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ACUPUNCTURE BOARD

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **HAI TEE YOUNG, L.AC.** **1441 Paso Real Avenue, #12** **Rowland Heights, California 91748** **Acupuncture License Number AC 652,** Respondent.	Case No. 1A-2010-172 OAH No. 2014020655 **AMENDED 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 December 5, 1997, the Acupuncture Board issued Acupuncture license number AC 652 to Hai Tee Young, L.Ac. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2014, 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 731, subdivision (a), of the Code states:

"Any person licensed, certified, registered, or otherwise subject to regulation pursuant to this division who engages in, or who aids or abets in, a violation of Section 266h, 266i, 315, 316, or 318 of, or subdivision (a) or (b) of Section 647 of, the Penal Code occurring in the work premises of, or work area under the direct professional supervision or control of, that person, shall be guilty of unprofessional conduct. The license, certification, or registration of that person shall be subject to denial, suspension, or revocation by the appropriate regulatory entity under this division."

5. Section 4927, subdivision (d), of the Code states:

'Acupuncture' means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion."

6. Section 4928.1 of the Code states:

"Protection of the public shall be the highest priority for the Acupuncture Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

7. Section 4937 of the Code states:

"An acupuncturist's license authorizes the holder thereof:

"(a) To engage in the practice of acupuncture.

"(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques, exercises, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral

products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.

"(c) For purposes of this section, a 'magnet' means a mineral or metal that produces a magnetic field without the application of an electric current.

"(d) For purposes of this section, "plant, animal, and mineral products" means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

"(e) For purposes of this section, "dietary supplement" has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code."

8. Section 4955 of the Code, in pertinent part, states:

"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:

". . .

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

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

". . ."

9. Section 4955.1 of the Code, in pertinent part, 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.

". . ."

10. Section 4961 of the Code in pertinent part, states:

"(a) Every person who is now or hereafter licensed to practice acupuncture in this state shall register, on forms prescribed by the Acupuncture Board, his or her place of practice, or, if he or she has more than one place of practice, all of the places of practice. If the licensee has no place of practice, he or she shall notify the board of that fact. A person licensed by the board shall register within 30 days after the date of his or her licensure.

". . .

"(c) Any licensee that changes the location of his or her place of practice shall register each change within 30 days of making that change. In the event a licensee fails to notify the board of any change in the address of a place of practice within the time prescribed by this section, the board may deny renewal of licensure. An applicant for renewal of licensure shall specify in his or her application whether or not there has been a change in the location of his or her place of practice and, if so, the date of that change. The board may accept that statement as evidence of the change of address."

11. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency.

The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

12. Section 821 of the Code states:

"The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license."

13. California Penal Code Section 315 states:

"Every person who keeps a house of ill-fame in this state, resorted to for the purposes of prostitution or lewdness, or who willfully resides in such house, is guilty of a misdemeanor; and in all prosecutions for keeping or resorting to such a house common repute may be received as competent evidence of the character of the house, the purpose for which it is kept or used, and the character of the women inhabiting or resorting to it.

14. California Penal Code Section 316 states:

"Every person who keeps any disorderly house, or any house for the purpose of assignation or prostitution, or any house of public resort, by which the peace, comfort, or decency of the immediate neighborhood is habitually disturbed, or who keeps any inn in a disorderly manner; and every person who lets any apartment or tenement, knowing that it is to be used for the purpose of assignation or prostitution, is guilty of a misdemeanor.

15. California Penal Code Section 415 states:

"Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:

(1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.

(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

(3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction."

16. California Penal Code Section 647, in pertinent part, states:

"Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

". . .

"(b) Who solicits or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, 'prostitution' includes any lewd act between persons for money or other consideration."

17. San Diego County Code Section 21.101 states:

"This chapter establishes a Uniform Licensing Procedure and only applies to the activities that require licenses, permits or registration under sections 21.102 and 21.103 unless this code provides that this chapter or any portion of this chapter regulates other activities. For purposes of this chapter 'license' means a license, permit or registration and 'licensee' means a licensee, permittee or registrant. No person other than an applicant for a license shall have any right to challenge a decision to grant, deny, suspend or revoke a license. It shall be unlawful for any person to engage in any activity listed in sections 21.102 and 21.103 within the unincorporated area of the County of San Diego:

"(a) Without first having obtained a license from the appropriate Issuing Officer as described below:

"(b) After a license required by this chapter has expired or been suspended or revoked;

"(c) Contrary to terms of the license issued pursuant to this chapter."

18. San Diego County Code Section 21.102 in pertinent part, states:

"The following activities require a license for which the Sheriff is the Issuing Officer:

". . .

"(m) Massage Technicians."

"..."

COSTS

19. 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.

"(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."

FACTS

20. Respondent owned numerous acupuncture clinics in Southern California. Investigations of these clinics resulted in Respondent's employees being convicted of charges related to non-licensure, illegal touching, and prostitution. Additionally, Respondent failed to register all locations with the Board as required.

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Hai Tee Acupuncture Clinic, 12623 Poway Road, Poway, California

21. On or about August 15, 2010, Detective Mike Helms (Helms), assigned to the San Diego County Sheriffs Department's Licensing Section, conducted an inspection of the "Hai Tee Acupuncture Clinic," located at 12623 Poway Road, in the city of Poway, California. When Helms arrived at the above address he saw that the clinic was located in a small commercial strip mall. On the facade above the front door and on the windows business signs stating "Acupuncture Massage" were posted. Helms entered the clinic lobby where he was met by an Asian woman who spoke no English, and whose name and date of birth he was unable to ascertain.

On one of the lobby walls Helms observed a Xeroxed copy of Board license AC 652, which document listed Respondent as the licensee, displaying an issue date of December 5, 1977. On another wall Helms observed an 8 x 11 sheet of paper listing the cost of services. A spiral notebook which appeared to be a daily ledger used to track customers and payments received for services was laying on a small table. The lobby for the business was a secure, controlled entryway to limit public access to the treatment room. Once past the lobby Helms located a back room with the word "Doctor" on the exterior surface of the door.

Based on his training, experience and observations, Helms concluded Hai Tee Acupuncture Clinic was offering health related services without being duly licensed by City of Poway. Helms later confirmed the Board had not issued a valid premise permit to Respondent to operate an acupuncture clinic at this location.

Acupuncture Massage, 1332 Main Street, Ramona, California

22. On or about August 23, 2010, Helms and another police officer investigated reports that "Acupuncture Massage," located at 1332 Main Street, Ramona, California, was operating without proper permits as well as providing massages in violation of the San Diego County Code. Acting as a prospective client, Helms entered Acupuncture Massage where he was greeted by an Asian adult woman, later identified as Danna Xiong, (Xiong.)

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Helms told Xiong he wanted to book an appointment for a massage. Xiong, who spoke English, asked Helms if he wanted a full body massage or a foot massage. Helms requested a full body massage whereupon Xiong unlocked an interior lobby door to allow Helms to enter the treatment area. At that point Helms told Xiong he did not have time and only wanted to make an appointment. Xiong informed Helms an appointment was not necessary because she accepted walk-in customers.

While Helms was inside "Acupuncture Massage" he observed that this business was almost identical in configuration with the "Hai Tee Acupuncture Clinic" located in Poway. Displayed on a lobby wall was a Xeroxed copy of Board license AC 652, listing Respondent as the licensee, with an issue date of December 5, 1977. There was also a price list for the services offered which appeared identical in each establishment. Just as with the "Hai Tee Acupuncture Clinic," the lobby consisted of a secure, controlled entryway to limit public access to the treatment room on which was posted the words "Doctor's Office."

23. Xiong was the only person present inside "Acupuncture Massage." When asked to produce her requisite massage technician permit issued by the San Diego Sherriff's Department Xiong demurred, saying she did not have the permit. Xiong claimed she was issued a permit by the California Massage Therapy Council, but simply did not have that permit with her. Xiong provided a number for the permit allegedly issued to her by the California Massage Therapy Council. The permit number Xiong provided was checked by the officer and determined not to belong to Xiong. Following the results of the permit number check Xiong was arrested for violations of San Diego County Code section 21.1 02, subsection (m); unlicensed massage practice.

Helms later confirmed the Board had not issued a valid premise permit to Respondent to operate an acupuncture clinic at this location.

On or about November 19, 2010, in San Diego superior court case Q489303, Xiong pled guilty to a violation of San Diego County Code section 21.1 02, subsection (m), as an infraction. The Court placed Xiong on summary probation as a result of her plea, and ordered her to pay a $200 fine.

L.L. Acupuncture Clinic Oriental Acupressure, 27489 Jefferson Avenue, Temecula, California

April 8, 2009

24. While conducting an investigation of Respondent's connection with the above described businesses for the Board, Department of Consumer Affairs Senior Investigator Donald J. Continelli (Continelli) uncovered an earlier incident which involved another business registered to Respondent, "L.L. Acupuncture Clinic Oriental Acupressure," located at 27489 Jefferson Avenue, Temecula, California.

Continelli determined that in April, 2009, the Temecula Police Department conducted an investigation of "L.L. Acupuncture Clinic Oriental Acupressure" as a result of information the Department received about female massage technicians engaging in sex acts for money at that business.

25. On or about April 8, 2009, the Temecula Police Department's Special Enforcement Team conducted an undercover prostitution operation at "L.L. Acupuncture Clinic Oriental Acupressure," located at 27489 Jefferson Avenue, Temecula, California. During this investigation Temecula Police Department Deputy Daniel Hernandez (Hernandez) was assigned as the undercover officer who posed as a customer who would attempt to obtain an agreement for a sex act for money.

26. At approximately 4:15 p.m. Hernandez entered "L.L. Acupuncture Clinic" and walked over to a two-way window. Several moments later an Asian female adult wearing a blue low cut blouse, later identified as Jun Guo (Guo), opened the window. Guo asked Hernandez if he had been there before. Hernandez said he had been there before and Guo replied, "Ok, you good."

Guo then closed the window, opened the door, and directed Hernandez to room number two. Hernandez entered that room and Guo followed him in and closed the door. After she closed the door Guo told Hernandez, "OK paid (sic) me." Hernandez asked Guo how much money she wanted and Guo responded, "You know, you understand, you've been here before, right?" Hernandez then told Guo, "Yes", and handed her five $20 bills. Guo said, "No", and

returned $40 to Hernandez. Guo told Hernandez to take off his clothes and get comfortable, and she left the room, taking the $60 with her. Hernandez removed his clothing and lay on the massage table.

When Guo re-entered the room she began to give Hernandez a back massage, and asked Hernandez what he did for a living. Hernandez told Guo he was in the military, and was presently on leave. After massaging Hernandez for approximately 20 minutes, Guo instructed him to turn onto his back.

27. Once he was lying on his back, Hernandez asked Guo for oral sex. Guo said, "No, you too big." After Guo refused to have oral sex with Hernandez he asked Guo if she would masturbate him. Guo smiled and nodded yes.

Hernandez asked Guo how much she would charge to masturbate him and Guo said, "You know, you've been here before. How much did last girl charge you?" Hernandez told Guo he went to many different massage establishments and each charged different prices. Hernandez offered Guo $60 to masturbate him and Guo agreed to accept that amount of money.

Hernandez asked Guo if he had to pay her before she would masturbate him and she nodded yes. Hernandez took three $20 bills from his wallet and gave Guo the money, who placed the money onto another table. Hernandez surreptitiously gave a pre-arranged arrest signal to fellow officers on the arrest team. While awaiting the arrival of the arrest team Hernandez asked Guo if she wanted to have sex. Guo told Hernandez that it would cost him more money to have sex. When Hernandez asked how much more money it would cost for Guo to have sex with him Guo said, "$60."

As Hernandez started to get his wallet the arrest team began knocking on the door which led towards the room Hernandez and Guo were in. A moment after the knocking began a second Asian woman opened the door of the room Hernandez and Guo were in, said something in another language, and ran towards the back of the building. Guo ran behind that woman and Hernandez followed both women as they ran towards the exit. Hernandez identified himself as a police officer, grabbed Guo and detained her until the arrest team arrived and took Guo into custody.

Guo was arrested for a violation of Penal Code section 647, subsection (b).

28. On or about May 20, 2009, a single count misdemeanor criminal complaint entitled *People v. Jun Guo,* Riverside County Superior Court Case No. SWM085843, was filed which alleged that on or about April 8, 2009, Guo committed a violation of Penal Code section 647, subsection (b), solicitation of prostitution.

On or about October 5, 2009, misdemeanor criminal complaint *People v. Jun Guo,* Riverside County Superior Court Case No. SWM085843 was amended to add a second count which alleged a violation of Penal Code section 415, subsection 2, disturbing the peace. Respondent pled guilty to Count 2, and Count 1 was dismissed in the interests of justice based on her guilty plea.

October 16, 2009

29. On or about October 16, 2009, the Temecula Police Department's Special Enforcement Team conducted another undercover prostitution operation at "L.L. Acupuncture Clinic Oriental Acupressure," located at 27489 Jefferson Avenue, Temecula, California. Temecula Police Department Deputy Martinelli (unknown first name) (Martinelli) was assigned as the undercover who posed as a customer who would attempt to obtain an agreement for a sex act for money.

30. At approximately 4:05 p.m. Martinelli entered "L.L. Acupuncture Clinic" and was greeted by an Asian female adult, later identified as Yang Xiao Xian (Xian). Xian was standing in the hallway near the front counter of the business. Xian asked Martinelli if he had been there before and Martinelli said, "Yeah, a couple months ago." After Martinelli said he had been to the business previously, Xian walked him down the hallway and told him to go into room number 2.

Once Martinelli was inside the room, Xian exited the room, leaving the door open. While he was alone in the room Martinelli removed his shirt and shorts and stood in the middle of the room wearing only his "boxers." At that point Xian returned and asked Martinelli how long a massage did he want. Martinelli answered by asking Xian how much a half hour massage would cost, and she replied, "$40." Martinelli gave Xian two $20 bills and Xian left the room, closing the door behind her.

After Martinelli undressed, he initially lay face down on the massage table completely naked. While awaiting for Xian's return Martinelli picked up a towel from the massage table and laid it across the back of his legs. Shortly thereafter, Xian, wearing black pants, a multi-colored shirt, and a white overcoat, walked into the room and told Martinelli he didn't need the towel as she removed the towel from his legs.

Xian asked Martinelli again if he had been at the business previously, and Martinelli repeated that he had been there before. Xian continued to question Martinelli, asking him who he had seen when he had last been to the business. Martinelli told Xian he saw a woman named "Sun."

31. After Martinelli told Xian he had previously seen "Sun" at the business, Xian began to massage his back, legs, and buttocks. After a few minutes of massaging Martinelli, Xian yelled out something in a foreign language to another girl inside the business and then left the room.

When Xian returned to the room, she was no longer wearing the white overcoat. Xian told Martinelli to roll over onto his back, which he did. Xian did not cover Martinelli's genitals and began to sensually touch his chest, stomach, and legs. Xian continued to sensually massage Martinelli and then asked, "Do you want (sic) massage?", making an up and down hand gesture while pointing to Martinelli's exposed penis. Martinelli understood Xian's gestures to mean she was offering to masturbate him and told Xian, "Yeah."

32. Martinelli watched Xian walk over to a table inside the room and place some oil in her hands. Xian returned to Martinelli and began to sensually touch his legs and stomach area. After doing this Xian rubbed her right forearm across Martinelli's penis and testicles several times. Martinelli asked Xian, "How much?" and Xian held up five fingers. Martinelli then asked Xian, "$50?" and she said, "Yes."

Xian then said, "$100 for everything." At that point Martinelli asked Xian, "One hundred dollars for full sex?" and Xian said, "Yes." Martinelli said, "Ok" as he covertly gave the predetermined arrest signal to other officers. While awaiting the arrest team Martinelli took out his wallet and retrieved five $20 bills, which he handed to Xian. As Xian reached out to take the

money, there was a loud bang at the front of the business as the arrest team entered. Martinelli watched Xian run out of the room at that time, and she was ultimately arrested by the arrest team officers.

Xian was arrested for a violation of Penal Code section 647, subsection (b), solicitation of prostitution.

33. On or about January 8, 2010, a single count misdemeanor criminal complaint entitled *People v. Yung Xiao Xian*, Riverside County Superior Court Case No. SWM10000109 was filed which alleged that on or about October 16, 2009, Xian committed a violation of Penal Code section 647, subsection (b).

On or about July 26, 2010, Respondent pled guilty to the violation of Penal Code section 647, subsection (b) in the single count misdemeanor criminal complaint entitled *People v. Yung Xiao Xian*, Riverside County Superior Court Case No. SWM10000109.

34. On or about September 29, 2014, a petition to compel Respondent to undergo a mental and physical examination was filed with the Board pursuant to section 820 of the Code.

35. On September 29, 2014, the Board served Respondent with a letter by certified mail containing an Order pursuant to Code section 820 requiring him to submit to examinations by one or more physicians specializing in psychiatry and one or more general practice physicians to determine whether Respondent was mentally and/or physically ill to an extent which would impair his ability to safely practice acupuncture. The Board's certified letter directed Respondent to appear on October 6, 2014, at Brian Jacks, M. D.'s office for the mental examination, and be present at his home on October 7, 2014, for Nehal Patel, M. D. to conduct a physical examination pursuant to the Order.

36. The Board engaged a certified Mandarin Chinese interpreter to be present at Dr. Jacks' office on October 6, 2014, to assist Dr. Jacks with Respondent's mental examination. Respondent did not appear at Dr. Jacks' office and Dr. Jacks asked the interpreter to call Respondent to inquire if Respondent was on his way to his appointment. Respondent told the interpreter he would not come to Dr. Jacks' office and participate in the mental examination.

37. On Tuesday, October 7, 2014, Dr. Patel and the certified Mandarin Chinese interpreter went to Respondent's residence to examine Respondent. Respondent was not there, and did not appear during the time Dr. Patel and the interpreter waited for him. Dr. Patel and the interpreter left after they spoke with an individual who indicated Respondent left his home prior to their arrival.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct Of Licensee Who Aids Or Abets Enumerated Penal Code Violations In His Work Premises)

38. Respondent is subject to disciplinary action under section 731, subdivision (a), of the Code in that he permitted a person in his work premises under his control to engage in conduct in violation of Penal Code section 315. The circumstances are as follows:

39. Complainant alleges the facts and circumstances in paragraphs 22 through 25 and paragraphs 27 through 31 as incorporated by reference as if set forth in full herein.

40. Respondent is subject to disciplinary action under section 731, subdivision (a), of the Code in that he permitted a person in his work premises under his control to engage in conduct in violation of Penal Code section 316. The circumstances are as follows:

41. Complainant alleges the facts and circumstances in paragraphs 22 through 25 and paragraphs 27 through 31 as incorporated by reference as if set forth in full herein.

42. Respondent is subject to disciplinary action under section 731, subdivision (a), of the Code in that he permitted a person in his work premises under his control to engage in conduct in violation of Penal Code section 647, subdivision (b). The circumstances are as follows:

43. Complainant alleges the facts and circumstances in paragraphs 22 through 25 and paragraphs 27 through 31 as incorporated by reference as if set forth in full herein.

44. Respondent's acts and/or omissions set forth in paragraph 22 through 31, inclusive, above whether proven individually, jointly, or in any combination thereof, constitute unprofessional conduct pursuant to section 731, subdivision (a) of the Code. Therefore, cause for discipline exists.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct By Licensee Who Permits Behavior That Warrants Denial Of An Acupuncture License)

45. Respondent is subject to disciplinary action under section 4955, subdivision (i), of the Code in that he committed unprofessional conduct when he permitted in his places of practice, action or conduct which would have warranted the denial of his acupuncture license. The circumstances are as follows:

46. Complainant alleges the facts and circumstances in paragraphs 22 through 25, and 27 through 31 as incorporated by reference as if set forth in full herein.

47. Respondent's acts and/or omissions set forth in paragraph 46 and 47, inclusive, above whether proven individually, jointly, or in any combination thereof, constitute unprofessional conduct pursuant to section 4955, subdivision (a) of the Code. Therefore, cause for discipline exists.

THIRD CAUSE FOR DISCIPLINE

(Violation Of Law On Acupuncturist's Business Premises)

48. Respondent is subject to disciplinary action under section 4955, subdivision (j), of the Code and San Diego County Code Section 21.102, subdivision (m) in that he committed unprofessional conduct when he permitted people working under his business permit to violate the law or a local ordinance. The circumstances are as follows:

49. Complainant alleges the facts and circumstances in paragraphs 18 through 31 as incorporated by reference as if set forth in full herein.

50. Respondent's acts and/or omissions set forth in paragraph 48 and 49, inclusive, above whether proven individually, jointly, or in any combination thereof, constitute unprofessional conduct pursuant to section 4955, subdivision (j) of the Code. Therefore, cause for discipline exists.

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FOURTH CAUSE FOR DISCIPLINE

(Commission Of An Act Involving Corruption)

51. Respondent is subject to disciplinary action under section 4955.1, subdivision (c) of the Code in that he committed acts involving dishonesty or corruption with respect to the qualifications , functions, or duties of an acupuncturist. The circumstances are as follows:

52. Complainant alleges the facts and circumstances in paragraphs 22 through 25, and 27 through 31 as incorporated by reference as if set forth in full herein.

53. Respondent's acts and/or omissions set forth in paragraphs 51 and 52, inclusive, above whether proven individually, jointly, or in any combination thereof, constitute acts involving dishonesty or corruption substantially related to the practice of acupuncture pursuant to section 4955.1, subdivision (a) of the Code. Therefore, cause for discipline exists.

FIFTH CAUSE FOR DISCIPLINE

(Failure To Register All Places Of Practice With The Board)

54. Respondent is subject to disciplinary action under section 4961, subdivisions (a) and (c) of the Code in that he failed to register all of his places of practice with the Acupuncture Board. The circumstances are as follows:

55. Complainant alleges the facts and circumstances in paragraphs 19 and 21 as incorporated by reference as if set forth in full herein.

56. Respondent's acts and/or omissions set forth in paragraphs 54 and 55, inclusive, above whether proven individually, jointly, or in any combination thereof, constitute the failure to register his places of practice pursuant to section 4961, subdivisions (a) and (c) of the Code. Therefore, cause for discipline exists.

SIXTH CAUSE FOR DISCIPLINE

(Failure To Comply An Order Issued Under Section 820 of the Code)

57. Respondent is subject to disciplinary action under section 821 of the Code in that he failed to comply with the Board's Order to undergo mental and physical examinations. The circumstances are as follows:

58. Complainant alleges the facts and circumstances in paragraphs 35 through 37, as incorporated by reference as if set forth in full herein.

59. Respondent's acts and/or omissions set forth in paragraphs 57 through 58, inclusive, above whether proven individually, jointly, or in any combination thereof, constitute the failure to comply with the Acupuncture Board's Order to undergo mental and physical examinations pursuant to section 821 of the Code. Therefore, cause for discipline exists.

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 Acupuncture License number AC 652, issued to Hae Tee Young.;

2. Ordering Hae Tee Young 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. If placed on probation, ordering him to pay to the Acupuncture the costs of probation monitoring; and

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

DATED: NOV 0 4 2014

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

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