

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

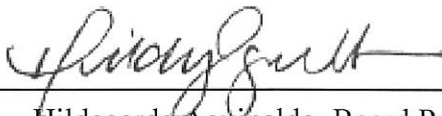
In the Matter of the Accusation Against:)	Case No. 1A-2015-8
)	
SEUNG MAN YU, L.AC.)	
1750 Halford Avenue, Suite 111)	
Santa Clara, CA 95051)	
)	
Acupuncture License No. AC 15888)	
)	
Respondent.)	
_____)	

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 December 1, 2016.

It is so ORDERED November 1, 2016.



Hildegard Aguinardo, Board President
Acupuncture Board
Department of Consumer Affairs
State of California

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

11 In the Matter of the Accusation Against:

Case No. 1A-2015-8

12 **SEUNG MAN YU**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 **1750 Halford Avenue, Suite 111**
14 **Santa Clara, CA 95051**

15 **Acupuncture License No. AC 15888**

16 Respondent.

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

20 PARTIES

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

25 2. Respondent Seung Man Yu is representing himself in this proceeding and has chosen
26 not to exercise his right to be represented by counsel.

27 3. On or about March 28, 2014, the Acupuncture Board (Board) issued Acupuncture
28 License Number AC 15888 to Seung Man Yu (Respondent). The Acupuncture License was in

1 full force and effect at all times relevant to the charges brought herein and will expire on
2 December 31, 2017, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1A-2015-8 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 August 10, 2016. Respondent timely filed his Notice of Defense
7 contesting the Accusation.

8 5. A copy of Accusation No. 1A-2015-8 is attached as exhibit A and incorporated herein
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 1A-2015-8. Respondent has also carefully read, and understands the effects of
13 this Stipulated Settlement and Disciplinary Order.

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

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

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 1A-2015-8.

26 10. Respondent agrees that his Acupuncture License Number AC 15888 is subject to
27 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
28 Disciplinary Order below.

CONTINGENCY

1
2 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
3 submitted to the Board for its consideration in the above-entitled matter and, further, that the
4 Board shall have a reasonable period of time in which to consider and act on this Stipulated
5 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
6 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
7 prior to the time that the Board considers and acts upon it.

8 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
9 and void and not binding upon the parties unless approved and adopted by the Board, except for
10 this paragraph, which shall remain in full force and effect. Respondent fully understands and
11 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
12 Disciplinary Order, the Board may receive oral and written communication from its staff and/or
13 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
14 the Board, any member thereof, and/or any other person from future participation in this or any
15 other matter affecting or involving Respondent. In the event that the Board, in its discretion, does
16 not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of
17 this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and
18 shall not be relied upon or introduced in any disciplinary action by either party hereto.
19 Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary
20 Order for any reason, Respondent will assert no claim that the Board, or any member thereof, was
21 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
22 Disciplinary Order or of any matter or matters related hereto.

DISCIPLINARY ORDER

23
24 IT IS HEREBY ORDERED that Acupuncture License No. AC 15888 issued to Respondent
25 Seung Man Yu is revoked. However, the revocation is stayed and Respondent is placed on
26 probation for three (3) years on the following terms and conditions.

- 27 1. ALCOHOL AND DRUG ABUSE TREATMENT:
28

1 Effective 30 days from the date of this decision, Respondent shall commence attending
2 Twelve-Step meetings or the equivalent, as approved by the Board. Attendance shall be at least
3 three (3) times per week during the first year of probation. Proof of attendance at these meetings
4 must be submitted quarterly to the Board. Failure to attend the meetings or to timely submit
5 proof of attendance will be considered a violation of probation.

6 2. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND
7 SAMPLES:

8 Respondent shall abstain completely from the personal use or possession of controlled
9 substances as defined in the California Uniform Controlled Substances Act (Division 10,
10 commencing with section 11000 of the Health and Safety Code) and dangerous drugs as defined
11 by Section 4022 of the Business and Professions Code, or any drugs requiring a prescription.
12 Respondent shall abstain completely from the use of alcoholic beverages. Respondent shall
13 undergo random, biological fluid testing, as determined by the Board. Respondent shall bear all
14 costs of such testing. The length of time and frequency will be determined by the Board. Any
15 confirmed positive finding will be considered a violation of probation.

16 3. COURSEWORK:

17 Respondent shall take and successfully complete not less than eight (8) hours of
18 coursework in the following area: Ethics. The coursework shall be taken as approved by the
19 Board. Classroom attendance must be specifically required. Course content shall be pertinent to
20 the violation and all coursework must be completed within the first two (2) years of probation.
21 The required coursework must be in addition to any continuing education courses that may be
22 required for license renewal. Within ninety (90) days of the effective date of the Decision,
23 Respondent shall submit a plan for the Board's prior approval for meeting the educational
24 requirement. All costs of the coursework shall be borne by the Respondent.

25 4. COMMUNITY SERVICE:

26 Respondent shall perform 100 hours of community service. The services rendered shall be
27 professional in nature and under the auspices of a governmental entity or a non-profit corporation
28 that is tax exempt under the Internal Revenue Code. Within sixty (60) days of the effective date

1 of this decision, Respondent shall submit to the Board for its prior approval a community service
2 plan. Prior to engaging in the community service, Respondent shall provide a copy of the
3 decision in this matter to the manager, director or other person in charge of the organization
4 (Decision Maker) where this service will be performed. Within fifteen (15) days of providing the
5 documentation to the Decision Maker, as required, Respondent shall submit written proof of
6 compliance to the Acupuncture Board. In no event shall such proof be provided later than two (2)
7 weeks after having engaged in the community service. Additionally, Respondent shall have the
8 manager, director, or other person in charge of the organization submit confirmation directly to
9 the Board when Respondent has completed the 100 hours of community service required by this
10 agreement.

11 5. OBEY ALL LAWS:

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

16 6. QUARTERLY REPORTS:

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

19 7. SURVEILLANCE PROGRAM:

20 Respondent shall comply with the Board's probation surveillance program and shall, upon
21 reasonable notice, report to the assigned investigative district office. Respondent shall contact the
22 assigned probation surveillance monitor regarding any questions specific to the probation order.
23 Respondent shall not have any unsolicited or unapproved contact with 1) victims or complainants
24 associated with the case outside of that contact permitted by the Santa Clara County Superior
25 Court in the matter *People of the State of California v. Seungman Yu*, Superior Court Case No.
26 C1501715; 2) Board members or members of its staff; or 3) persons serving the Board as expert
27 examiners.

28 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE:

1 Respondent shall appear in person for interviews with the Board or its designee upon
2 request at various intervals and with reasonable notice.

3 9. CHANGES OF EMPLOYMENT:

4 Respondent shall notify the Board in writing, through the assigned probation surveillance
5 compliance officer of any and all changes of employment, location and address within thirty (30)
6 days of such change.

7 10. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE:

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

11 11. EMPLOYMENT AND SUPERVISION OF TRAINEES:

12 Respondent shall not employ or supervise or apply to employ or supervise acupuncture
13 trainees during the course of this probation. Respondent shall terminate any such supervisory
14 relationship in existence on the effective date of this probation.

15 12. COST RECOVERY:

16 Respondent shall pay to the Board its costs of investigation and prosecutorial costs incurred
17 by the Board in the amount of \$1827.25. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board, with payments to be completed no later than six months
19 prior to the end of the probation term. Cost recovery will not be tolled. Respondent understands
20 that failure to make payments in accordance with any formal agreement entered into with the
21 Board or pursuant to any Decision by the Board shall be considered a violation of probation.

22 13. VIOLATION OF PROBATION:

23 If Respondent violates probation in any respect, the Board may, after giving Respondent
24 notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that
25 was stated. If an accusation or petition to revoke probation is filed against Respondent during
26 probation, the Board shall have continuing jurisdiction until the matter is final, and the period of
27 probation shall be extended until the matter is final. No petition for modification or termination
28

1 of probation shall be considered while there is an accusation or petition to revoke probation
2 pending against respondent.

3 14. COMPLETION OF PROBATION:

4 Upon successful completion of probation, Respondent's license will be fully restored.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
7 stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated
8 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
9 bound by the Decision and Order of the Acupuncture Board.

10

11 DATED: 09/20/2016



12 SEUNG MAN YU
13 Respondent

13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Board.

16

17 Dated: 9/26/16

Respectfully submitted,

18

KAMALA D. HARRIS
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

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KEITH C. SHAW
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2015-8