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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-2010-181

13 **SUNG HIUP OK, L.AC.**
14 **17341 Greentree Drive**
Riverside, CA 92503

DEFAULT DECISION
AND ORDER

15 **Acupuncture License No. AC 8305**

[Gov. Code, §11520]

16 One.
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18 **FINDINGS OF FACT**

19 1. On September 8, 2011, Complainant Janelle Wedge, in her official capacity as the
20 Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed Accusation
21 No. 1A-2010-181 against Sung Hiup Ok, L.Ac. (Respondent) before the Acupuncture Board. A
22 true and correct copy of Accusation No. 1A-2010-181, the related documents, and the Declaration
23 of Service are attached as Exhibit A, and incorporated herein by reference.

24 2. On April 2, 2002, the Acupuncture Board (Board) issued Acupuncture License No.
25 AC 8305 to Respondent. The Acupuncture License was in full force and effect at all times
26 relevant to the charges contained in Accusation No. 1A-2010-181, and will expire on April 28,
27 2012, unless renewed. A true and correct copy of a Certificate of Licensure for Respondent is
28 attached hereto as Exhibit B, and incorporated herein by reference.

1 3. On September 8, 2011, Respondent was sent, by certified mail, a true and correct
2 copy of Accusation No. 1A-2010-181, together with copies of all other statutorily required
3 documents, to his address of record, which was and is 17341 Greentree Drive, Riverside, CA
4 92503. On September 12, 2011, the aforementioned documents were received and signed for at
5 Respondent's address of record. A true and correct copy of the signed certified receipt is attached
6 as Exhibit C.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c).

9 5. On November 2, 2010, in a misdemeanor criminal case entitled *People of the State of*
10 *California v. Sung Hiup Ok*, Riverside County Superior Court Case No. RIM10013610,
11 Respondent entered a guilty plea to one count of a violation of Business and Professions Code
12 section 119, subdivision (e) [knowingly permits unlawful use of license], and was sentenced to
13 summary probation for three years, 30 days custody in a Work-Release Program, a fine of \$500,
14 restitution of \$100, and fees of \$80. True and correct copies of the criminal complaint, plea and
15 sentencing documents are attached as Exhibit D and incorporated herein by reference.

16 6. In 2010, Respondent had a place of practice, BEE Acupuncture, located at 9824
17 Magnolia Avenue, Riverside, California, but failed to register the business with the Board. A true
18 and correct copy of the business license for the business located at 9824 Magnolia Avenue,
19 Riverside, California, is attached as Exhibit E and incorporated herein by reference.

20 7.. Government Code section 11506 states, in pertinent part:

21 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
22 notice of defense, and the notice shall be deemed a specific denial of all parts of the
23 accusation not expressly admitted. Failure to file a notice of defense shall constitute a
24 waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless
25 grant a hearing."

26 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
27 of Accusation No. 1A-2010-181, or at any time, and therefore waived his right to a hearing on the
28 merits of the charges and allegations contained in Accusation No. 1A-2010-181.

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

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

5 10. California Business and Professions Code section 4955, subdivisions (b) and (d)
6 provide in pertinent part, that the Board may deny, suspend, revoke or impose probationary
7 conditions upon the license of any acupuncturist found to have been convicted of a crime
8 substantially related to the qualifications, functions, or duties of an acupuncturist, or found to
9 have aided or abetted the violation of any term of the Acupuncture Licensure Act.

10 11. California Business and Professions Code section 4961, subdivision (a), provides in
11 pertinent part, that every licensed acupuncturist must register his or her place of practice with the
12 Board.

13 12. Pursuant to its authority under Government Code section 11520, the Board finds
14 Respondent is in default. The Board, therefore, takes action without further hearing. Based on
15 Respondent's express admissions by way of default and the evidence before it, contained in
16 Exhibits A, B, C, D, and E, the Board finds that the charges and allegations in Accusation No.
17 1A-2010-181, and each of them, separately and severally, are true and correct.

18 DETERMINATION OF ISSUES

19 1. Based on the foregoing findings of fact, Respondent Sung Hiup Ok, L.Ac., has
20 subjected his Acupuncture License No. AC 8305 to discipline.

21 2. Pursuant to its authority under California Government Code section 11520, and based
22 on the evidence before it, the Board hereby finds that the charges and allegations contained in
23 Accusation No. 1A-2010-181, and the Findings of Fact contained in paragraphs 1 through 12,
24 above, and each of them, separately and severally, are true and correct.

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ORDER

IT IS HEREBY ORDERED that:

Acupuncture License No. AC 8305, heretofore issued by the Board to Respondent Sung Hiup Ok, L.Ac., is hereby revoked for each of the violations, separately and severally, of the California Business and Professions Code found in the Determination of Issues, above.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on _____

FEB 16 2012

It is so ORDERED _____

JAN 17 2012



Robert Brewer, Chair
Acupuncture Board of California
Department of Consumer Affairs
State of California

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Attachments:

Exhibit A: Accusation No.1A-2010-181, Related Documents, and Declaration of Service

Exhibit B: License Certification

Exhibit C: Copy of signed certified receipt

Exhibit D: Criminal complaint, plea and sentencing documents in, *People of the State of California v. Sung Hiup Ok*, Riverside County Superior Court Case No. RIM10013610

Exhibit E: BEE Acupuncture business license