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7	BEFORE THE	
8	ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
	STATE OF CALIFORNIA	
10	In the Matter of the Accusation Against:	Case No. 1A-2010-140
11	KEIBUN SON	
13	P.O. Box 700767 San Jose, CA 95170	ACCUSATION
14	Acupuncture License No. AC 11246	
15	Respondent.	
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17	Complainant alleges:	
18	<u>PARTIES</u>	
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 October 2, 2006, the Acupuncture Board issued Acupuncture License	
22	Number AC 11246 to Keibun Son (Respondent). The Acupuncture License was in full force and	
23	effect at all times relevant to the charges brought herein and will expire on September 30, 2012,	
24	unless renewed.	
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Accusation No. 1A-2010-140

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:

"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."

COST RECOVERY

- 5. 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."

CAUSE FOR DISCIPLINE

(Conviction)

- 6. Respondent is subject to disciplinary action under code section 4955(b) [substantially related conviction]. The circumstances are as follows:
- 7. On or about July 19, 2010, at approximately 7:40 p.m., Respondent was driving westbound on California Street in Mountain View, California. M.E., an eighty year old man, was walking in a marked crosswalk on Franklin Street at California Street. Respondent hit M.E. and realized that she had struck him, but she did not stop at the scene of the collision. Respondent drove home, then telephoned the police to report the incident. M.E. died due to injuries as a result of the collision.
- 8. On or about September 20, 2010, a felony criminal complaint titled *People of the State of California vs. Keibun Son*, case no. B1050092 was filed in Superior Court for Santa Clara County. Count I charged Respondent with a felony violation of Vehicle Code section 20001(a)/(b)(2) [hit and run accident resulting in permanent serious injury or death]. Count 2 charged respondent with a misdemeanor crime of vehicular manslaughter without gross negligence in violation of Penal Code section 192(c)(2), in the commission of an unlawful act, a violation of Vehicle Code section 21950(a).
- 9. On or about April 13, 2011, Respondent entered a plea of nolo contendere to Count 1, a felony violation of Vehicle Code section 20001(a)/(b)(2) [hit and run accident resulting in permanent serious injury or death]. Count 2 was dismissed on motion of the District Attorney in view of her plea to Count 1.