

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


In the Matter of the Statement of Issues	)	Case No. 1A-2010-16
Against:	)	
	)	
JOHN KOK-HONG CHEUNG	)	
9471 Cortada Street, #28	)	
El Monte, CA 91733	)	
	)	
	)	
Applicant/Respondent.	)	
_____	)	

**DECISION AND ORDER**

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

This Decision shall become effective on APR 08 2011.

It is so ORDERED MAR 09 2011.

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

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GLORIA L. CASTRO  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**ACUPUNCTURE BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 1A-2010-16

13 **STIPULATED SETTLEMENT AND**  
14 **DISCIPLINARY ORDER**

13 JOHN KOK-HONG CHEUNG  
14 9471 Cortada Street, #28  
El Monte, California 91733,

15 Respondent.

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. Janelle Wedge (Complainant) is the Executive Officer of the Acupuncture Board of  
21 California (Board). She brought this action solely in her official capacity and is represented in  
22 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Margaret  
23 Phe, Deputy Attorney General.

24 2. Respondent John Kok-Hong Cheung (Respondent) is represented in this proceeding  
25 by attorney Thomas A. Widger, whose address is:

26 Thomas A. Widger, Esq.  
27 Johnson & Associates  
350 South Figueroa Street, Suite 190  
28 Los Angeles, California 90071



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CONTINGENCY

10. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent will be issued a probationary acupuncture license, and it is revoked. However, the revocation is stayed, and Respondent is placed on a three-year (3) probation on the following terms and conditions.

1. COURSEWORK Respondent shall take and successfully complete not less than ten (10) semester units of coursework in ethics. All coursework shall be taken at the graduate level at a school approved by the Board. Classroom attendance must be specifically required. Course content shall be pertinent to the violation and all coursework must be completed within the first 3 years of probation. The required coursework must be in addition to any continuing education courses that may be required for license renewal.

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

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

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

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

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

10          6.    CHANGES OF EMPLOYMENT Respondent shall notify the Board in  
11 writing, through the assigned probation surveillance compliance officer of any and all changes of  
12 employment, location and address within 30 days of such change.

13          7.    TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event  
14 respondent should leave California to reside or to practice outside the State, respondent must  
15 notify the Board in writing of the dates of departure and return. Periods of residency or practice  
16 outside California will not apply to the reduction of this probationary period.

17          8.    EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not  
18 employ or supervise or apply to employ or supervise acupuncture trainees during the course of  
19 this probation. Respondent shall terminate any such supervisorial relationship in existence on the  
20 effective date of this probation.

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

28



ENDORSEMENT

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

Dated: 12/28/10

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
GLORIA L. CASTRO  
Supervising Deputy Attorney General



MARGARET J. PHE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 1A-2010-16**



**FILED**

OCT 12 2010

**ACUPUNCTURE BOARD**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 TRINA L. SAUNDERS  
Acting Supervising Deputy Attorney General  
3 MARGARET PHE  
Deputy Attorney General  
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**ACUPUNCTURE BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 1A-2010-16

12 JOHN KOK-HONG CHEUNG

**STATEMENT OF ISSUES**

13 9471 Cortada Street, #28  
14 El Monte, California 91733,

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Janelle Wedge (Complainant) brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Acupuncture Board (Board).  
21 2. On or about March 22, 2010, the Acupuncture Board received an application for an  
22 Acupuncture License from John Kok-Hong Cheung (Respondent). On or about March 18, 2010,  
23 John Kok-Hong Cheung certified under penalty of perjury to the truthfulness of all statements,  
24 answers, and representations in the application. The Board denied the application on May 5,  
25 2010.

26 **JURISDICTION**

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

1 indicated.

2 4. Section 4955 of the Code states in part:

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

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

6 "...

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

9 "...

10 "(i) Any action or conduct that would have warranted the denial of the acupuncture  
11 license.

12 "..."

13 5. Section 480 of the Code states in part:

14 "(a) A board may deny a license regulated by this code on the grounds that the applicant  
15 has one of the following:

16 "(1) Been convicted of a crime. A conviction within the meaning of this section  
17 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

18 Any action that a board is permitted to take following the establishment of a  
19 conviction may be taken when the time for appeal has elapsed, or the judgment of  
20 conviction has been affirmed on appeal, or when an order granting probation is made  
21 suspending the imposition of sentence, irrespective of a subsequent order under the  
22 provisions of Section 1203.4 of the Penal Code.

23 "..."

24 6. Penal Code section 136.1, subdivision (a)(2), provides:

25 "(a) Except as provided in subdivision (c), any person who does any of the following is  
26 guilty of a public offense and shall be punished by imprisonment in a county jail for not more  
27 than one year or in the state prison:

28 "...

1 “(2) Knowingly and maliciously attempts to prevent or dissuade any witness or victim from  
2 attending or giving testimony at any trial, proceeding, or inquiry authorized by law.”

### 3 COST RECOVERY

4 7. Section 4959 of the Code states:

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

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

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

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

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

### 26 CAUSE FOR DENIAL OF APPLICATION

27 (Conviction of a Crime)

28 8. Respondent's application is subject to denial under sections 4955, subdivisions (b)  
and (i), 480, subdivision (a)(1), and Penal Code section 136.1, subdivision (a)(2), in that he was  
convicted of a crime substantially related to the qualifications, functions or duties of an  
acupuncturist. The circumstances are as follows:

#### 29 June 1, 2001 Conviction

9. On or about June 1, 2001, in the Alhambra Superior Court of Los Angeles County, in  
proceedings entitled *The People of the State of California vs. John Kok Hong Cheung* case

1 number GA045669, Respondent was convicted of attempting to dissuade a witness from  
2 testifying at trial in violation of California Penal Code section 136.1, subdivision (a)(2), a felony.

3 10. The facts and circumstances surrounding the conviction referred to above were that  
4 on or about March 19, 2001, Los Angeles County Sheriff's Department (LASD) detectives from  
5 the Asian Crime Task Force conducted an investigation involving an attempt to dissuade a  
6 victim/witness from testifying at the Los Angeles County Criminal Court for a hearing related to  
7 a robbery/assault incident that involved a United Bamboo street gang member. At the time of the  
8 incident, Respondent was a member of the United Bamboo street gang. During their  
9 investigation, the LASD detectives learned that Respondent had made contact with a witness to  
10 the robbery/assault incident on two separate occasions. Specifically, on February 19, 2001,  
11 Respondent went to the witness's house and spoke to the witness regarding the criminal  
12 proceeding and incident that Respondent's then fellow gang member was involved in. Then, on  
13 or about March 4, 2001, while outside in the parking lot of a café where the witness was present  
14 inside, Respondent again spoke to the witness a second time via a cellular telephone about the  
15 same criminal proceeding.

16 11. On or about March 28, 2001, a felony complaint for arrest warrant was filed in *The*  
17 *People of the State of California vs. John Kok Hong Cheung, et al.* charging Respondent with the  
18 following:

19 Count 1: Knowingly and maliciously attempting to prevent and dissuade a witness from  
20 giving testimony at trial on or about February 19, 2001, in violation of Penal  
Code section 136.1, subdivision (a)(2), a felony;

21 Count 2: Unlawfully attempting to bribe to a witness upon the understanding that he shall  
22 not attend trial on or about February 19, 2001, in violation of Penal Code  
23 section 138, subdivision (a), a felony;

24 Count 3: Knowingly and maliciously attempting to prevent and dissuade a witness from  
25 giving testimony at trial on or about March 4, 2001, in violation of Penal Code  
section 136.1, subdivision (a)(2), a felony; and

26 Count 4: Unlawfully attempting to bribe to a witness upon the understanding that he shall  
27 not attend trial on or about March 4, 2001, in violation of Penal Code section  
28 138, subdivision (a), a felony.

1           12. On or about June 1, 2001, the case was called for a preliminary setting/resetting  
2 hearing. Respondent was convicted by plea of nolo contendere to Count 1 (attempting to  
3 dissuade a witness from testifying). The Court suspended the imposition of sentence, and placed  
4 Respondent on formal probation for a period of five years. Additionally, Respondent was ordered  
5 to: (1) serve 364 days in Los Angeles County Jail (minus a credit of 133 days); (2) pay restitution  
6 in the amount of \$500; (3) not use or possess any narcotics, dangerous or restricted drugs or  
7 associated paraphernalia, except with a valid prescription, and stay away from places where users,  
8 buyers or sellers congregate, except in an authorized drug counseling program; (4) not associate  
9 with persons believed to be or known to be narcotic or drug users, sellers or buyers, except in an  
10 authorized drug counseling program; (5) stay 100 yards away from the victims and gang  
11 members; (6) seek and maintain training, schooling or employment as approved by the probation  
12 officer; (7) maintain residence as approved by the probation officer; (8) not own, use or possess  
13 any dangerous or deadly weapons, including any firearms, knives or other concealable weapons;  
14 (9) submit to search or seizure at any time of the day or night by any law enforcement officer or  
15 by a probation officer with or without a warrant; (10) use only his true name with the government  
16 and police officials; (11) obey all rules and regulations of the probation department; (12) obey all  
17 laws and further orders of the court; (13) stay 100 yards away from Asian gang members,  
18 specifically Asian Boys, Oriental Thugz and United Bamboo; and (14) register as a gang member.

19           13. On or about September 14, 2006, the case was called for a readiness/termination/  
20 dismissal/nonappearance hearing. Respondent was determined to be in full compliance with the  
21 terms and conditions of probation, and his motion for a reduction to a misdemeanor was granted.  
22 Additionally, the plea was set aside and vacated, and Count 1 was dismissed pursuant to Penal  
23 Code section 1203.4.

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27 ///

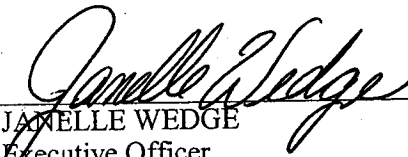
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PRAYER

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. Denying the application of John Kok-Hong Cheung for an Acupuncture License;
2. Directing John Kok-Hong Cheung to pay the Acupuncture Board of California the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring.
3. Taking such other and further action as deemed necessary and proper.

DATED:           OCT 12 2010          

  
JANELLE WEDGE  
Executive Officer  
Acupuncture Board  
State of California  
*Complainant*

LA2010503509