

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

In the Matter of the Accusation Against:) Case No. 1A-2009-26
)
JUNE KI CHANG)
4000 W. Riverside Drive #B)
Burbank, CA 91505)
)
Acupuncture License No. AC 8501)
)
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 **MAY 30 2010** .

It is so ORDERED **APR 30 2010** .



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

1 EDMUND G. BROWN JR.
Attorney General of California
2 TRINA L. SAUNDERS
Deputy Attorney General
3 State Bar Number 207764
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 620-2193
5 Facsimile: (213) 897-9395
Attorneys for Complainant

6
7 **BEFORE THE**
ACUPUNCTURE BOARD
8 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

9
10 In the Matter of the Accusation Against:

Case No. 1A-2009-26

11 JUNE KI CHANG

OAH No. 2010020547

12 4000 W. Riverside Drive, #B
Burbank, California 91505

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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15 Acupuncture License No. AC 8501,

Respondent.

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

25 2. Respondent June Ki Chang (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about June 24, 2002, the Acupuncture Board issued Acupuncture License
28 number AC 8501 to June Ki Chang. That license was in full force and effect at all times relevant

1 to the charges brought in Accusation number 1A-2009-26 and will expire on August 31, 2011,
2 unless renewed.

3 JURISDICTION

4 4. Accusation No. 1A-2009-26 was filed before the Acupuncture Board, and is currently
5 pending. The Accusation and all other statutorily required documents were properly served on
6 Respondent on December 22, 2009. Respondent timely filed her Notice of Defense contesting
7 the Accusation. A copy of Accusation number 1A-2009-26 is attached as Exhibit A and is
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 1A-2009-26. Respondent has also carefully read, and understands the effects of
12 this Stipulated Settlement and Disciplinary Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 1A-2009-26.

25 9. Respondent agrees that her Acupuncture License is subject to discipline and she
26 agrees to be bound by the Acupuncture Board (Board)'s imposition of discipline as set forth in
27 the Disciplinary Order below.

CONTINGENCY

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

11. 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.

12. 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 Acupuncture License No. AC 8501 issued to Respondent June Ki Chang (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for one (1) year on the following terms and conditions:

1. **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.

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

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

10 5. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
11 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 6. 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 7. 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 supervisory relationship in existence on the
20 effective date of this probation.

21 8. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
22 enforcement in the amount of \$2,241.00. This amount shall be paid in full directly to the Board
23 in four equal payments, within eight (8) months from the effective date of the decision. Cost
24 recovery will not be tolled.

25 Respondent understands that failure to timely pay costs is a violation of probation, and
26 submission of evidence demonstrating financial hardship does not preclude the Board from
27 pursuing further disciplinary action. However, Respondent understands that providing
28

1 evidence and supporting documentation of financial hardship may delay further disciplinary
2 action.

3 Consideration to financial hardship will not be given should Respondent violate this term
4 and condition, unless an unexpected AND unavoidable hardship is established from the date of
5 this order the day payment(s) is due.
6


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

14 10. COMPLETION OF PROBATION Upon successful completion of probation,
15 respondent's license will be fully restored.

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17 ACCEPTANCE

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

22
23 DATED: 3/22/2010



24 JUNE KI CHANG
Respondent

25 //
26 //
27 //
28 //


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: March 30, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California


TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2009-26

1 EDMUND G. BROWN JR.
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TRINA L. SAUNDERS
Deputy Attorney General
4 State Bar No. 207764
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (213) 897-9395
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12 JUNE KI CHANG
4000 W. Riverside Dr., #B,
13 Burbank, CA 91505
Acupuncturist Certificate No. AC 8501
14 Respondent.

Case No. 1A-2009-26

15 **A C C U S A T I O N**

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Janelle Wedge (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.
- 21 2. On or about June 24, 2002, the Acupuncture Board issued Acupuncturist Certificate
22 Number AC 8501 to June Ki Chang (Respondent). The Acupuncturist Certificate was in full
23 force and effect at all times relevant to the charges brought herein and will expire on August 31,
24 2011, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Acupuncture Board (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1
2 4. Section 4955 of the Code states:

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

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

14 "(c) False or misleading advertising.

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

18 "(e) Except for good cause, the knowing failure to protect patients by failing to
19 follow infection control guidelines of the board, thereby risking transmission of
20 blood-borne infectious diseases from licensee to patient, from patient to patient, and
21 from patient to licensee. In administering this subdivision, the board shall consider
22 referencing the standards, regulations, and guidelines of the State Department of
23 Health Services developed pursuant to Section 1250.11 of the Health and Safety Code
24 and the standards, regulations, and guidelines pursuant to the California Occupational
25 Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5
26 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other
27 blood-borne pathogens in health care settings. As necessary, the board shall consult
28 with the Medical Board of California, the California Board of Podiatric Medicine, the

1 Dental Board of California, the Board of Registered Nursing, and the Board of
2 Vocational Nursing and Psychiatric Technicians, to encourage appropriate
3 consistency in the implementation of this subdivision.

4 "The board shall seek to ensure that licensees are informed of the responsibility
5 of licensees and others to follow infection control guidelines, and of the most recent
6 scientifically recognized safeguards for minimizing the risk of transmission of
7 blood-borne infectious diseases.

8 "(f) The use of threats or harassment against any patient or licensee for
9 providing evidence in a disciplinary action, other legal action, or in an investigation
10 contemplating a disciplinary action or other legal action.

11 "(g) Discharging an employee primarily for attempting to comply with the
12 terms of this chapter.

13 "(h) Disciplinary action taken by any public agency for any act substantially
14 related to the qualifications, functions, or duties of an acupuncturist or any
15 professional health care licensee.

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

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

24 "(k) The abandonment of a patient by the licentiate without written notice to the
25 patient that treatment is to be discontinued and before the patient has had a reasonable
26 opportunity to secure the services of another practitioner.

1 "(1) the failure to notify the board of the use of any false, assumed, or fictitious
2 name other than the name under which he or she is licensed as an individual to
3 practice acupuncture."

4 5. Section 4955.1 of the Code states:

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

8 "(a) Securing a license by fraud or deceit.

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

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

12 "(d) Altering or modifying the medical record of any person, with fraudulent
13 intent, or creating any false medical record.

14 "(e) Failing to maintain adequate and accurate records relating to the provision
15 of services to their patients."

16 6. Section 4956 of the Code states:

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

20 "The board may order a license suspended or revoked, or may deny a license, or may
21 impose probationary conditions upon a license, when the time for appeal has elapsed, or the
22 judgment of conviction has been affirmed on appeal, or when an order granting probation is made
23 suspending the imposition of sentence irrespective of a subsequent order under the provisions of
24 Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to
25 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
26 complaint, information, or indictment."

27 7. Section 4959 of the Code states:
28

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

6 "(b) The costs to be assessed shall be fixed by the administrative law judge and
7 shall not in any event be increased by the board. When the board does not adopt a
8 proposed decision and remands the case to an administrative law judge, the
9 administrative law judge shall not increase the amount of any costs assessed in the
10 proposed decision.

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

16 "(d) In any judicial action for the recovery of costs, proof of the board's
17 decision shall be conclusive proof of the validity of the order of payment and the
18 terms for payment.

19 "(e) All costs recovered under this section shall be considered a reimbursement
20 for costs incurred and shall be deposited in the Acupuncture Fund."

21 8. Business and Professions Code section 125.3 states that:

22 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
23 proceeding before any board within the department or before the Osteopathic Medical Board
24 upon request of the entity bringing the proceedings, the administrative law judge may direct a
25 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
26 to exceed the reasonable costs of the investigation and enforcement of the case,

27 "(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order
28 may be made against the licensed corporate entity or licensed partnership.

1 "(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs
2 are not available, signed by the entity bringing the proceeding or its designated representative
3 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case.
4 The costs shall include the amount of investigative and enforcement costs up to the date of the
5 hearing, including, but not limited to, charges imposed by the Attorney General.

6 "(d) The administrative law judge shall make a proposed finding of the amount of
7 reasonable costs of investigation and prosecution of the case when requested pursuant to
8 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
9 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost
10 award, or remand to the administrative law judge if the proposed decision fails to make a finding
11 on costs requested pursuant to subdivision (a).

12 "(e) If an order for recovery of costs is made and timely payment is not made as directed in
13 the board's decision, the board may enforce the order for repayment in any appropriate court.
14 This right of enforcement shall be in addition to any other rights the board may have as to any
15 licentiate to pay costs.

16 "(f) In any action for recovery of costs, proof of the board's decision shall be conclusive
17 proof of the validity of the order of payment and the terms for payment.

18 "(g)(1) Except as provided in paragraph (2), the board shall not renew or
19 reinstate the license of any licentiate who has failed to pay all of the costs ordered
20 under this section.

21 (2) Notwithstanding paragraph (1), the board may, in its discretion,
22 conditionally renew or reinstate for a maximum of one year the license of any
23 licentiate who demonstrates financial hardship and who enters into a formal
24 agreement with the board to reimburse the board within that one-year period for the
25 unpaid costs.

26 "(h) All costs recovered under this section shall be considered a reimbursement for costs
27 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
28 appropriation by the Legislature.

1 " (i) Nothing in this section shall preclude a board from including the recovery of the costs
2 of investigation and enforcement of a case in any stipulated settlement.

3 " (j) This section does not apply to any board if a specific statutory provision in that board's
4 licensing act provides for recovery of costs in an administrative disciplinary proceeding.

5 " (k) Notwithstanding the provisions of this section, the Medical Board of California shall
6 not request nor obtain from a physician and surgeon, investigation and prosecution costs for a
7 disciplinary proceeding against the licentiate. The board shall ensure that this subdivision is
8 revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from
9 this subdivision is offset by an increase in the amount of the initial license fee and the biennial
10 renewal fee, as provided in subdivision (e) of Section 2435."

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Conviction of a Crime Substantially Related to Acupuncture)**

13
14 9. Respondent is subject to disciplinary action under section Respondent is subject to
15 disciplinary action under section 4955, subdivision (b), and 4956 of the Code in that she
16 committed unprofessional conduct in that Respondent was convicted of a crime substantially
17 related to the qualifications, functions, or duties of an acupuncturist. The facts and circumstances
18 are as follows:

19
20 10. On or about February 9, 2009, Respondent was convicted of a misdemeanor for
21 violating Penal Code Section 487(A), grand theft, following a plea of nolo contendere.

22 11. The conviction was based on Respondent's arrest of November 23, 2008. On that
23 date, Los Angeles Police Department officers received a radio call indicating that Respondent
24 was being held at the Neiman Marcus on Topanga Canyon Boulevard. When officers arrived at
25 the location, Respondent was being held by loss prevention investigators of the retail store.
26 Before being detained by loss prevention investigators Respondent was observed picking up a
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28

1 pink "Balenciaga" purse from a store sales table and exiting the store without paying for the item.
2 Respondent's actions were also reviewed on the store's security camera.

3 **DISCIPLINE CONSIDERATIONS**

4 12. To determine the degree of discipline, if any, to be imposed on Respondent,
5 Complainant alleges that on or about March 13, 1997, in a prior criminal proceeding entitled
6 *People v. Jane Lee* (Respondent's alias) in Los Angeles County in the City of Beverly Hills
7 Superior Court, Case Number 7BH0033501. Respondent was convicted for violating Penal Code
8 section 487(A) grand theft., a misdemeanor and was ordered to serve 24 months probation, one
9 day in jail, pay a fine or complete 24 hours of community service in lieu thereof, and pay
10 restitution. The record of the criminal proceeding is incorporated as if fully set forth.

11 **PRAYER**

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

- 14 1. Revoking or suspending Acupuncturist Certificate Number AC 8501, issued to June
15 Ki Chang, L. Ac.
16 2. Ordering June Ki Chang, L. Ac., to pay the Acupuncture Board the reasonable costs
17 of the investigation and enforcement of this case, pursuant to Business and Professions Code
18 section 4959;
19 3. Taking such other and further action as deemed necessary and proper.

20
21
22 DATED: DEC 22 2009


23 JANELLE WEDGE
24 Executive Officer
25 Acupuncture Board
26 Department of Consumer Affairs
27 State of California
28 Complainant

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DECLARATION OF SERVICE BY MAIL

In the Matter of the Accusation filed Against:

JUNE KI CHANG

Case No. 1A-2009-26

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95811-0228. I served a true copy of the attached:

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

NAME and ADDRESS

CERTIFIED MAIL NO.

June Ki Chang L.Ac.
4000 W. Riverside Dr., #B
Burbank, CA 91505

7009 1410 0002 2168 6106

Trina L. Saunders, Deputy Attorney General
California Department of Justice
Office of the Attorney General/HQE
300 S. Spring St., Ste. 1702
Los Angeles, CA 90013

regular mail

Robert McKim Bell, Supervising Deputy Attorney General
California Department of Justice
Office of the Attorney General/HQE
300 S. Spring St., Ste. 1702
Los Angeles, CA 90013

regular mail

Each said envelope was, on April 30, 2010, sealed and deposited in the U.S. mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid for an attempt at service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 30, 2010 at Sacramento, California.



DECLARANT