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

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In the Matter of the Accusation Against: ) JYUNG WOOK EOM, L.AC. SEOCHO GU SEOCHO DONG 1714-33 SEOUL, KOREA SOUTH Acupuncture License No. AC 12453 Respondent.

Case No.: 1A-2009-199 OAH No.: 2014110889

# DECISION AND ORDER

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

OCT 0 9 2015 This Decision shall become effective on

IT IS SO ORDERED

SEP 09 2015

Laph.

Michael Shi, Chair Acupuncture Board Department of Consumer Affairs State of California

1	KAMALA D. HARRIS Attorney General of California JUDITH T. ALVARADO		
3	Supervising Deputy Attorney General CHRISTINA L. SEIN Deputy Attorney General State Bar No. 229094 California Department of Justice 300 So. Spring Street, Suite 1702		
4			
5			
6	Los Angeles, CA 90013 Telephone: (213) 897-9444		
7	Facsimile: (213) 897-9395 E-mail: Christina.Sein@doj.ca.gov		
8	Attorneys for Complainant		
9	BEFORE THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF C	CALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 1A-2009-199	
12 13	JYUNG WOOK EOM, L.AC.	OAH No. 2014110889	
13	Seocho Gu Seocho Dong 1714-33 Seoul, Korea South	STIPULATED SURRENDER OF	
15	Acupuncturist License No. AC 12453,	LICENSE AND ORDER	
16	Respondent.		
17			
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
19	entitled proceedings that the following matters are true:		
20	PARTIES		
21	1. Terri Thorfinnson (Complainant) is the Executive Officer of the Acupuncture Board		
22	(Board), Department of Consumer Affairs. She brought this action solely in her official capacity		
23	and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,		
24 25	by Christina L. Sein, Deputy Attorney General.		
26	2. Jyung Wook Eom, L.Ac. (Respondent) is represented in this proceeding by attorney		
27	<ul> <li>John H. Oh, Esq., whose address is 4221 Wilshire Blvd., Suite 333, Los Angeles, CA 90010.</li> <li>3. On or about April 3, 2008, the Board issued Acupuncturist License No. AC 12453 to</li> </ul>		
28	Respondent. The Acupuncturist License was in		
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Stipulated Surrender of License (Case No. 1A-2009-199)

1	charges brought in Accusation No. 1A-2009-199 and will expire on February 29, 2016, unless	
2	renewed.	
3	JURISDICTION	
4	4. Accusation No. 1A-2009-199 was filed before the Board and is currently pending	
5	against Respondent. The Accusation and all other statutorily required documents were properly	
6	served on Respondent on October 16, 2014. Respondent filed his Notice of Defense contesting	
7	the Accusation. A copy of Accusation No. 1A-2009-199 is attached as Exhibit A and	
8	incorporated by reference.	
9	ADVISEMENT AND WAIVERS	
10	5. Respondent has carefully read, fully discussed with counsel, and understands the	
11	charges and allegations in Accusation No. 1A-2009-199. Respondent also has carefully read,	
12	fully discussed with counsel, and understands the effects of this Stipulated Surrender of License	
13	and Order.	
14	6. Respondent is fully aware of his legal rights in this matter, including the right to a	
15	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at	
16	his own expense; the right to confront and cross-examine the witnesses against him; the right to	
17	present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel	
18	the attendance of witnesses and the production of documents; the right to reconsideration and	
19	court review of an adverse decision; and all other rights accorded by the California	
20	Administrative Procedure Act and other applicable laws.	
21	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and	
22	every right set forth above.	
23	CULPABILITY	
24	8. Respondent admits the truth of each and every charge and allegation in Accusation	
25	No. 1 A-2009-199, agrees that cause exists for discipline and hereby surrenders his Acupuncturist	
26	License No. AC 12453 for the Board's formal acceptance.	
27	9. Respondent understands that by signing this stipulation he enables the Board to issue	
28	an order accepting the surrender of his Acupuncturist License without further process.	
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1	CONTINGENCY	
2	10. This stipulation shall be subject to approval by the Acupuncture Board. Respondent	
3	understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may	
4	communicate directly with the Board regarding this stipulation and surrender, without notice to or	
5	participation by Respondent or his counsel. By signing the stipulation, Respondent understands	
6	and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the	
7	time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its	
8	Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or	
9	effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,	
10	and the Board shall not be disqualified from further action by having considered this matter.	
11	11. The parties understand and agree that Portable Document Format (PDF) and facsimile	
12	copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures	
13	thereto, shall have the same force and effect as the originals.	
14	12. In consideration of the foregoing admissions and stipulations, the parties agree that	
15	the Board may, without further notice or formal proceeding, issue and enter the following Order:	
16	ORDER	
17	IT IS HEREBY ORDERED that Acupuncturist License No. AC 12453, issued to	
18	Respondent Jyung Wook Eom, L.Ac., is surrendered and accepted by the Acupuncture Board.	
19	1. The surrender of Respondent's Acupuncturist License and the acceptance of the	
20	surrendered license by the Board shall constitute the imposition of discipline against Respondent.	
21	This stipulation constitutes a record of the discipline and shall become a part of Respondent's	
22	license history with the Acupuncture Board.	
23	2. Respondent shall lose all rights and privileges as an acupuncturist in California as of	
24	the effective date of the Board's Decision and Order.	
25	3. Respondent shall cause to be delivered to the Board his pocket license and, if one was	
26	issued, his wall certificate on or before the effective date of the Decision and Order.	
27	4. If Respondent ever files an application for licensure or a petition for reinstatement in	
28	the State of California, the Board shall treat it as a petition for reinstatement. Respondent must	
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	Stipulated Surrender of License (Case No. 1A-2009-199)	

1	comply with all the laws, regulations and procedures for reinstatement of a revoked license in	
2	effect at the time the petition is filed, and all of the charges and allegations contained in	
3	Accusation No. 1A-2009-199 shall be deemed to be true, correct and admitted by Respondent	
4	when the Board determines whether to grant or deny the petition.	
5	5. If Respondent should ever apply or reapply for a new license or certification, or	
6	petition for reinstatement of a license, by any other health care licensing agency in the State of	
7	California, all of the charges and allegations contained in Accusation, No. 1A-2009-199 shall be	
8	deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of	
9	Issues or any other proceeding seeking to deny or restrict licensure.	
10	6. Respondent shall pay the Board its costs of investigation and enforcement in the	
11	amount of \$2,847.50 prior to issuance of a new or reinstated license.	
12	ACCEPTANCE	
13	I have carefully read the above Stipulated Surrender of License and Order and have fully	
14	discussed it with my attorney, John H. Oh, Esq. I understand the stipulation and the effect it will	
15	have on my Acupuncturist License. I enter into this Stipulated Surrender of License and Order	
16	voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the	
17	Acupuncture Board.	
18		
19	DATED: 6/10/20/3	
20	JYUNG WOOK EOM, L.AC. Respondent	
21	I have read and fully discussed with Respondent Jyung Wook Eom, L.Ac. the terms and	
22	conditions and other matters contained in this Stipulated Surrender of License and Order. I	
23	approve its form and content.	
24	DATED: 6/10/2015	
25	JOHN H. OH, ESQ. Attorney for Respondent	
26		
27	[Endorsement on following page]	
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	II Stipulated Surrander of Liggree (Open No. 14, 2000, 100)	

Stipulated Surrender of License (Case No 1A-2009-199)

1	1 ENDORSEMENT	ENDORSEMENT	
2	2 The foregoing Stipulated Surrender of License and Order is he	ereby respectfully submitted	
3	3 for consideration by the Acupuncture Board of the Department of C	onsumer Affairs.	
4	4 Dated: JUNE 10,2015 Respectfully su	ıbmitted,	
5	5 Kamala D. Ha	ARRIS	
6	6 JUDITH T. ALV	ral of California ARADO	
7		eputy Attorney General	
8	8 Cital		
9	9 CHRISTINA L. S Deputy Attorne		
10	10 Attorneys for C	Complainant	
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# Exhibit A

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Accusation No. 1A-2009-199

. '	· 1	Kamala D. Harris	
	2	Attorney General of California JUDITH T. ALVARADO	FILED
	3	Supervising Deputy Attorney General CHRISTINA L. SEIN	OCT 1 6 2014
	4	Deputy Attorney General State Bar No. 229094	>
	5	California Department of Justice 300 So. Spring Street, Suite 1702	ACUPUNCTURE BOARD
	6	Los Angeles, CA 90013 Telephone: (213) 897-9444 Facsimile: (213) 897-9395	· · · · ·
	7	Attorneys for Complainant	* <sub>2</sub> .
	8	BEFORE THI	
	9	ACUPUNCTURE B DEPARTMENT OF CONSU STATE OF CALIFO	MER AFFAIRS
	10		<b>J</b> RNIA
	11	In the Matter of the Accusation Against: Case 1	No. 1A-2009-199
	12	JYUNG WOOK EOM, L.Ac. Seocho Gu Seocho Dong 1714-33	Υ. Υ
80	13		CUSATION
	14	Acupuncturist License No. AC 12453,	
	15	Respondent.	
	16		
	17	Complanant alleges.	a
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	19		is Accusation solely in her official capacity
	20	as the Excentive Officer of the Neupanetare Board, De	partment of Consumer Affairs.
	21		e Board issued Acupuncturist License
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	23	Tan Toroo and orroot at an times torovant to the onargos	brought herein and will expire on February
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		· · · ·	Accusation (1A-2009-199)

i	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	۰۰۰۰. ۲	
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	7 costs of the investigation and prosecution of the case.	
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	Accusation (1A-2009-199)	

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"(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.

"(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

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

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#### FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to Qualifications, Functions, or Duties of an Acupuncturist)

7. Respondent is subject to disciplinary action under section 4955, subdivision (b), of
the Code in that he was convicted of crimes, to wit: violation of California Penal Code section
243(d) [battery with serious bodily injury] and California Penal Code section 245(a)(1) [assault
by means likely to produce great bodily injury], substantially related to the qualifications,
functions or duties of a an acupuncturist, as more particularly alleged hereinafter:

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8. Respondent is an acupuncturist licensed to practice in California.

9. On or about October 15, 2009, at approximately 2:25 p.m., officers of the Los
Angeles Police Department received a radio call indicating that there were two male Asians
fighting against one male Asian inside a parking garage. Upon arrival at the scene, officers
observed three male Asians, no longer fighting, with visible injuries to their faces. One of the
men, later identified as the victim, was unable to respond to questions because he was too
disoriented from his injuries.

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

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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.

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

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

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

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Accusation (1A-2009-199)

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

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

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

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#### SECOND CAUSE FOR DISCIPLINE

# (Conduct That Would Have Warranted Denial of License)

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

# THIRD CAUSE FOR DISCIPLINE

# (Act Involving Dishonesty)

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

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a.	
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.
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17	TERRI THORFILMSON
18	Redpuncture Dourd
19	State of California
20	Complainant
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	Accusation (1A-2009-199)