BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	Case No.: 1A-2009-199
	)	OAH No.: 2014110889
JYUNG WOOK EOM, L.AC.	)	
SEOCHO GU SEOCHO DONG 1714-33	)	
SEOUL, KOREA SOUTH	)	
	)	
Acupuncture License No. AC 12453	)	
	)	
Respondent.	)	
	)	

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on OCT 09 2015.

IT IS SO ORDERED SEP 09 2015.

Michael Shi, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
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BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JYUNG WOOK EOM, L.AC.** **Seocho Gu Seocho Dong 1714-33** **Seoul, Korea South** **Acupuncturist License No. AC 12453,** Respondent.	Case No. 1A-2009-199 OAH No. 2014110889 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. Terri Thorfinnson (Complainant) is the Executive Officer of the Acupuncture Board (Board), Department of Consumer Affairs. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Christina L. Sein, Deputy Attorney General.

2. Jyung Wook Eom, L.Ac. (Respondent) is represented in this proceeding by attorney John H. Oh, Esq., whose address is 4221 Wilshire Blvd., Suite 333, Los Angeles, CA 90010.

3. On or about April 3, 2008, the Board issued Acupuncturist License No. AC 12453 to Respondent. The Acupuncturist License was in full force and effect at all times relevant to the

charges brought in Accusation No. 1A-2009-199 and will expire on February 29, 2016, unless renewed.

JURISDICTION

4. Accusation No. 1A-2009-199 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 16, 2014. Respondent filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1A-2009-199 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1A-2009-199. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1A-2009-199, agrees that cause exists for discipline and hereby surrenders his Acupuncturist License No. AC 12453 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Acupuncturist License without further process.

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 surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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 Surrender 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 Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and 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 Order:

ORDER

IT IS HEREBY ORDERED that Acupuncturist License No. AC 12453, issued to Respondent Jyung Wook Eom, L.Ac., is surrendered and accepted by the Acupuncture Board.

1. The surrender of Respondent's Acupuncturist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Acupuncture Board.

2. Respondent shall lose all rights and privileges as an acupuncturist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must

comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 1A-2009-199 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 1A-2009-199 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $2,847.50 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, John H. Oh, Esq. I understand the stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 6/10/2015

JYUNG WOOK EOM, L.AC.
Respondent

I have read and fully discussed with Respondent Jyung Wook Eom, L.Ac. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 6/10/2015

JOHN H. OH, ESQ.
Attorney for Respondent

[Endorsement on following page]

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

Dated: June 10, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

CHRISTINA L. SEIN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2009-199

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Attorneys for Complainant

FILED

OCT 16 2014

ACUPUNCTURE BOARD

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JYUNG WOOK EOM, L.Ac.** **Seocho Gu Seocho Dong 1714-33** **Seoul** **Acupuncturist License No. AC 12453,** Respondent.	Case No. 1A-2009-199 **ACCUSATION**

Complainant alleges:

PARTIES

1. Terri Thorfinnson (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

2. On or about April 3, 2008, the Acupuncture Board issued Acupuncturist License Number AC 12453 to Jyung Wook Eom, L.Ac. (Respondent). The Acupuncturist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2016, unless renewed.

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JURISDICTION

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

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

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

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

"....

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

"....

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

"...."

5. Section 4955.1 of the Code, subdivision (c) states:

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

"....

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

COST RECOVERY

6. Section 4959 of the Code states:

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

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

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

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

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

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to Qualifications, Functions, or Duties of an Acupuncturist)

7. Respondent is subject to disciplinary action under section 4955, subdivision (b), of the Code in that he was convicted of crimes, to wit: violation of California Penal Code section 243(d) [battery with serious bodily injury] and California Penal Code section 245(a)(1) [assault by means likely to produce great bodily injury], substantially related to the qualifications, functions or duties of a an acupuncturist, as more particularly alleged hereinafter:

8. Respondent is an acupuncturist licensed to practice in California.

9. On or about October 15, 2009, at approximately 2:25 p.m., officers of the Los Angeles Police Department received a radio call indicating that there were two male Asians fighting against one male Asian inside a parking garage. Upon arrival at the scene, officers observed three male Asians, no longer fighting, with visible injuries to their faces. One of the men, later identified as the victim, was unable to respond to questions because he was too disoriented from his injuries.

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10. Respondent was under the influence of alcohol at the time of his interview at the scene. When first approached by one of the officers, Respondent spontaneously stated, "I'm an officer! I'm a bodyguard for famous people! I'm a black belt in Hapkido [a practice of martial arts]! I had to defend myself. He [the victim] was attacking me!" Respondent admitted to the officer that, prior to the fight, he had been drinking at a bar with his friend. Respondent claimed that, when they returned to his friend's home and were walking to the main lobby, the victim, for no apparent reason, started punching both Respondent and his friend. Respondent further claimed he punched the victim numerous times in self-defense.

11. The security guard of the building observed the fight and called the police. He was in the lobby of the building watching the live security camera footage. He observed two male Asians punching and kicking one male Asian who was down on the ground inside the parking garage.

12. Officer Chang watched the recording of the video camera footage, which showed the victim walking toward the garage exit. Respondent's friend followed after the victim. When both men reappeared on the footage, Respondent's friend was punching the victim who had already fallen to the ground. Respondent's friend stopped punching the victim. Respondent, who was sitting nearby, stood up and began kicking and stomping on the victim numerous times. Respondent's friend then attempted to stop Respondent from kicking the victim, however, Respondent was able to re-approach the victim and kick and stomp on him a few more times.

13. After interviewing all three men involved in the fight, an independent witness (the security guard) and observing the video camera footage, the officers concluded that the fight between Respondent's friend and the victim was a mutual combat. Respondent's kicking and stomping of the victim in the head and neck area causing the victim to nearly lose consciousness was beyond mutual combat. Due to the injuries caused by the Respondent, the officers determined that Respondent's battery caused great bodily injury to the victim.

14. In the case entitled *The People of the State of California v. Jyungwook Eom*, Los Angeles County Superior Court, Case No. BA364105, Respondent was charged with a felony in Count One, violation of California Penal Code section 243(d), for willfully and unlawfully using

force upon a person, resulting in the infliction of serious bodily injury, and a with a felony in Count Two, violation of California Penal Code section 245(a)(1), for willfully and unlawfully committing an assault by means of force likely to produce great bodily injury.

15. On or about September 14, 2011, the Court in *The People of the State of California v. Jyungwook Eom*, Los Angeles County Superior Court, Case No. BA364105, found Respondent guilty of Counts One and Two. Respondent remained on bail and was ordered to appear in court on October 27, 2011 for a probation and sentence hearing. Respondent failed to appear in court, without sufficient excuse, and a bench warrant was issued. Respondent never appeared in court thereafter.

16. In January 2012, Respondent applied for renewal of Acupuncturist License Number AC 12453. The renewal application asks the applicant whether he has been convicted of a crime in any state, the U.S.A. and its territories, military court or other country. Respondent failed to report his conviction in *The People of the State of California v. Jyungwook Eom*, Los Angeles County Superior Court, Case No. BA364105.

SECOND CAUSE FOR DISCIPLINE

(Conduct That Would Have Warranted Denial of License)

17. Respondent is subject to disciplinary action under section 4955, subdivision (i), of the Code in that his actions and conduct leading to his arrest and his conviction would have warranted the denial of an acupuncturist license, as more particularly alleged in paragraphs 8 through 16 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Act Involving Dishonesty)

18. Respondent is subject to disciplinary action under section 4955.1, subdivision (c) of the Code in that he lied to police officers about the circumstances of the fight leading to his arrest and conviction, and failed to report on his renewal application that he had been convicted of two felonies (violation of California Penal Code section 243(d) and California Penal Code section

245(a)(1)), as more particularly alleged in paragraphs 8 through 16 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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 AC 12453, issued to Jyung Wook Eom;

2. Ordering Jyung Wook Eom 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 Jyung Wook Eom, if placed on probation, to pay the costs of probation monitoring; and

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

DATED: OCT 16 2014

TERRI THORFINNSON
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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