BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: ANDREW SUNG YOUNG LEE, L.AC. 2352 Applewood Circle Fullerton, CA 92833 Acupuncturist License No. AC 6060, Respondent.	Case No. 1A-2010-217 OAH No. 2014040016

DECISION AND ORDER

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

This Decision shall become effective on June 14, 2015.

It is so ORDERED May 14, 2015.

FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
WENDY WIDLUS
Deputy Attorney General
State Bar No. 82958
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Telephone: (213) 897-2867
Facsimile: (213) 897-9395
E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: ANDREW SUNG YOUNG LEE, L.AC. 2352 Applewood Circle Fullerton, CA 92833 Acupuncturist License No. AC 6060, Respondent.	Case No. 1A-2010-217 OAH No. 2014040016 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Terri Thorfinnson (Complainant) is the Executive Officer of the Acupuncture Board (Board). 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 Wendy Widlus, Deputy Attorney General.

2. Respondent Andrew Sung Young Lee, L.Ac. (Respondent) is represented in this proceeding by attorney James C. Kim, whose address is: The Law Offices of James C. Kim, 3600 Wilshire Boulevard, Suite 1220, Los Angeles, CA 90010.

3. On or about September 30, 1997, the Board issued Acupuncture License No. AC 6060 to Respondent. The Acupuncture License was in full force and effect at all times relevant to the charges brought in Accusation No. 1A-2010-217 and will expire on September 30, 2014, unless renewed.

JURISDICTION

4. Accusation No. 1A-2010-217 was filed before the Acupuncture Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 6, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1A-2010-217 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1A-2010-217. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary 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-2010-217.

//

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

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the 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 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 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 Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary 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 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that issued Acupuncture License No. AC 6060 issued to Respondent Andrew Sung Young Lee is revoked. However, the revocation is stayed and Respondent is placed on probation for seven (7) years on the following terms and conditions.

1. ACTUAL SUSPENSION As part of probation, Respondent is suspended from the practice of acupuncture for 30 days beginning with the effective date of this decision.

2. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period.

3. COURSEWORK Respondent shall take and successfully complete not less than

eight (8) hours of coursework in the following area: ethics. The coursework shall be taken as 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. The Board agrees the coursework shall be obtained through attendance at, and completion of, the 16 hour class provided in the Korean language entitled "Medical Ethics and Clinical Management" given by Board approved provider "Ok-Go Acupuncture Health Care Inc." in Yorba Linda, California.

4. COMMUNITY SERVICE Respondent shall provide 300 hours of acupuncture services without charge, nor may Respondent charge for products used during his acupuncture services. Respondent must provide the 300 hours only through the "GMBC" medical community service organization, located at 10241 Chapman Avenue, Garden Grove, California, 92840. The Board understands and believes "GMBC" to be a medical community service organization which serves people of low income who have no health insurance by donating medical services to recipients free of charge.

Pastor Paul Oh is the only person permitted to supervise Respondent at "GMBC" while Respondent provides acupuncture to "GMBC" recipients. Pastor Oh must submit written proof of his supervision of Respondent's community service hours to the Board's assigned probation surveillance monitor on a regular basis as directed by the Board.

5. 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.

6. 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.

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

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

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

10. COST RECOVERY Respondent shall pay to the Board its costs of investigation and enforcement in the amount of $4,632.50. This amount shall be paid in full, directly to the Board within six (6) months prior to the termination date of probation. Cost recovery will not be tolled. Respondent understands that failure to timely pay costs is a violation of probation, and submission of evidence demonstrating financial hardship does not preclude the Board from pursuing further disciplinary action. However, Respondent understands that providing evidence and supporting documentation of financial hardship may delay further disciplinary action. Consideration to financial hardship will not be given should Respondent violate this term and condition, unless an unexpected AND unavoidable hardship is established from the date of this order to the date payment(s) is due.

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

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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, James C. Kim. I understand the stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 9/11/14

ANDREW SUNG YOUNG LEE, L.AC.
Respondent

I have read and fully discussed with Respondent ANDREW SUNG YOUNG LEE, L.Ac. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9-12-14

James C. Kim
Attorney for Respondent

//

//

//

//

//

//

ENDORSEMENT

ENDORSEMENT

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

Dated: September 12, 2014

Respectfully submitted,

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

WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

LA2013610979
61369460.docx