

13 “(i) Any action or conduct that would have warranted the denial of the acupuncture license.

14 “....”

15 5. Section 4955.1 of the Code, subdivision (c) states:

16 “The board may deny, suspend, revoke, or impose probationary conditions upon the license
17 of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not be
18 limited to, any of the following:

19 “....

20 “(c) Committing any act involving dishonesty or corruption with respect to the
21 qualifications, functions, or duties of an acupuncturist.”

22 **COST RECOVERY**

23 6. Section 4959 of the Code states:

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

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1 10. Respondent was under the influence of alcohol at the time of his interview at the
2 scene. When first approached by one of the officers, Respondent spontaneously stated, “I’m an
3 officer! I’m a bodyguard for famous people! I’m a black belt in Hapkido [a practice of martial
4 arts]! I had to defend myself. He [the victim] was attacking me!” Respondent admitted to the
5 officer that, prior to the fight, he had been drinking at a bar with his friend. Respondent claimed
6 that, when they returned to his friend’s home and were walking to the main lobby, the victim, for
7 no apparent reason, started punching both Respondent and his friend. Respondent further claimed
8 he punched the victim numerous times in self-defense.

9 11. The security guard of the building observed the fight and called the police. He was in
10 the lobby of the building watching the live security camera footage. He observed two male
11 Asians punching and kicking one male Asian who was down on the ground inside the parking
12 garage.

13 12. Officer Chang watched the recording of the video camera footage, which showed the
14 victim walking toward the garage exit. Respondent’s friend followed after the victim. When
15 both men reappeared on the footage, Respondent’s friend was punching the victim who had
16 already fallen to the ground. Respondent’s friend stopped punching the victim. Respondent, who
17 was sitting nearby, stood up and began kicking and stomping on the victim numerous times.
18 Respondent’s friend then attempted to stop Respondent from kicking the victim, however,
19 Respondent was able to re-approach the victim and kick and stomp on him a few more times.

20 13. After interviewing all three men involved in the fight, an independent witness (the
21 security guard) and observing the video camera footage, the officers concluded that the fight
22 between Respondent’s friend and the victim was a mutual combat. Respondent’s kicking and
23 stomping of the victim in the head and neck area causing the victim to nearly lose consciousness
24 was beyond mutual combat. Due to the injuries caused by the Respondent, the officers
25 determined that Respondent’s battery caused great bodily injury to the victim.

26 14. In the case entitled *The People of the State of California v. Jungwook Eom*, Los
27 Angeles County Superior Court, Case No. BA364105, Respondent was charged with a felony in
28 Count One, violation of California Penal Code section 243(d), for willfully and unlawfully using

1 force upon a person, resulting in the infliction of serious bodily injury, and a with a felony in
2 Count Two, violation of California Penal Code section 245(a)(1), for willfully and unlawfully
3 committing an assault by means of force likely to produce great bodily injury.

4 15. On or about September 14, 2011, the Court in *The People of the State of California v.*
5 *Jyungwook Eom*, Los Angeles County Superior Court, Case No. BA364105, found Respondent
6 guilty of Counts One and Two. Respondent remained on bail and was ordered to appear in court
7 on October 27, 2011 for a probation and sentence hearing. Respondent failed to appear in court,
8 without sufficient excuse, and a bench warrant was issued. Respondent never appeared in court
9 thereafter.

10 16. In January 2012, Respondent applied for renewal of Acupuncturist License Number
11 AC 12453. The renewal application asks the applicant whether he has been convicted of a crime
12 in any state, the U.S.A. and its territories, military court or other country. Respondent failed to
13 report his conviction in *The People of the State of California v. Jyungwook Eom*, Los Angeles
14 County Superior Court, Case No. BA364105.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Conduct That Would Have Warranted Denial of License)**

17 17. Respondent is subject to disciplinary action under section 4955, subdivision (i), of
18 the Code in that his actions and conduct leading to his arrest and his conviction would have
19 warranted the denial of an acupuncturist license, as more particularly alleged in paragraphs 8
20 through 16 above, which are hereby incorporated by reference and realleged as if fully set forth
21 herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Act Involving Dishonesty)**

24 18. Respondent is subject to disciplinary action under section 4955.1, subdivision (c) of
25 the Code in that he lied to police officers about the circumstances of the fight leading to his arrest
26 and conviction, and failed to report on his renewal application that he had been convicted of two
27 felonies (violation of California Penal Code section 243(d) and California Penal Code section
28

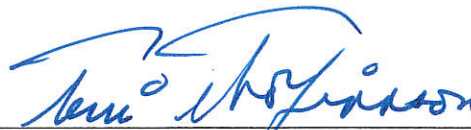
1 245(a)(1)), as more particularly alleged in paragraphs 8 through 16 above, which are hereby
2 incorporated by reference and realleged as if fully set forth herein.

3 **PRAYER**

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

- 6 1. Revoking or suspending Acupuncturist License Number AC 12453, issued to Jyung
7 Wook Eom;
- 8 2. Ordering Jyung Wook Eom to pay the Acupuncture Board the reasonable costs of the
9 investigation and enforcement of this case, pursuant to Business and Professions Code section
10 4959;
- 11 3. Ordering Jyung Wook Eom, if placed on probation, to pay the costs of probation
12 monitoring; and
- 13 4. Taking such other and further action as deemed necessary and proper.
- 14
- 15

16 DATED: OCT 16 2014



17 TERRI THORFINN SON
18 Executive Officer
19 Acupuncture Board
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

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