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

14 In the Matter of the Accusation Against:

Case No. 1A-2018-171

15 **WOONG SOO JEON, L. AC.**

ACCUSATION

16 **9175 MISSION GORGE ROAD**
17 **SANTEE CA 92071**

Acupuncturist License No. 11565

18 Respondent.

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20 Complaint alleges:

21 **PARTIES**

22 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity
23 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs (Board).

24 2. On or about February 22, 2007, the Acupuncture Board issued Acupuncturist License
25 No. 11565 to Woong Soo Jeon, L. Ac. (Respondent). The Acupuncturist License was in full
26 force and effect at all times relevant to the charges brought herein and will expire on December
27 31, 2020, 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 (Code) unless otherwise indicated.

4. Section 4928.1 of the Code states:

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

...

5. 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.

...

6. Section 726 of the code states in pertinent part:

The Commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division.

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1 7. Section 4956 of the Code States:

2 A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere made to a charge which substantially related to the qualifications,
4 functions, or duties of an acupuncturist is deemed to be a conviction within the
5 meaning of this chapter.

6 ...

7 **COST RECOVERY**

8 8. Section 4959 of the Code states:

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

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

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

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

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

29 **FIRST CAUSE FOR DISCIPLINE**

30 **(Sexual Misconduct Against Patients)**

31 9. Respondent has subjected his Acupuncture License No. AC 11565 to disciplinary
32 action under section 726 of the Code, in that he committed an act or acts of sexual abuse or
33 misconduct against Patient 1,¹ as more particularly alleged herein:

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¹ For privacy reasons, the Patient's identity is withheld.

1 10. On or about October 20, 2018, Patient 1 presented for an appointment with
2 Respondent. Patient 1 had been receiving treatment from Respondent for approximately a year at
3 the time of the incident. Respondent escorted Patient 1 to a room where Respondent would
4 perform acupuncture on Patient 1. Patient 1 removed her clothes and was only in her underwear.
5 Patient 1 then put on a hospital gown and laid down on her back on a bed in preparation for
6 acupuncture. Respondent placed acupuncture needles on Patient 1's stomach, foot, and head.

7 11. Approximately twenty (20) minutes later, Respondent removed the acupuncture
8 needles from Patient 1 and began to massage Patient 1. During the massage Respondent placed
9 his hands underneath Patient 1's underwear line and moved his hand between her buttocks,
10 Respondent then fondled Patient 1's breasts and then rubbed her nipples. Patient 1 told
11 Respondent at least twice that what Respondent was doing was not "ok".

12 12. When Patient 1 told Respondent to "Stop" he moved from fondling her breasts to
13 "Aggressively" massaging Patient 1's vaginal area over her underwear. Patient 1 never consented
14 to Respondent touching her buttocks, breasts, nipples, or vaginal area. Patient 1 got off the
15 treatment bed and requested that Respondent leave the room while she dressed. As Patient 1
16 exited Respondent's business, Respondent "pleaded" for Patient 1 to stay and speak with him.
17 Patient 1 went to a neighboring business and reported the incident to the San Diego County
18 Sheriff's Office – Santee Station.

19 13. Respondent was charged in the Superior Court of California, County of San Diego –
20 East County Division, Case Number C387040, with one misdemeanor count of Penal Code
21 section 243.4 (E)(1).

22 14. On or about July 25, 2019, Respondent plead guilty to one misdemeanor count of
23 Penal Code section 243.4(E)(1), Sexual Battery. Respondent was sentenced as follows: set out
24 sentencing 12 months; complete sexual boundaries therapy at License to Freedom; perform forty
25 (40) hours community service and no new law violations; if successful, withdraw guilty plea and
26 enter plea to Penal Code 242;² reserve restitution and Protective order remains.

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28 ² Battery: A battery is any willful unlawful use of force or violence upon the person of
another.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 15. Respondent has further subjected his Acupuncture License No. AC 11565 to
4 disciplinary action for unprofessional conduct under Code section 4955, section 4955, subdivision
5 (b) and section 4956, of the Code, as more particularly alleged in paragraphs 9 through 14, above,
6 which is hereby incorporated by reference and realleged as if fully set forth herein.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 16. Respondent has further subjected his Acupuncture License No. AC 11565 to
10 disciplinary action under section 4955 of the Code, in that he engaged in unprofessional conduct
11 in his care, treatment, and management of Patient 1, as set forth in paragraphs 9 through 15,
12 above, which are incorporated herein by reference as if set forth herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Violation of the Acupuncture Licensure Act)**

15 17. Respondent is subject to disciplinary action under section 4955, subdivision (d), of
16 the Code, in that he violated the terms of the Acupuncture Licensure Act, as set forth in
17 paragraphs 9 through 16, above, which are incorporated herein by reference as if fully set forth
18 herein.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Acupuncture Board issue a decision:

22 1. Revoking or suspending Acupuncturist License No. 11565, issued to Woong Soo
23 Jeon, L. Ac.;

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26 2. Ordering Woong Soo Jeon, L. Ac. to pay the Acupuncture Board the reasonable costs
27 of the investigation and enforcement of this case, pursuant to Business and Professions Code
28 section 4959; and,

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

DATED: October 24, 2019

Original Signature on File
BENJAMIN BODEA
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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