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FILED

SEP 1 2010

ACUPUNCTURE BOARD

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

12 In the Matter of the Statement of Issues
13 Against:

Case No. 1A-2010-5

14 **JAE YOENG LEE**
2043 Northam Drive
15 Fullerton, CA 92833

STATEMENT OF ISSUES

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

- 20 1. Janelle Wedge (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.
22 2. On or about April 19, 2010, the Acupuncture Board, Department of Consumer Affairs
23 received an application for an Acupuncture License from Jae Yoeng Lee (Respondent). On or
24 about April 16, 2010, Jae Yoeng Lee certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. On or about May 5, 2010, the Board
26 denied the application.

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1 suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code.

3 "..."

4 "(3)

5 "(A) Done any act that if done by a licentiate of the business or profession in
6 question, would be grounds for suspension or revocation of license.

7 "(B) The board may deny a license pursuant to this subdivision only if the
8 crime or act is substantially related to the qualifications, functions, or duties of the
9 business or profession for which application is made.

10 "..."

11 "(c) A board may deny a license regulated by this code on the ground that the applicant
12 knowingly made a false statement of fact required to be revealed in the application for the
13 license."

14 FIRST CAUSE FOR DENIAL OF APPLICATION

15 (Conviction of Substantially Related Crime)

16 6. Respondent's application is subject to denial under Code sections 4955,
17 subdivision (b), and 480, subdivisions (a)(1) and (a)(3)(B), in that he was convicted of a crime
18 substantially related to the qualifications, functions or duties of an acupuncturist. The
19 circumstances are as follows:

20 a. On or about January 13, 2008, Respondent was arrested for violations of
21 Vehicle Code section 23152, subdivision (a) [driving under the influence of
22 alcohol] and subdivision (b) [driving with a blood alcohol percent greater than .08].
23 Respondent had been at a restaurant with friends and upon leaving the restaurant
24 parking lot, Respondent backed his vehicle into the valet stand (a wooden cabinet
25 for keys), drove forward a short distance, and then backed over the chair the valet
26 parker used; no one was hurt. Respondent was given field sobriety tests, which he
27 failed. He opted for a breath test and blew a .18 and .20, respectively.

28 b. On or about January 29, 2008, a criminal complaint was filed in Los

1 Angeles County Superior Court entitled *People v. Jae Yoeng Lee*, Case Number
2 8MP01152, charging Respondent with violating Vehicle Code section 23152,
3 subdivisions (a) and (b).

4 c. On or about February 14, 2008, Respondent entered a plea of nolo
5 contendere to a violation of Vehicle Code section 23152, subdivision (b), and was
6 sentenced as follows: 36 months summary probation, a three-month first offender
7 program, enrollment, attendance at 30 Alcoholics Anonymous meetings, restitution
8 in the amount of \$1693.00, and fines and fees among other terms. The remaining
9 count was dismissed.

10 SECOND CAUSE FOR DENIAL OF APPLICATION

11 (Use of Alcohol in Manner Dangerous to Self or Others)

12 7. Respondent's application is further subject to denial under Code section 4955,
13 subdivision (a), in that he used alcohol in a manner dangerous to himself and others as more
14 particularly set forth in 6 above, which is incorporated herein by reference.

15 THIRD CAUSE FOR DENIAL OF APPLICATION

16 (Dishonesty)

17 8. Respondent's application is further subject to denial under Code sections 4955
18 subdivision (i), and 480, subdivision (c), in that Respondent knowingly made a false statement of
19 fact required to be revealed in his application for licensure. The circumstances are as follows:

20 a. On or about October 12, 2009, Respondent submitted his Application for
21 Examination to the Board, in which he answered "No" to the question asking if he had ever been
22 "convicted or pled nolo contendere to any offense, misdemeanor or felony," despite knowing he
23 had been so convicted as set forth in paragraph 6, above, and paragraph 9, below.

24 FACTORS IN AGGRAVATION

25 9. Respondent sustained two additional driving under the influence convictions. The
26 circumstances are as follows:

27 a. On or about December 3, 1995, Respondent was arrested for violating
28 Vehicle Code section 23152, subdivisions (a) [driving under the influence of alcohol]

1 and (b) [driving with a blood alcohol percent greater than .08]. On or about
2 December 15, 1995, a misdemeanor complaint was filed in Los Angeles County
3 Municipal Court entitled *People v. Jae Yoeng Lee*, Case Number 95V10015,
4 charging Respondent with two Vehicle Code violations.

5 b. On or about January 25, 1996, Respondent entered a plea of nolo
6 contendere to a violation of Vehicle Code section 23152, subdivision (b), and was
7 sentenced as follows: 36 months summary probation, 17 days jail with credit for 1
8 day served, a three-month first offender program, a 90-day driving restriction to and
9 from work, to and from the program, restitution in the amount of \$1565.00, and fines
10 and fees totaling almost \$1000.00, among other terms. The remaining count was
11 dismissed.

12 c. On or about July 26, 1996, Respondent was arrested for violations of
13 Vehicle Code sections 23152, subdivision (a) [driving under the influence of
14 alcohol], subdivision (b) [driving with a blood alcohol percent greater than .08], and
15 section 12500 [driving without a valid driver's license]. On or about August 8, 1996,
16 a misdemeanor complaint was filed in Los Angeles County Municipal Court, entitled
17 *People v. Jae Yoeng Lee*, Case No. 6MT07031, charging Respondent with three
18 Vehicle Code violations.

19 d. On or about November 22, 1996, Respondent entered a plea of nolo
20 contendere to a violation of Vehicle Code section 23152, subdivision (b), and was
21 sentenced as follows: 60 months summary probation, 60 days jail with credit for 3
22 days served, an 18 month offender program, restitution in the amount of \$1494.00, an
23 ignition lock interface device, and fines and fees of over \$1000.00, among other
24 terms.

25 The remaining counts were dismissed.

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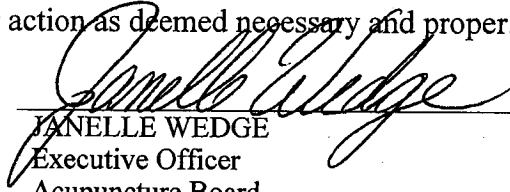
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PRAYER

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. Denying the application of Jae Yoeng Lee for an Acupuncturist License.
2. Taking such other and further action as deemed necessary and proper.

DATED: SEP 01 2010


JANELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant