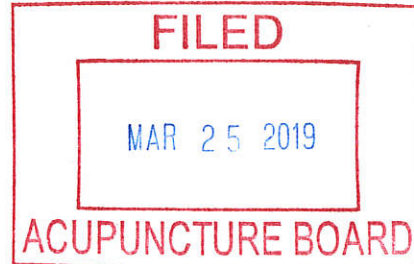


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8



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

13 In the Matter of the Accusation and Petition to  
14 Revoke Probation Against:

Case No. D1-2015-7

15 **YONG BUM BAE, L.Ac.**  
16 **338 S. Western Avenue, # 201**  
**Los Angeles, California 90020**  
17 **Acupuncturist License No. AC 12253,**

ACCUSATION AND PETITION TO  
REVOKE PROBATION

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about March 13, 2008, the Acupuncture Board issued Acupuncturist License  
26 Number AC 12253 to Yong Bum Bae, L.Ac. (Respondent). The Acupuncturist License was in  
27 effect at all times relevant to the charges brought herein and will expire on August 31, 2019,  
28 unless renewed.



1           7.     Section 4937 of the Code states:

2           “An acupuncturist’s license authorizes the holder thereof:

3           “(a) To engage in the practice of acupuncture.

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

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

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

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

21           8.     Section 4955 of the Code states:

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

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

25           “... ”

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

28           “... ”

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

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

7           “ . . .”

8           9.     Section 4959 of the Code states:

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

13           “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in  
14 any event be increased by the board. When the board does not adopt a proposed decision and  
15 remands the case to an administrative law judge, the administrative law judge shall not increase  
16 the amount of any costs assessed in the proposed decision.

17           “(c) When the payment directed in the board's order for payment of costs is not made by  
18 the licensee, the board may enforce the order for payment in the superior court in the county  
19 where the administrative hearing was held. This right of enforcement shall be in addition to any  
20 other rights the board may have as to any licensee directed to pay costs.

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

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

25           10.    California Code of Regulations, title 16, section 1399.451, states:

26           “In treating a patient, an acupuncturist shall adhere to the following procedures:

27           “(a) The acupuncturist's hands shall be brush-scrubbed with soap and warm water  
28 immediately before examining patients or handling acupuncture needles and other instruments,

1 and between patients.

2 “(b) All instruments shall be sterilized before and between uses in a manner which will  
3 destroy all microorganisms. All needle trays which contain sterile needles shall also be sterile.  
4 Each time instruments are sterilized, the acupuncturist shall use a tape or strip indicator which  
5 shows that sterilization is complete.

6 “(c) Acupuncture points, where needles are to be inserted, shall be cleaned with an  
7 appropriate antiseptic before insertion of the needle.

8 “(d) In the event an acupuncture needle inserted in a patient breaks subcutaneously, the  
9 treating acupuncturist shall immediately consult a physician. An acupuncturist shall not sever or  
10 penetrate the tissues in order to excise such a needle.

11 “(e) Any complication, including but not limited to, hematoma, peritonitis or pneumothorax  
12 arising out of acupuncture treatment shall be referred immediately to a physician or dentist or  
13 podiatrist, if appropriate, if immediate medical treatment is required.

14 “(f) Acupuncture shall not be performed using hypodermic needles.

15 “(g) All instruments to be discarded shall be disposed of safely.

16 “(h) Needles shall be disposed of by placing them in a sealed, unbreakable container  
17 marked ‘Hazardous Waste’ and disposed of in accordance with state and local law.”

18 11. California Code of Regulations, title 16, section 1399.463, states:

19 “(a) The executive officer of the board is authorized to issue a citation which may contain  
20 an order of abatement or an administrative fine for violations by a licensee of the statutes  
21 contained in the Acupuncture Licensure Act (commencing with Business and Professions Code  
22 Section 4925 et seq.) or the regulations adopted by the board. For purposes of this Section and  
23 Sections 1399.464, 1399.466, 1399.467, and 1399.468, the term ‘licensee’ refers to either a  
24 California licensed acupuncturist or a board approved continuing education provider.

25 “(b) Each citation shall be in writing and shall describe with particularity the nature and  
26 facts of the violation, including a reference to the statute or regulation alleged to have been  
27 violated. The citation shall be served upon the licensee personally or by certified mail.”

28 //



1           17. On or about May 19, 2016, CBBC inspectors inspected YB2 Skin & Body Clinic, Inc,  
2 aka YB2 Skin & Body Clinic located at 338 South Western Avenue #201, Los Angeles, CA  
3 90020. Respondent was present during the inspection. The inspection revealed a series of  
4 violations of the California Business and Professions Code sections which included but were not  
5 limited to the employment of unlicensed persons by the business, failure to disinfect tools  
6 properly, and failure to dispose of tools and supplies that cannot be disinfected.

7           18. On or about August 15, 2016, the CBBC issued Citation Number 1002016027453 to  
8 YB2 Skin & Body Clinic, Inc., aka YB2 Skin & Body Clinic, in the amount of \$2,400.00, as a  
9 result of the violations found during the May 9, 2016, inspection.

10           19. On or about June 26, 2016, the Board filed a disciplinary action entitled "*In the*  
11 *Matter of Accusation Against Yong Bum Bae, L.Ac.,*" Case No. 1A-2015-7, which alleged that  
12 Respondent was subject to disciplinary action as a result of his criminal conviction sustained on  
13 May 7, 2015, for driving under the influence of alcohol on January 9, 2015, his use of alcohol in a  
14 dangerous manner on January 9, 2015, and his unprofessional conduct by committing a dishonest  
15 and corrupt act for failing to disclose his conviction to the Board.

16           20. On or about January 9, 2015, Respondent was arrested at approximately 3:10 a.m.  
17 after he fled the scene of an accident during which he had sideswiped another driver's vehicle.  
18 Respondent told the officers he did not recall being involved in the traffic collision and that he  
19 had only consumed one beer earlier in the evening. After Respondent's arrest he provided two  
20 breath samples which revealed his breath alcohol concentration to be 0.17 percent and 0.18  
21 percent.

22           21. On May 7, 2015, in the case entitled *The People of the State of California v. Steve*  
23 *Yong Bae*, case number 5MP00441, in the Superior Court of California, County of Los Angeles,  
24 Respondent, upon his plea of nolo contendere, was convicted of driving a vehicle while under the  
25 influence of an alcoholic beverage in violation of Vehicle Code Section 23152, subdivision (a), a  
26 misdemeanor. Accordingly, Respondent was placed on three years probation under various terms  
27 and conditions of probation which included inter alia his enrollment and satisfactory completion  
28 of a three month licensed first-offender alcohol and other drug education and counseling program.

1           22. Respondent subsequently failed to disclose his criminal conviction in *The People of*  
2 *the State of California v. Steve Yong Bae*, case number 5MP00441, on his license renewal  
3 application, which he completed and signed under penalty of perjury on August 15, 2015, thereby  
4 successfully renewing his acupuncture license through August 31, 2017.

5           23. On or about May 12, 2017, Respondent signed a stipulated settlement agreement in  
6 "*In the Matter of Accusation Against Yong Bum Bae, L.Ac.*," Case No. 1A-2015-7, in which he  
7 admitted the truth of every charge and allegation in Case No. 1A-2015-7. Thereafter the  
8 Acupuncture Board, issued a decision, effective August 17, 2017, in which Respondent's  
9 Acupuncturist License was revoked, the revocation stayed, and Respondent's Acupuncturist  
10 License was placed on probation for a period of three (3) years with certain terms and conditions.

11           24. On or about June 5, 2018, CBBC inspectors inspected YB2 Skin & Body Clinic, Inc.,  
12 aka YB2 Skin & Body Clinic, located at 338 South Western Avenue, #201, Los Angeles, CA  
13 90020. Respondent was present during the inspection. The inspection revealed a series of  
14 violations of the California Business and Professions Code sections which included but were not  
15 limited to the employment of unlicensed persons by the business, interference with a Board  
16 investigation, failure of the business to maintain a container for disinfectant solution, failure to  
17 disinfect tools properly, failure to dispose of tools and supplies that cannot be disinfected, and an  
18 unclean treatment table.

19           25. On or about August 13, 2018, the CBBC issued Citation Number 1002019000208  
20 to YB2 Skin & Body Clinic, Inc., aka YB2 Skin & Body Clinic, in the amount of \$2,850.00, as a  
21 result of the violations found during the June 5, 2018, inspection.

22           26. On or about September 20, 2018, CBBC inspectors inspected YB2 Skin & Body  
23 Clinic, Inc., aka YB2 Skin & Body Clinic, located at 338 South Western Avenue #201, Los  
24 Angeles, CA 90020. Respondent was present during the inspection. The inspection revealed a  
25 series of violations of the California Business and Professions Code sections which included but  
26 were not limited to, failure to disinfect tools properly, failure to dispose of tools and supplies that  
27 cannot be disinfected, an unclean treatment table, and the presence of illegal needle like  
28 instruments.





1 10, commencing with section I 1000, Health and Safety Code) and dangerous drugs as defined by  
2 Section 4022 of the Business and Professions Code, or any drugs requiring a prescription and  
3 their associated paraphernalia except when the drugs are lawfully prescribed by a licensed  
4 practitioner as part of a documented medical treatment. Upon request of the Board or its designee,  
5 Respondent shall provide documentation from the licensed practitioner that the prescription for  
6 the drug was legitimately issued and is a necessary part of the treatment of the Respondent.  
7 Failure to timely provide such documentation shall be considered a violation of probation. Any  
8 possession or use of alcohol, controlled substances, or their associated paraphernalia not  
9 supported by documentation timely provided shall be considered a violation of probation.  
10 Respondent shall undergo random, biological fluid testing as determined by the Board or its  
11 designee. Respondent shall bear all costs of such testing. The length of time and frequency will be  
12 determined by the Board or its designee. Any confirmed positive finding will be considered a  
13 violation of probation.”

14 34. Respondent’s probation is subject to revocation because he failed to comply with  
15 Probation Condition 2, referenced above. The facts and circumstances regarding this violation  
16 are as follows:

17 A. During his probationary period the Board issued six Notice of Violation letters  
18 to Respondent due to his failure to check in to determine if he needed to submit to a random  
19 biological fluid test.

20 B. The Board was notified that Respondent’s January 26, 2018, biological fluid  
21 sample tested positive for alcohol. After being notified of Respondent’s positive test on or about  
22 February 12, 2018, the Board issued Respondent a notice of warning.

23 C. On or about August 7, 2018, as a result of Respondent’s six repeated failures to  
24 check in for biological fluid testing and the January 26, 2018, positive biological fluid sample the  
25 Board issued Respondent a Citation in the amount of \$500.00 and an Order of Abatement  
26 regarding his failure to comply with Condition 2 of his probation.

27 D. On or about December 27, 2018, the Board was notified that Respondent’s  
28 December 20, 2018, biological fluid sample tested positive for alcohol.

1 **PRAYER**

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

4 1. Revoking the probation that was granted by the Acupuncture Board in Case No.  
5 464644 and imposing the disciplinary order that was stayed thereby revoking Acupuncturist  
6 License No. AC 12253 issued to Yong Bum Bae, L.Ac.;

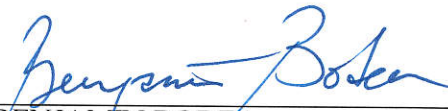
7 2. Revoking or suspending Acupuncturist License No. AC 12253, issued to Yong Bum  
8 Bae, L.Ac.;

9 3. Ordering Yong Bum Bae, L.Ac., to pay the Acupuncture Board the reasonable costs  
10 of the investigation and enforcement of this case pursuant to Business and Professions Code  
11 section 4959; and

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

13  
14  
15 DATED: \_\_\_\_\_

**MAR 25 2019**

  
16 BENJAMIN BODEA  
17 Executive Officer  
18 Acupuncture Board  
19 Department of Consumer Affairs  
20 State of California  
21 *Complainant*

22  
23  
24  
25  
26  
27  
28  
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# **Exhibit A**

**Decision and Order**

**Acupuncture Board Case No. D1-2015-7**

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

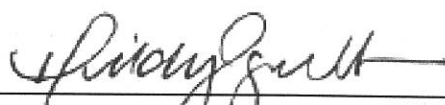
In the Matter of the Accusation Against:	)	Case No. 1A-2015-7
	)	
YONG BUM BAE, L.AC.	)	
338 S. Western Avenue, #201	)	
Los Angeles, CA 90020	)	
	)	
Acupuncture License No. AC 12253	)	
	)	
Respondent.	)	
_____	)	

**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 August 17, 2017.

It is so ORDERED July 18, 2017.

  
\_\_\_\_\_  
Hildegard Agumaldo, Board President  
Acupuncture Board  
Department of Consumer Affairs  
State of California

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
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Los Angeles, California 90013  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 YONG BUM BAE, L.A.C.  
338 S. Western Avenue, # 201  
13 Los Angeles, California 90020

14 Acupuncturist License No. AC12253,

15 Respondent.

Case No. 1A-2015-7

OAH No. 2016120553

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board,  
21 Department of Consumer Affairs (Board). He brought this action solely in his official capacity  
22 and is represented in this matter by Xavier Becerra, Attorney General of the State of California,  
23 by Nicholas B.C. Schultz, Deputy Attorney General.

24 2. Yong Bum Bae, L.Ac. (Respondent) is represented in this proceeding by attorney  
25 Yohan Lee, Esq., whose address is: 5681 Beach Boulevard, Second Floor, Buena Park, California  
26 90621.

27 3. On or about March 13, 2008, the Board issued Acupuncturist License No. AC12253  
28 to Respondent. The Acupuncturist License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 1A-2015-7, and will expire on August 31, 2017, unless  
2 renewed.

3 **JURISDICTION**

4 4. Accusation No. 1A-2015-7 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 July 26, 2016. The Accusation and other statutorily required documents  
7 were again served on Respondent, as part of a Default Decision and Order, on November 15,  
8 2016. Respondent subsequently filed his Notice of Defense contesting the Accusation.  
9 Additionally, Respondent's motion to vacate the Default Decision and Order was granted on  
10 December 2, 2016.

11 5. A copy of Accusation No. 1A-2015-7 is attached as Exhibit A and incorporated  
12 herein by reference.

13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 1A-2015-7. Respondent has also carefully read, fully  
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
17 Order.

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

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

27 ///

28 ///

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 1A-2015-7.

4 10. Respondent agrees that his Acupuncturist License is subject to discipline and he  
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
6 below.

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of this  
9 proceeding, or any other proceedings in which the Acupuncture Board or other professional  
10 licensing agency is involved, and shall not be admissible in any other criminal or civil  
11 proceeding.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Acupuncture Board. Respondent  
14 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may  
15 communicate directly with the Board regarding this stipulation and settlement, without notice to  
16 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
17 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the  
18 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
19 Order, then the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except  
20 for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board  
21 shall not be disqualified from further action by having considered this matter.

22 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
24 signatures thereto, shall have the same force and effect as the originals.

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

28 ///



1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Acupuncturist License No. AC12253 issued to  
3 Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation  
4 for three (3) years on the following terms and conditions.

5 1. **ATTEND CHEMICAL DEPENDENCY SUPPORT AND RECOVERY GROUPS.**

6 Effective thirty (30) days from the date of this Decision, Respondent shall begin attendance at a  
7 chemical dependency support group (e.g., Alcoholics Anonymous, Narcotics Anonymous).  
8 Documentation of attendance shall be submitted by the Respondent with each quarterly written  
9 report. Frequency and duration shall be determined by the Board or its designee.

10 2. **ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND**

11 **SAMPLES.** Respondent shall abstain completely from the personal use or possession of alcohol,  
12 controlled substances as defined in the California Uniform Controlled Substances Act (Division  
13 10, commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by  
14 Section 4022 of the Business and Professions Code, or any drugs requiring a prescription and  
15 their associated paraphernalia except when the drugs are lawfully prescribed by a licensed  
16 practitioner as part of a documented medical treatment. Upon request of the Board or its  
17 designee, Respondent shall provide documentation from the licensed practitioner that the  
18 prescription for the drug was legitimately issued and is a necessary part of the treatment of the  
19 Respondent. Failure to timely provide such documentation shall be considered a violation of  
20 probation. Any possession or use of alcohol, controlled substances, or their associated  
21 paraphernalia not supported by documentation timely provided shall be considered a violation of  
22 probation. Respondent shall undergo random, biological fluid testing as determined by the Board  
23 or its designee. Respondent shall bear all costs of such testing. The length of time and frequency  
24 will be determined by the Board or its designee. Any confirmed positive finding will be  
25 considered a violation of probation.

26 3. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws and all

27 regulations governing the practice of acupuncture in California. A full and detailed account of  
28 any and all violations of law shall be reported by the Respondent to the Board in writing within

1 seventy-two (72) hours of occurrence.

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

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

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

14 7. CHANGES OF EMPLOYMENT. Respondent shall notify the Board in writing  
15 through the assigned probation surveillance compliance officer of any and all changes of  
16 employment, location and address within thirty (30) days of such change.

17 8. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE. In the event  
18 Respondent should leave California to reside or to practice outside the State, Respondent must  
19 notify the Board in writing of the dates of departure and return. Periods of residency or practice  
20 outside California will not apply to the reduction of this probationary period.

21 9. EMPLOYMENT AND SUPERVISION OF TRAINEES. Respondent shall not  
22 employ or supervise or apply to employ or supervise acupuncture trainees during the course of  
23 this probation. Respondent shall terminate any such supervisorial relationship in existence on the  
24 effective date of this probation.

25 10. COST RECOVERY. Respondent shall pay to the Board its costs of investigation and  
26 enforcement in the amount of \$5,595.00. Respondent shall be permitted to pay these costs in a  
27 payment plan approved by the Board or its designee, with payments to be completed no later than  
28 three (3) months prior to the end of the probation term. Cost recovery will not be tolled.

1 At Respondent's request, if Respondent has not complied with this condition during the  
2 probationary term, and if Respondent has presented sufficient documentation of his good faith  
3 efforts to comply with this condition, and if no other conditions of probation have been violated,  
4 then the Board or its designee, in its discretion, may grant an extension of Respondent's probation  
5 period up to two (2) years without further hearing in order to comply with this condition. During  
6 the two (2) year extension, all original conditions of probation will apply. The filing of  
7 bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the  
8 Board for its investigative and prosecution costs.

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

16 12. COMPLETION OF PROBATION. Upon successful completion of probation,  
17 Respondent's license will be fully restored.

18 ACCEPTANCE

19 I have carefully read the Stipulated Settlement and Disciplinary Order and have fully  
20 discussed it with my attorney, Yohan Lee, Esq. I understand the stipulation and the effect it will  
21 have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary Order  
22 voluntarily, knowingly, and intelligently, and I agree to be bound by the Decision and Order of  
23 the Acupuncture Board.

24  
25 DATED: 5/12/2017

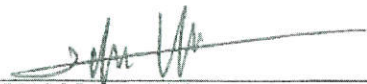
26 Yong Bum Bae  
YONG BUM BAE, L.A.C.  
Respondent

27 ///

28 ///

1 I have read and fully discussed with Respondent the terms and conditions and other matters  
2 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
3 content.

4 DATED: 5/12/2017

  
\_\_\_\_\_  
YOHAN LEE, ESQ.  
*Attorney for Respondent*

7 **ENDORSEMENT**

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

10 Dated: May 15, 2017

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

  
NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
*Attorneys for Complainant*

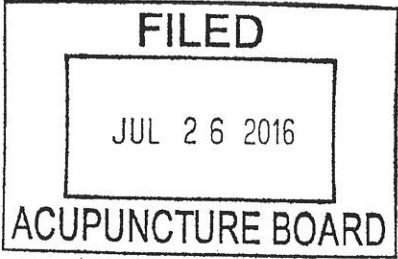
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**Exhibit A**

**Accusation No. 1A-2015-7**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
4 State Bar No. 302151  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 897-6564  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*



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

11 In the Matter of the Accusation Against:  
12 YONG BUM BAE, L.AC.  
239 South La Cienega Boulevard, #101  
13 Beverly Hills, California 90211  
14 Acupuncturist License No. AC12253,  
15 Respondent.

Case No. 1A-2015-7

**ACCUSATION**

17 Complainant alleges:

18 **PARTIES**

19 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity  
20 as the Acting Executive Officer of the Acupuncture Board, Department of Consumer Affairs  
21 (Board).

22 2. On or about March 13, 2008, the Acupuncture Board issued Acupuncturist License  
23 Number AC12253 to Yong Bum Bae, L.Ac. (Respondent). The Acupuncturist License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on August  
25 31, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 4955 of the Code states:

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

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

5           “(a) Using or possessing any controlled substance as defined in Division 10 (commencing  
6 with Section 11000) of the Health and Safety Code, or dangerous drug or alcoholic beverage to an  
7 extent or in a manner dangerous to himself or herself, or to any other person, or to the public, and  
8 to an extent that the use impairs his or her ability to engage in the practice of acupuncture with  
9 safety to the public.

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

15           “... ”

16           5.     Section 4955.1 of the Code states:

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

20           “... ”

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

23           “... ”

24           6.     Section 4956 of the Code states:

25           “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
26 charge which is substantially related to the qualifications, functions, or duties of an acupuncturist  
27 is deemed to be a conviction within the meaning of this chapter.

28           ///

1           “The board may order a license suspended or revoked, or may deny a license, or may  
2 impose probationary conditions upon a license, when the time for appeal has elapsed, or the  
3 judgment of conviction has been affirmed on appeal, or when an order granting probation is made  
4 suspending the imposition of sentence irrespective of a subsequent order under the provisions of  
5 Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to  
6 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
7 complaint, information, or indictment.”

8           7.     Section 490 of the Code states:

9           “(a) In addition to any other action that a board is permitted to take against a licensee, a  
10 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
11 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
12 or profession for which the license was issued.

13           “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
14 discipline a licensee for conviction of a crime that is independent of the authority granted under  
15 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
16 of the business or profession for which the licensee’s license was issued.

17           “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
18 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
19 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
20 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
21 made suspending the imposition of sentence, irrespective of a subsequent order under the  
22 provisions of Section 1203.4 of the Penal Code.

23           “(d) The Legislature hereby finds and declares that the application of this section has been  
24 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th  
25 554, and that the holding in that case has placed a significant number of statutes and regulations  
26 in question, resulting in potential harm to the consumers of California from licensees who have  
27 been convicted of crimes. Therefore, the Legislature finds and declares that this section  
28 establishes an independent basis for a board to impose discipline upon a licensee, and that the



1 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not  
2 constitute a change to, but rather are declaratory of, existing law.”

3 8. Section 493 of the Code states:

4 “Notwithstanding any other provision of law, in a proceeding conducted by a board within  
5 the department pursuant to law to deny an application for a license or to suspend or revoke a  
6 license or otherwise take disciplinary action against a person who holds a license, upon the  
7 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
9 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
10 and the board may inquire into the circumstances surrounding the commission of the crime in  
11 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
12 qualifications, functions, and duties of the licensee in question.

13 “...”

14 9. Section 498 of the Code states:

15 “A board may revoke, suspend, or otherwise restrict a license on the ground that the  
16 licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or  
17 by knowingly omitting to state a material fact.”

18 **COST RECOVERY**

19 10. Section 4959 of the Code states:

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

24 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not  
25 in any event be increased by the board. When the board does not adopt a proposed decision and  
26 remands the case to an administrative law judge, the administrative law judge shall not increase  
27 the amount of any costs assessed in the proposed decision.

28 ///



1 H. Not drive a motor vehicle with a measurable amount of alcohol or drugs in his  
2 blood;

3 I. Not refuse to take and complete any blood alcohol or drug chemical test, any  
4 field sobriety test, and any preliminary alcohol screening when requested by any peace officer;

5 J. Comply with the supplemental terms of probation regarding the installation of  
6 an ignition interlock device;

7 K. Obey all laws and orders of the Superior Court; and

8 L. Pay any other fines, fees or costs at the direction of the Superior Court.

9 12. The circumstances leading to Respondent's conviction are as follows:

10 A. At approximately 3:10 a.m. on January 9, 2015, law enforcement officers with  
11 the Los Angeles Police Department (LAPD) were dispatched to a traffic collision near the  
12 intersection of Wilshire Boulevard and South Westmoreland Avenue in Los Angeles. The LAPD  
13 officers arrived at the crash scene and quickly observed the victim-motorist standing outside of  
14 his Jeep vehicle, which had significant damage to the right side. The victim-motorist told the  
15 LAPD officers that he was driving his Jeep eastbound on Wilshire Boulevard when he stopped at  
16 a red light near the intersection of South Westmoreland Avenue. The victim-motorist reported  
17 that a black Mercedes vehicle "sideswiped" his Jeep and then drove away eastbound on Wilshire  
18 Boulevard without stopping. A witness to the hit-and-run followed the black Mercedes to a  
19 parking lot near Wilshire Boulevard and South Rampart Boulevard. The witness contacted and  
20 briefly interacted with the driver of the black Mercedes, later identified as Respondent. The  
21 witness later reported to the LAPD officers that Respondent appeared to be "drunk."

22 B. The LAPD officers located and contacted Respondent near his black Mercedes  
23 at the intersection of Wilshire Boulevard and South Rampart Boulevard. The LAPD officers  
24 inspected Respondent's black Mercedes and observed fresh damage to the left side of the vehicle.  
25 The LAPD officers concluded that the damage to Respondent's vehicle was consistent with the  
26 damage to the victim-motorist's vehicle.

27 C. Respondent told the LAPD officers that he did not recall the traffic crash, but  
28 admitted to driving the black Mercedes to the parking lot where he parked his vehicle.

1 Respondent admitted to drinking "one beer" earlier that evening. During the LAPD officers'  
2 contact with Respondent, he displayed symptoms of intoxication, including: the strong odor of  
3 alcohol emitting from his breath; bloodshot and watery eyes; slurred speech; a flush, red face; and  
4 poor coordination. Respondent agreed to take Standardized Field Sobriety Tests, but he was  
5 ultimately unable to perform the tests as explained and demonstrated by the LAPD officers.  
6 Consequently, the LAPD officers formed the opinion that Respondent was under the influence of  
7 an intoxicant and was unable to operate a motor vehicle safely upon a highway.

8 C. Respondent was arrested for driving under the influence of an alcoholic  
9 beverage and transported to the Olympic Station where he consented to and provided two breath  
10 samples. The first sample revealed that Respondent's breath alcohol concentration was  
11 approximately 0.17 percent. The second sample revealed that Respondent's breath alcohol  
12 concentration was approximately 0.18 percent.

13 D. Respondent was booked into the Metropolitan Detention Center.

14 13. Respondent's acupuncturist license was previously due to expire on August 31, 2015.  
15 On August 15, 2015, Respondent completed a license renewal application and further certified  
16 under penalty of perjury to the truthfulness of all statements, answers, and representations in the  
17 license renewal application. In response to the question asking whether Respondent had been  
18 convicted of any crime in any state since he last renewed his acupuncturist license, Respondent  
19 indicated "no" by checking the appropriate box on the form. Respondent's acupuncturist license  
20 was subsequently renewed and is now due to expire on August 31, 2017.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct –Use of an Alcoholic Beverage in a Dangerous Manner)**

23 14. By reason of the facts set forth in paragraphs 12 and 13 above, Respondent's license  
24 is subject to disciplinary action under Section 4955, subdivision (a) of the Code, in that  
25 Respondent used alcoholic beverages to the extent, or in such a manner, as to be dangerous and  
26 injurious to himself, or to any other person or to the public.

27 15. Respondent's acts and/or omissions as set forth in paragraphs 12 and 13 above,  
28 whether proven individually, jointly, or in any combination thereof, constitute Respondent's use

1 of alcoholic beverages to the extent, or in such a manner, as to be dangerous and injurious to  
2 himself, or to any other person or to the public pursuant to Section 4955, subdivision (a) of the  
3 Code. Therefore, cause for discipline exists.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct - Conviction of a Substantially Related Crime)**

6 16. By reason of the facts set forth in paragraphs 12 and 13 above, Respondent's license  
7 is subject to disciplinary action under Section 4955, subdivision (b), Section 4956, and Section  
8 490 of the Code, in that Respondent has been convicted of a crime substantially related to the  
9 qualifications, functions or duties of an acupuncturist.

10 17. Respondent's acts and/or omissions as set forth in paragraphs 12 and 13 above,  
11 whether proven individually, jointly, or in any combination thereof, constitute the conviction of a  
12 crime substantially related to the qualifications, functions or duties of an acupuncturist pursuant  
13 to Section 4955, subdivision (b), Section 4956, and Section 490 of the Code. Therefore, cause for  
14 discipline exists.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct - Committing an Act of Dishonesty or Corruption)**

17 18. By reason of the facts set forth in paragraph 14 above, Respondent's license is subject  
18 to disciplinary action under Section 4955, subdivision (d), Section 4955.1, subdivision (c), and  
19 Section 498 of the Code, in that Respondent committed an act involving dishonesty or corruption  
20 with respect to the qualifications, functions or duties of an acupuncturist, and knowingly omitted  
21 to state a material fact in securing his renewed acupuncturist license.

22 19. Respondent's acts and/or omissions as set forth in paragraph 14 above, whether  
23 proven individually, jointly, or in any combination thereof, constitute the commission of an act  
24 involving dishonesty or corruption with respect to the qualifications, functions or duties of an  
25 acupuncturist, and knowingly omitting to state a material fact in securing his renewed  
26 acupuncturist license pursuant to Section 4955, subdivision (d), Section 4955.1, subdivision (c),  
27 and Section 498 of the Code. Therefore, cause for discipline exists.

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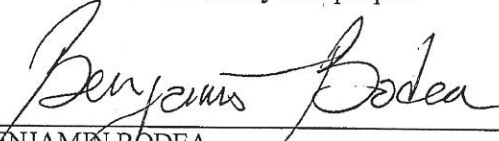
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PRAYER

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

1. Revoking or suspending Acupuncturist License Number AC12253, issued to Yong Bum Bae, L.Ac.
2. Ordering Yong Bum Bae, L.Ac. to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959;
3. Ordering Yong Bum Bae, L.Ac., if placed on probation, to pay the Acupuncture Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED:           **JUL 26 2016**          

  
BENJAMIN BODEA  
Acting Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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