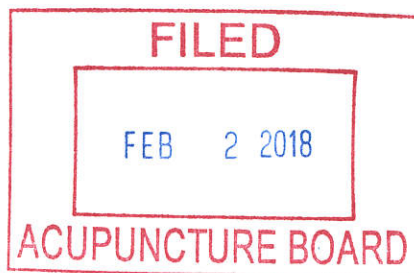


1 XAVIER BECERRA  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
4 State Bar No. 82958  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6457  
Facsimile: (213) 897-9395  
7 E-mail: Wendy.Widlus@doj.ca.gov  
*Attorneys for Complainant*  
8



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

11 In the Matter of the Accusation/Petition to  
12 Revoke Probation Against:

Case No. D1-2011-85

13 **CHANG HO OH, L.Ac.**  
14 **1218 S. Norton Avenue #302**  
**Los Angeles, CA 90019**  
15 **Acupuncturist License No. AC 6985**

**A C C U S A T I O N AND PETITION TO  
REVOKE PROBATION**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Benjamin Bodea (Complainant) brings this Accusation and Petition to Revoke  
21 Probation solely in his official capacity as the Executive Officer of the Acupuncture Board,  
22 Department of Consumer Affairs.

23 2. On or about January 20, 2000, the Acupuncture Board issued Acupuncturist License  
24 Number AC 6985 to Chang Ho Oh, L.Ac. (Respondent). The Acupuncturist License was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on February 28,  
26 2019, unless renewed.

27 3. In a disciplinary action entitled "*In the Matter of Accusation Against Chang Ho Oh,*  
28 *L.Ac.*," Case No. 1A-2011-85, the Acupuncture Board issued a decision, effective July 12, 2013,

1 in which Respondent's Acupuncturist License was revoked. However, the revocation was stayed  
2 and Respondent's Acupuncturist License was placed on probation for a period of five (5) years  
3 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is  
4 incorporated by reference.

## 5 JURISDICTION

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

9 5. Section 4928.1 of the Code states:

10 "Protection of the public shall be the highest priority for the Acupuncture Board in  
11 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the  
12 public is inconsistent with other interests sought to be promoted, the protection of the public shall  
13 be paramount."

14 6. Section 4927, of the Code states:

15 "As used in this chapter, unless the context otherwise requires:

16 "(a) "Board" means the Acupuncture "Board"

17 "(b) "Person" means any individual, organization, or corporate body, except that only  
18 individuals may be licensed under this chapter.

19 "(c) "Acupuncturist" means an individual to whom a license has been issued to practice  
20 acupuncture pursuant to this chapter, which is in effect and is not suspended or revoked.

21 "(d) "Acupuncture" means the stimulation of a certain point or points on or near the  
22 surface of the body by the insertion of needles to prevent or modify the perception of pain or to  
23 normalize physiological functions, including pain control, for the treatment of certain diseases or  
24 dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and  
25 moxibustion.

26 7. Section 4937 of the Code states:

27 "An acupuncturist's license authorizes the holder thereof:

28 "(a) To engage in the practice of acupuncture.

1           “(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques,  
2 exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and  
3 dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any  
4 person who does not possess an acupuncturist’s license or another license as a healing arts  
5 practitioner from performing, or prescribing the use of any modality listed in this subdivision.

6           “(c) For purposes of this section, a ‘magnet’ means a mineral or metal that produces a  
7 magnetic field without the application of an electric current.

8           “(d) For purposes of this section, ‘plant, animal, and mineral products’ means naturally  
9 occurring substances of plant, animal, or mineral origin, except that it does not include synthetic  
10 compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a  
11 controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the  
12 Health and Safety Code.

13           “(e) For purposes of this section, ‘dietary supplement’ has the same meaning as defined in  
14 subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary  
15 supplement does not include controlled substances or dangerous drugs as defined in Section 4021  
16 or 4022, or a controlled substances listed in Chapter 2 (commencing with Section 11053) of  
17 Division 10 of the Health and Safety Code. “

18           8. Section 4955 of the Code states, in pertinent part:

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

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

22           “ . .

23           “(b) Conviction of a crime substantially related to the qualifications, functions or  
24 duties of an acupuncturist

25           “(c) False or misleading advertising.

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

1           “(h) Disciplinary action taken by any public agency for any act substantially related  
2 to the qualifications, functions, or duties of an acupuncturist or any professional health care  
3 licensee.

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

6           “(j) The violation of any law or local ordinance on an acupuncturist's business  
7 premises by an acupuncturist's employee or a person who is working under the acupuncturist's  
8 professional license or business permit, that is substantially related to the qualifications, functions,  
9 or duties of an acupuncturist. These violations shall subject the acupuncturist who employed the  
10 individuals, or under whose acupuncturist license the employee is working, to disciplinary action.

11           “...”

12           9. Section 4955.1 of the Code states, in pertinent part:

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

16           “... ”

17           “(b) Committing a fraudulent or dishonest act as an acupuncturist.

18           “... ”

19           10. Section 4961 of the Code states, in pertinent part:

20           “(a) Every person who is now or hereafter licensed to practice acupuncture in this state  
21 shall register, on forms prescribed by the Acupuncture Board, his or her place of practice, or, if he  
22 or she has more than one place of practice, all of the places of practice. If the licensee has no  
23 place of practice, he or she shall notify the board of that fact. A person licensed by the board  
24 shall register within 30 days after the date of his or her licensure.

25           “... ”

26           “(c) Any licensee that changes the location of his or her place of practice shall register each  
27 change within 30 days of making that change. In the event a licensee fails to notify the board of  
28 any change in the address of a place of practice within the time prescribed by this section, the



1 board may deny renewal of licensure. An applicant for renewal of licensure shall specify in his  
2 or her application whether or not there has been a change in the location of his or her place of  
3 practice and, if so, the date of that change. The board may accept that statement as evidence of  
4 the change of address.”

5 11. Section 731 of the Code states:

6 “(a) Any person licensed, certified, registered, or otherwise subject to regulation pursuant  
7 to this division [Division 2, Healing Arts, commencing with section 500 of the Business and  
8 Professions Code] who engages in, or who aids or abets in, a violation of Section 266h, 266i, 315,  
9 316, or 318 of, or subdivision (a) or (b) of Section 647 of, the Penal Code occurring in the work  
10 premises of, or work area under the direct professional supervision or control of, that person, shall  
11 be guilty of unprofessional conduct. The license, certification, or registration of that person shall  
12 be subject to denial, suspension, or revocation by the appropriate regulatory entity under this  
13 division.

14 “(b) In addition to any penalty provided under any other provision of law, a violation of  
15 subdivision (a) shall subject the person to a civil penalty in an amount not to exceed two thousand  
16 five hundred dollars (\$2,500) for the first offense, and not to exceed five thousand dollars  
17 (\$5,000) for each subsequent offense, which may be assessed and recovered in a civil action  
18 brought by any district attorney. If the action is brought by a district attorney, the penalty  
19 recovered shall be paid to the treasurer of the county in which the judgment was entered.”

20 12. California Penal Code section 647 states, in pertinent part:

21 “. . .

22 “(b)(1) (b) (1) An individual who solicits, or who agrees to engage in, or who engages in,  
23 any act of prostitution with the intent to receive compensation, money, or anything of value from  
24 another person. An individual agrees to engage in an act of prostitution when, with specific intent  
25 to so engage, he or she manifests an acceptance of an offer or solicitation by another person to so  
26 engage, regardless of whether the offer or solicitation was made by a person who also possessed  
27 the specific intent to engage in an act of prostitution.

28 “. . .”

1           13. California Penal Code section 415 states:

2           “Any of the following persons shall be punished by imprisonment in the county jail for a  
3 period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such  
4 imprisonment and fine:

5           “(1) Any person who unlawfully fights in a public place or challenges another person in a  
6 public place to fight.

7           “(2) Any person who maliciously and willfully disturbs another person by loud and  
8 unreasonable noise.

9           “(3) Any person who uses offensive words in a public place which are inherently likely to  
10 provoke an immediate violent reaction.”

11           14. California Penal Code section 11225 states:

12           “(a)(1) Every building or place used for the purpose of illegal gambling as defined by state  
13 law or local ordinance, lewdness, assignation, or prostitution, and every building or place in or  
14 upon which acts of illegal gambling as defined by state law or local ordinance, lewdness,  
15 assignation, or prostitution, are held or occur, is a nuisance which shall be enjoined, abated, and  
16 prevented, and for which damages may be recovered, whether it is a public or private nuisance.

17           “(2) Nothing in this subdivision shall be construed to apply the definition of a nuisance to a  
18 private residence where illegal gambling is conducted on an intermittent basis and without the  
19 purpose of producing profit for the owner or occupier of the premises.

20           “(b)(1) Notwithstanding any other law, every building or place used for the purpose of  
21 human trafficking, and every building or place in or upon which acts of human trafficking are  
22 held or occur, is a nuisance which shall be enjoined, abated, and prevented, and for which  
23 damages may be recovered, whether it is a public or private nuisance.

24           “(2) For purposes of this subdivision, human trafficking is defined in Section 236.1.

25           “(c)(1) Every building or place used as a bathhouse which as a primary activity encourages  
26 or permits conduct that according to the guidelines of the federal Centers for Disease Control and  
27 Prevention can transmit AIDS, including, but not limited to, anal intercourse, oral copulation, or  
28 vaginal intercourse, is a nuisance which shall be enjoined, abated, and prevented, and for which

1 damages may be recovered, whether it is a public or private nuisance.

2 “(2) For purposes of this subdivision, a “bathhouse” means a business which, as its primary  
3 purpose, provides facilities for a spa, whirlpool, communal bath, sauna, steam bath, mineral bath,  
4 mud bath, or facilities for swimming.”

5 15. California Civil Code section 3479 states:

6 “Anything which is injurious to health, including, but not limited to, the illegal sale of  
7 controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of  
8 property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully  
9 obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay,  
10 stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.”

11 16. California Civil Code section 3480 states:

12 “A public nuisance is one which affects at the same time an entire community or  
13 neighborhood, or any considerable number of persons, although the extent of the annoyance or  
14 damage inflicted upon individuals may be unequal.”

15 17. Oakland Municipal Code section 5.36.250 states:

16 “5.36.250 - Operating requirements—Massage therapist and massage therapist trainees.

17 “A. Identification Card. All massage therapists and massage therapist trainees shall carry  
18 on his or her person at all times during business operations and be able to produce upon request  
19 an identification badge with their name, photograph, and permit number and expiration date  
20 thereof. The city shall issue such badges to permittees.

21 “B. Cleanliness. All massage therapists and trainees shall wash their hands before  
22 administering a massage. All massage therapists and trainees shall be free of any communicable  
23 disease. Instruments for massage shall be sanitized before each use by approved sanitization  
24 methods.

25 “C. Appropriate Attire. Massage therapists and massage therapist trainees shall be fully  
26 closed at all times and shall wear clean outer garments that are of a fully opaque, nontransparent  
27 material that provides complete covering from at least the mid thigh to two inches below the  
28 collarbone. The midriff may not be exposed.



1           20. The circumstances underlying Respondent's guilty plea as stated above are as follows:  
2 Respondent was the licensed owner of "J Acupuncture", a business in Riverside County,  
3 California, which was investigated by local law enforcement investigators during a compliance  
4 check of businesses with regard to various labor and insurance laws. The businesses chosen by  
5 the investigators were suspected of operating as houses of prostitution.

6           21. During a conversation with an investigator Respondent stated he was not the owner of  
7 "J Acupuncture", despite being shown his business and acupuncture licenses which had been  
8 removed from the "J Acupuncture" wall by the investigators during the compliance check.

9           22. When shown the abovementioned business and acupuncture licenses Respondent  
10 stated that two women owned the "J Acupuncture", the business where the licenses were  
11 displayed.

12           23. Respondent later admitted that he did in fact own "J Acupuncture" when he pled  
13 guilty to a violation of Business and Professions Code section 119 (e).

14           24. After Respondent was convicted he was on probation for three years, sentenced to 30  
15 days in jail, ordered to pay a series of fines, and ordered to comply with various terms and  
16 conditions of probation, including that he not be involved in any business which is involved in  
17 prostitution.

18           25. Respondent acknowledged he did own "J Acupuncture" when he specifically  
19 admitted the truth of the First Cause for Discipline in Accusation 1A-2011-85 in the Stipulated  
20 Settlement and Disciplinary Order which he signed on February 19, 2013. Respondent's  
21 stipulation formed the basis for the Board's decision, effective July 12, 2013, placing him on  
22 probation for a period of five (5) years under various terms and conditions.

23           26. Respondent's probationary terms and conditions included Condition 3, Obey All  
24 Laws, and Condition 7, notification to the Board of Changes of Employment.

25           27. On or about April 29, 2015, the Oakland California City Attorney (OCA) filed civil  
26 complaint RG15768389 (complaint RG15768389) in Alameda Superior Court against  
27 Respondent and other defendants. The complaint was filed for injunctive relief, other equitable  
28 relief and civil penalties. Complaint RG15768389 alleged violations of Penal Code section



1 11225, subsection (a) (Red Light Abatement Act), California Civil Code sections 3479 and 3480  
2 (public nuisance), and Oakland Municipal Code section 5.36.250 subsection (a) which regulates  
3 massage establishments and massage therapists.

4 28. Complaint RG15768389 alleged the two pieces of commercial property located at 698  
5 Hegenberger Road, Oakland, California, owned and maintained by Respondent since 2013 as  
6 “Green Acupuncture and Relaxation” and “Green Massage Therapy” created a public nuisance  
7 due to its reputation and actual use for prostitution.

8 29. Complaint RG15768389 alleged defendants failed to maintain and operate a massage  
9 establishment with a valid City of Oakland massage establishment permits, utilized online  
10 advertisements which were overtly sexual in nature, in violation of Oakland Municipal Code  
11 (OMC) Section 5.36.160, subsection (j), employed massage therapists who failed to remain  
12 appropriately and fully clothed at all times during work hours, in violation of OMC section  
13 5.36.250, subsection (c), employed massage therapists who touched patron’s clothed or unclothed  
14 erogenous areas before, after, or during any massage service in violation of OMC section 5.36.250  
15 subsection, (a), employed massage therapists who did not have City of Oakland massage therapist  
16 permits in violation of OMC section 5.36.250, subsection (a), and employed massage therapists  
17 who failed to carry identification badges at all times in violation of OMC section 5.36.250,  
18 subsection (a).

19 30. Respondent listed himself as the Owner-Agent on his application to the City of  
20 Oakland for a zoning permit for his acupuncture business located at 698 Hegenberger Road which  
21 the city approved on October 17, 2013.

22 31. The City of Oakland Business License Verification form shows the city provided  
23 Respondent with a business license for Green Acupuncture & Relaxation located at 698  
24 Hegenberger Road, Oakland, California.

25 32. On or about July 17, 2014, the Oakland Police Department (OPD) conducted an  
26 undercover operation at 698 Hegenberger Road. During the undercover operation two separate  
27 women solicited two different officers and offered sex in exchange for money. OPD arrested  
28 each woman for violating Penal Code section 647, subsection (b). The women were ultimately

1 convicted of violating Penal Code section 415.

2 33. On or about February 3, 2015, OPD conducted an undercover operation at 698  
3 Hegenberger Road. During the undercover operation two separate women solicited two different  
4 officers during a massage session and offered sex in exchange for money. OPD arrested each  
5 woman for soliciting undercover officers for sex in exchange for money. OPD arrested each  
6 woman for violating Penal Code section 647, subsection (b). The women were ultimately  
7 convicted of violating Penal Code section 415.

8 34. The City of Oakland business tax certificates show several weeks after the OPD  
9 undercover operation on February 3, 2015, ownership of the massage establishment at 698  
10 Hegenberger Road changed from Respondent to one of the other defendants named in Complaint  
11 RG15768389.

12 35. Notwithstanding the changed ownership names on the business tax certificates “Green  
13 Acupuncture and Relaxation” and “Green Massage Therapy” continued operating as the same  
14 business with similar online advertisements and the same business telephone number,

15 36. On or about December 6, 2016, the Honorable Iona Petrou granted the OCA request  
16 for Entry of Default Judgement against Respondent on all causes of action in the complaint. The  
17 Court ordered that Respondent be perpetually enjoined from directly or indirectly maintaining a  
18 nuisance at 698 Hegenberger Road, that he pay \$24,000.00 in civil penalties and awarded  
19 reasonable attorney’s fees in the amount of \$39,620.35 to OCA.

20 37. Respondent failed to notify the Board or his probation monitor that he owned “Green  
21 Acupuncture and Relaxation” and “Green Massage Therapy”

22 38. Respondent failed to register “Green Acupuncture and Relaxation” and “Green  
23 Massage Therapy”

24 39. Respondent failed to notify the Board or his probation monitor that the City of  
25 Oakland filed the complaint against him.

26 40. Respondent failed to notify the Board or his probation monitor that the City of  
27 Oakland obtained a Default Judgment against him on all causes of action in the complaint.

28 //

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 41. Respondent is subject to disciplinary action under Code section 4955, for  
4 unprofessional conduct pursuant to Code section 4955, subdivisions (c), (d), (h), (i) and (j), in that  
5 he utilized false or misleading advertising, aided or abetted, violated and conspired in, directly  
6 and indirectly in the violation of the laws and/or regulations adopted by the board, was subjected  
7 to disciplinary action taken by a public agency for acts substantially related to the qualifications,  
8 functions, or duties of an acupuncturist or any professional health care licensee, engaged in  
9 actions and conduct which would have warranted the denial of his acupuncture license, and  
10 permitted and allowed the violation of laws or local ordinances on his business premises by an  
11 employee or a person working under his professional license or business permit, which is  
12 substantially related to the qualifications, functions, or duties of an acupuncturist, thereby  
13 engaging in unprofessional conduct. The circumstances are as follows:

14 42. The facts and circumstances in paragraphs 19 through 40 are incorporated by  
15 reference as if set forth in full herein.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Commission of Fraudulent Acts)

18 43. Respondent is subject to disciplinary action under Code section 4955.1, subdivision  
19 (b), in that he committed fraudulent acts. The circumstances are as follows:

20 44. The facts and circumstances in paragraphs 27 through 36 are incorporated by  
21 reference as if set forth in full herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Violation of Practice Act)

24 45. Respondent is subject to disciplinary action under Code section 4961, subdivisions (a)  
25 and (c), in that he failed to register all his places of practice, and failed to register changes of his  
26 places of practice within 30 days of making that change thereby violating the Practice Act. The  
27 circumstances are as follows:

28 46. The facts and circumstances in paragraphs 28, 30, 31, 34, 37, and 38 are incorporated

1 by reference as if set forth in full herein.

## 2 **FIRST CAUSE TO REVOKE PROBATION**

3 (Failure to Obey All Laws)

4 47. At all times after the effective date of Respondent's probation, Condition 3, Obey All  
5 Laws, stated:

6 "Respondent shall obey all federal, state and local laws and all regulations governing  
7 the practice of acupuncture in California. A full and detailed account of any and all violations of  
8 law shall be reported by the Respondent to the Board in writing within seventy two [sic] hours of  
9 occurrence."

10 48. Respondent's probation is subject to revocation because he failed to comply with  
11 Probation Condition 3, referenced above. The facts and circumstances regarding this are as  
12 follows:

13 A. The Alameda Superior Court issued a default decision against Respondent on all  
14 causes of action in in civil complaint RG15768389 granting injunctive relief, other equitable  
15 relief and civil penalties due to violations of Penal Code section 11225, subsection (a), California  
16 Civil Code sections 3479 and 3480, and Oakland Municipal Code section 5.36.250 subsection (a)  
17 at Respondent's acupuncture practice.

18 B. Respondent operated and maintained a massage establishment without obtaining a  
19 valid City of Oakland massage establishment permit.

20 C. Respondent utilized overtly sexual online advertisements in violation of OMC  
21 Section 5.36.160(j).

22 D. Respondent employed massage therapists who failed to remain appropriately and fully  
23 clothed at all times during work hours, in violation of OMC section 5.36.250(c).

24 E. Respondent employed massage therapists who touched patron's clothed or unclothed  
25 erogenous areas before, after, or during any massage service in violation of OMC section  
26 5.36.250(a).

27 F. Respondent employed massage therapists who did not have City of Oakland massage  
28 therapist permits in violation of OMC section 5.36.250(a), and employed massage therapists who

1 failed to carry identification badges at all times in violation of OMC section 5.36.250(a).

2 G. Respondent employed two workers and permitted them to solicit clients to perform  
3 sexual acts in exchange for money thereby violating Penal Code section 647(b) on or about July  
4 17, 2014.

5 H. Respondent employed two workers and permitted them to solicit clients to perform  
6 sexual acts in exchange for money on February 3, 2015, thereby violating Penal Code section  
7 647(b).

8 I. Respondent failed to register “Green Acupuncture and Relaxation” and “Green  
9 Massage Therapy” as required by Code section 4961, subdivisions (a) and (c).

10 J. Respondent failed to report to the Board or provide the Board with a full and detailed  
11 written account of the violations alleged in paragraphs A through I, above.

12 49. At all times after the effective date of Respondent’s probation, Condition 7, Changes  
13 of Employment, stated:

14 “Respondent shall notify the Board in writing, through the assigned probation  
15 surveillance compliance officer of any and all changes of employment, locations and address  
16 within 30 days of such change.”

17 50. Respondent’s probation is subject to revocation because he failed to comply with  
18 Probation Condition 7, referenced above. The facts and circumstances regarding this are as  
19 follows:

20 A. Respondent failed to notify the Board of his ownership of “Green Acupuncture and  
21 Relaxation” and “Green Massage Therapy” located at 698 Hegenberger Road, Oakland,  
22 California, owned and maintained by Respondent since 2013.

23 B. Respondent failed to notify the Board of the change of ownership of the massage  
24 establishment at 698 Hegenberger Road to one of the other defendants named in the complaint  
25 after the February 3, 2015, OPD undercover operation.

26 **DISCIPLINE CONSIDERATIONS**

27 51. To determine the degree of discipline, if any, to be imposed on Respondent,  
28 Complainant alleges that on or about July 12, 2013, in a prior disciplinary action entitled *In the*



1 *Matter of the Accusation Against Chang Ho Oh, L.Ac.* before the Acupuncture Board, in Case  
2 Number 1A-2011-85. Respondent's license was revoked, the revocation was stayed and  
3 Respondent's Acupuncturist License was placed on probation for a period of five (5) years with  
4 certain terms and conditions. That decision is now final and is incorporated by reference as if  
5 fully set forth.

6 **PRAYER**

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

9 1. Revoking the probation that was granted by the Acupuncture Board in Case No. 1A-  
10 2015-50 and imposing the disciplinary order that was stayed thereby revoking Acupuncturist  
11 License No. AC 6985 issued to Chang Ho Oh, L.Ac., L.Ac.;

12 2. Revoking or suspending Acupuncturist License No. AC 6985 issued to Chang Ho Oh,  
13 L.Ac.;

14 3. Ordering Chang Ho Oh, L.Ac., to pay the Acupuncture Board the reasonable costs of  
15 the investigation and enforcement of this case pursuant to Business and Professions Code section  
16 4959;

17 4. If placed on probation, ordering him to pay to the Acupuncture Board the costs of  
18 probation monitoring; and,

19 5. Taking such other and further action as deemed necessary and proper.

20  
21  
22 DATED:           **FEB 02 2018**          

  
23 BENJAMIN BODEA  
24 Executive Officer  
25 Acupuncture Board  
26 Department of Consumer Affairs  
27 State of California  
28 *Complainant*

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**Exhibit A**

**Decision and Order**

**Acupuncture Board Case No. 1A-2011-85**

BEFORE THE  
ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Filed )  
Against: )

Case No. 1A-2011-85

CHANG HO OH, L.AC. )  
638 S. Van Ness Avenue, #1 )  
Los Angeles, CA 90005 )

Acupuncture License No. AC 6985 )

Respondent. )  
\_\_\_\_\_ )

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 JUL 12 2013

It is so ORDERED JUN 12 2013



An York Lee, Chair  
Acupuncture Board  
Department of Consumer Affairs  
State of California

I certify that this document  
was copied by me from  
an original document.

 7/31/17  
Signature Date

Position Enforcement Coordinator

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
4 State Bar No. 82958  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 897-2867  
Facsimile: (213) 897-9395  
7 E-mail: Wendy.Widlus@doj.ca.gov  
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 CHANG HO OH, L.Ac.  
14 638 S. Van Ness Avenue, #1  
15 Los Angeles, California 90005  
16 Acupuncturist License No. AC 6985  
17 Respondent.

Case No. 1A-2011-85  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Terri Thorfinnson (Complainant) is the Executive Officer of the Acupuncture Board.  
23 She brought this action solely in her official capacity and is represented in this matter by Kamala  
24 D. Harris, Attorney General of the State of California, by Wendy Widlus, Deputy Attorney  
25 General.

26 2. Respondent Chang Ho Oh, L.Ac. (Respondent) is represented in this proceeding by  
27 attorney Robert D. Rentzer, whose address is 5011 Casa Drive, Tarzana, California 91356.

28 ///







1           2.    COURSEWORK Respondent shall take and successfully complete not less than  
2 twenty (20) semester units or thirty (30) quarter units of coursework in the following area: Ethics.  
3 All coursework shall be taken at the graduate level at a school approved by the Board. Classroom  
4 attendance must be specifically required. Course content shall be pertinent to the violation and all  
5 coursework must be completed within the first 3 years of probation. The required coursework  
6 must be in addition to any continuing education courses that may be required for license renewal.

7           Within 90 days of the effective date of this decision, Respondent shall submit a plan for the  
8 Board's prior approval for meeting the educational requirements. All costs of the coursework  
9 shall be borne by the Respondent.

10          3.    OBEY ALL LAWS Respondent shall obey all federal, state and local laws and all  
11 regulations governing the practice of acupuncture in California. A full and detailed account of  
12 any and all violations of law shall be reported by the Respondent to the Board in writing within  
13 seventy two hours of occurrence.

14          4.    QUARTERLY REPORTS Respondent shall submit quarterly declarations under  
15 penalty of perjury on forms provided by the Board, stating whether there has been compliance  
16 with all the conditions of probation.

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

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


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



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DATED: 2/19/13   
CHANG HO OH, L.AC.  
Respondent

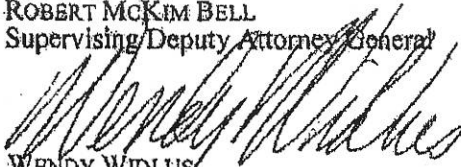
I have read and fully discussed with Respondent Chang Ho Oh, L.Ac. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/19/13   
ROBERT D. RENTZER  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

Dated: 2/21/13

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
  
WENDY WIDLUS  
Deputy Attorney General

*Attorneys for Complainant.*

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60946545.docx

**Exhibit A**

**Accusation No. 1A-2011-85**



FILED

JUN 25 2012

ACUPUNCTURE BOARD

1 KAMALA D. HARRIS  
 Attorney General of California  
 2 ROBERT MCKIM BELL  
 Supervising Deputy Attorney General  
 3 WENDY WIDLUS  
 Deputy Attorney General  
 4 State Bar No. 82958  
 California Department of Justice  
 5 300 South Spring Street, Suite 1702  
 Los Angeles, California 90013  
 6 Telephone: (213) 897-2867  
 Facsimile: (213) 897-9395  
 7 E-mail: Wendy.Widlus@doj.ca.gov  
*Attorneys for Complainant*  
 8

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

12 In the Matter of the Accusation Against:

Case No. 1A-2011-85

13 CHANG HO OH, L.Ac.  
 638 South Van Ness Avenue, Suite 1  
 14 Los Angeles, California 90005  
 15 Acupuncturist License No. AC 6985,

**ACCUSATION**

16  
17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Janelle Wedge (Complainant) brings this Accusation solely in her official capacity as  
 22 the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

23 2. On or about January 20, 2000, the Acupuncture Board issued Acupuncture License  
 24 number AC 6985 to Chang Ho Oh (Respondent). That license was in full force and effect at all  
 25 times relevant to the charges brought herein and will expire on February 28, 2013, unless  
 26 renewed.  
 27  
 28

JURISDICTION

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

4. Section 4928.1 of the Code states:

"Protection of the public shall be the highest priority for the Acupuncture Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

5. Section 4955 of the Code states:

"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.

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

"...

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

"...

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

"...

"(j) The violation of any law or local ordinance on an acupuncturist's business premises by an acupuncturist's employee or a person who is working under the acupuncturist's professional license or business permit, that is substantially related to the qualifications, functions, or duties of an acupuncturist. These violations shall subject the acupuncturist who employed the individuals, or under whose acupuncturist license the employee is working,

1 to disciplinary action.

2 ...."

3 6. Section 4955.1 of the Code states, in pertinent part:

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

7 "...

8 "(b) Committing a fraudulent or dishonest act as an acupuncturist.

9 "(c) Committing any act involving dishonesty or corruption with respect  
10 to the qualifications, functions, or duties of an acupuncturist.

11 ...."

12 7. Section 4961 of the Code states:

13 "(a) Every person who is now or hereafter licensed to practice acupuncture in  
14 this state shall register, on forms prescribed by the Acupuncture Board, his or her  
15 place of practice, or, if he or she has more than one place of practice, all of the places  
16 of practice. If the licensee has no place of practice, he or she shall notify the board of  
17 that fact. A person licensed by the board shall register within 30 days after the date of  
18 his or her licensure.

19 "(b) An acupuncturist licensee shall post his or her license in a conspicuous  
20 location in his or her place of practice at all times. If an acupuncturist has more than  
21 one place of practice, he or she shall obtain from the board a duplicate license for  
22 each additional location and post the duplicate license at each location.

23 "(c) Any licensee that changes the location of his or her place of practice shall  
24 register each change within 30 days of making that change. In the event a licensee  
25 fails to notify the board of any change in the address of a place of practice within the  
26 time prescribed by this section, the board may deny renewal of licensure. An  
27 applicant for renewal of licensure shall specify in his or her application whether or  
28 not there has been a change in the location of his or her place of practice and, if so,

1 the date of that change. The board may accept that statement as evidence of the  
2 change of address."

3 8. Section 4927, subdivision (d), of the Code states:

4 " 'Acupuncture' means the stimulation of a certain point or points on or near the  
5 surface of the body by the insertion of needles to prevent or modify the perception of  
6 pain or to normalize physiological functions, including pain control, treatment of  
7 certain diseases or dysfunctions of the body and includes the techniques of  
8 electroacupuncture, cupping, and moxibustion."

9 9. Section 4937 of the Code states, in pertinent part:

10 "An acupuncturist's license authorizes the holder thereof:

11 "(a) To engage in the practice of acupuncture.

12 "..."

13 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licensee found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

17 11. Section 141 of the Code states:

18 "(a) For any licensee holding a license issued by a board under the jurisdiction  
19 of the department, a disciplinary action taken by another state, by any agency of the  
20 federal government, or by another country for any act substantially related to the  
21 practice regulated by the California license, may be a ground for disciplinary action  
22 by the respective state licensing board. A certified copy of the record of the  
23 disciplinary action taken against the licensee by another state, an agency of the  
24 federal government, or another country shall be conclusive evidence of the events  
25 related therein.

26 "(b) Nothing in this section shall preclude a board from applying a specific  
27 statutory provision in the licensing act administered by that board that provides for  
28 discipline based upon a disciplinary action taken against the licensee by another state,

1 an agency of the federal government, or another country."

2 12. Section 477 of the Code states:

3 "As used in this division:

4 "(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,'  
5 'division,' 'examining committee,' 'program,' and 'agency.'

6 "(b) 'License' includes certificate, registration or other means to engage in  
7 a business or profession regulated by this code."

8 13. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
9 revoke a license on the ground that the licensee has been convicted of a crime substantially  
10 related to the qualifications, functions, or duties of the business or profession for which the  
11 license was issued.

12 14. Section 119 of the California Penal Code states, in pertinent part:

13 "Any person who does any of the following is guilty of a misdemeanor:

14 "(a) Displays or causes or permits to be displayed or has in his or her  
15 possession either of the following:

16 "(1) A canceled, revoked, suspended, or fraudulently altered  
17 license.

18 "(2) A fictitious license or any document simulating a license or  
19 purporting to be or have been issued as a license.

20 "(b) Lends his or her license to any other person or knowingly permits the  
21 use thereof by another.

22 "(c) Displays or represents any license not issued to him or her as being  
23 his or her license.

24 "(d) Fails or refuses to surrender to the issuing authority upon its lawful  
25 written demand any license, registration, permit, or certificate which has been  
26 suspended, revoked, or canceled.

27 "(e) Knowingly permits any unlawful use of a license issued to him or  
28 her.





1 business that involves prostitution. The circumstances underlying Respondent's guilty plea and  
2 sentence as stated above are as follows:

3 17. On or about November 19, 2010, two investigators from the Riverside County District  
4 Attorney's Bureau of Investigation assigned to the Bureau's Special Prosecution Section went to  
5 a business known as "J Acupuncture," located at 4640 Galena Street, Suite B1, in Riverside,  
6 California, to conduct a compliance check of businesses with regard to various labor and  
7 insurance laws. The businesses chosen by the investigators were suspected of operating as houses  
8 of prostitution.

9 18. While at "J Acupuncture," both a business license as well as a separate acupuncture  
10 license issued in Respondent's name were found displayed on a wall in the business. The  
11 investigators removed both licenses and booked them into evidence,

12 19. On or about November 29, 2010, Respondent came to the Riverside District  
13 Attorney's Office and spoke with one of the investigators who had been present during the  
14 November 19, 2010, enforcement visit to "J Acupuncture." During a conversation with the  
15 investigator, Respondent stated he was not the owner of "J Acupuncture," despite being shown  
16 his business and acupuncture licenses which had been removed from the business wall by the  
17 investigators.

18 After being shown the above-mentioned business and acupuncture licenses, Respondent  
19 stated that two women owned the "J Acupuncture," the business where the licenses were  
20 displayed on November 19, 2010.

21 20. During his conversation with the investigator, Respondent admitted he did in fact  
22 own the "Star Health" acupuncture business, located at 638 South Van Ness Avenue, Suite #1, in  
23 Los Angeles, California. Then Respondent further admitted he had not notified the State of  
24 California Acupuncture Board of the "J Acupuncture" address due to his "laziness."

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Failure to Register Places of Practice)**

27 21. Respondent is subject to disciplinary action under section 4961(a) of the Code in that  
28 on or about November 29, 2010, in the interview referred to in paragraph 20 above, he admitted

1 he failed to register all his places of practice of acupuncture with the Acupuncture Board.

2 22. As set forth above, on or about November 29, 2010, Respondent admitted his failure  
3 to register all of his acupuncture locations with the California Acupuncture Board.

4 **DISCIPLINE CONSIDERATIONS**

5 23. To determine the degree of discipline, if any, to be imposed on Respondent,  
6 Complainant alleges the facts and circumstances in paragraphs 15 through 20 as incorporated by  
7 reference as if set forth in full herein.

8 **PRAYER**

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

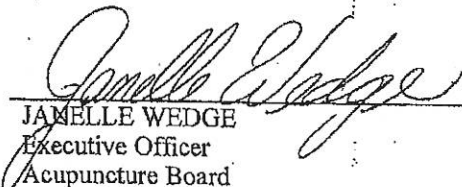
11 1. Revoking or suspending Acupuncture License number AC 6985, issued to Chang Ho  
12 Oh, L.Ac.;

13 2. Ordering him to pay the Acupuncture Board the reasonable costs of the investigation  
14 and enforcement of this case, pursuant to Business and Professions Code section 4959;

15 3. If placed on probation, ordering him to pay to the Acupuncture the costs of probation  
16 monitoring;

17 4. Taking such other and further action as deemed necessary and proper.

18  
19  
20 DATED:         JUN 25 2012        

  
21 JAMELLE WEDGE  
22 Executive Officer  
23 Acupuncture Board  
24 Department of Consumer Affairs  
25 State of California

26 *Complainant*

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