

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

In the Matter of the Accusation Against:

KYUNG KIM, L.Ac.
2772 West Sepulveda Blvd., #28
Torrance, CA 90505

Acupuncturist License No. AC14723,

Respondent.

Case No. 1A-2014-221

OAH No. 2016071020

DECISION AND ORDER

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

This Decision shall become effective on February 8, 2017.

It is so ORDERED January 9, 2017.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
4 State Bar No. 82958
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 **KYUNG KIM, L.Ac.**
13 2772 West Sepulveda Blvd., #28
Torrance, CA 90505

14 Acupuncturist License No. AC14723,

15 Respondent.
16

Case No. 1A-2014-221

OAH No. 2016071020

17
18 **STIPULATED SETTLEMENT AND**
DISCIPLINARY ORDER

19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Benjamin Bodea (“Complainant”) is the Interim Executive Officer of the
22 Acupuncture Board. He brought this action solely in his official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Wendy Widlus,
24 Deputy Attorney General.

25 2. Kyung Kim, L.Ac. (Respondent) is represented in this proceeding by attorney Rizza
26 D. Gonzales, whose address is: 5200 W. Century Boulevard, Suite 345, Los Angeles, CA 90045.

27 3. On or about March 26, 2012, the Board issued Acupuncturist License No. AC14723
28 Respondent. The Acupuncturist License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 1A-2014-221, and will expire on September 30, 2017, unless
2 renewed.

3 **JURISDICTION**

4 4. Accusation No. 1A-2014-221 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 June 15, 2016. Respondent timely filed her Notice of Defense
7 contesting the Accusation.

8 5. A copy of Accusation No. 1A-2014-221 is attached as exhibit A and incorporated
9 herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 1A-2014-221. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
17 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of
19 documents; the right to reconsideration and court review of an adverse decision; and all other
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 1A-2014-221.

26 10. Respondent agrees that her Acupuncturist License is subject to discipline and she
27 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

28 **CONTINGENCY**

1 11. This stipulation shall be subject to approval by the Acupuncture Board. Respondent
2 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may
3 communicate directly with the Board regarding this stipulation and settlement, without notice to
4 or participation by Respondent or her counsel. By signing the stipulation, Respondent
5 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation
6 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
7 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
8 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
9 and the Board shall not be disqualified from further action by having considered this matter.

10 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
11 copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as
12 the originals.

13 13. In consideration of the foregoing admissions and stipulations, the parties agree that
14 the Board may, without further notice or formal proceeding, issue and enter the following
15 Disciplinary Order:

16 **DISCIPLINARY ORDER**

17 **IT IS HEREBY ORDERED** that Acupuncturist License No. AC14723 issued to
18 Respondent Kyung Kim, L.Ac. is revoked. However, the revocation is stayed and Respondent is
19 placed on probation for two (2) years on the following terms and conditions.

20 1. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND
21 SAMPLES Respondent shall abstain completely from the personal use or possession of
22 controlled substances as defined in the California Uniform Controlled Substances Act (Division
23 10, commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by
24 Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.
25 Respondent shall abstain completely from the use of alcoholic beverages. Respondent shall
26 undergo random, biological fluid testing as determined by the Board. Respondent shall bear all
27 costs of such testing. The length of time and frequency will be determined by the Board. Any
28 confirmed positive finding will be considered a violation of probation.

1 2. TWELVE STEP MEETINGS Effective 60 days from the date of this Decision,
2 Respondent is required to attend Twelve Step meetings or the equivalent as approved by the
3 Board at least two times a week during the first three months of probation; and/or other substance
4 abuse recovery programs approved by the Board. Respondent shall provide documentation of
5 attendance at Twelve Step meetings or the equivalent as approved by the Board.

6 3. SURVEILLANCE PROGRAM Respondent shall comply with the Board's
7 probation surveillance program and shall, upon reasonable notice, report to the assigned
8 investigative district office. Respondent shall contact the assigned probation surveillance monitor
9 regarding any questions specific to the probation order. Respondent shall not have any
10 unsolicited or unapproved contact with 1) victims or complainants associated with the case;
11 2) Board members or members of its staff; or 3) persons serving the Board as expert examiners.

12 4. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING
13 Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to
14 ensure compliance for the duration of the probation period.

15 5. OBEY ALL LAWS Respondent shall obey all federal, state and local laws and all
16 regulations governing the practice of acupuncture in California. A full and detailed account of
17 any and all violations of law shall be reported by the respondent to the Board in writing within
18 seventy-two (72) hours of occurrence.

19 6. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
20 penalty of perjury on forms provided by the Board, stating whether there has been compliance
21 with all the conditions of probation.

22 7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
23 person for interviews with the Board or its designee upon request at various intervals and with
24 reasonable notice.

25 8. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
26 through the assigned probation surveillance compliance officer of any and all changes of
27 employment, location and address within 30 days of such change.

28 9. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event

1 Respondent should leave California to reside or to practice outside the State, Respondent must
2 notify the Board in writing of the dates of departure and return. Periods of residency or practice
3 outside California will not apply to the reduction of this probationary period.

4 10. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
5 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
6 this probation. Respondent shall terminate any such supervisorial relationship in existence on the
7 effective date of this probation.

8 11. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
9 enforcement in the amount of \$2,347.50. Respondent shall be permitted to pay these costs in a
10 payment plan approved by the Board, with payments to be completed no later than three months
11 prior to the end of the probation term. Cost recovery will not be tolled. Respondent understands
12 that failure to timely pay costs is a violation of probation, and submission of evidence
13 demonstrating financial hardship does not preclude the Board from pursuing further disciplinary
14 action. However, Respondent understands that providing evidence and supporting documentation
15 of financial hardship may delay further disciplinary action. Consideration to financial hardship
16 will not be given should Respondent violate this term and condition, unless an unexpected AND
17 unavoidable hardship is established from the date of this order to the date payment(s) is due.

18 12. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
19 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and
20 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
21 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
22 matter is final, and the period of probation shall be extended until the matter is final. No petition
23 for modification or termination of probation shall be considered while there is an accusation or
24 petition to revoke probation pending against Respondent.

25 13. COMPLETION OF PROBATION Upon successful completion of probation,
26 Respondent's license will be fully restored.

27 //

28 //

1 **ACCEPTANCE**


2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Rizza D. Gonzales. I understand the stipulation and the effect it
4 will have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Acupuncture Board.

7
8 DATED: 10/10/2016

9 
10 _____
11 KYUNG KIM, L.Ac.
12 Respondent

13 I have read and fully discussed with Respondent KYUNG KIM, L.Ac. the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
15 I approve its form and content.

16 DATED: 10/11/16

17 
18 _____
19 RIZZA D. GONZALES
20 Attorney for Respondent

21 **ENDORSEMENT**


22 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
23 submitted for consideration by the Acupuncture Board.

24 Dated:

25 
26 October 13, 2016

27 Respectfully submitted,

28 KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General


WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2014-221