# BEFORE THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	) Case No. 1A-2016-184	
SEUNG YUEB HAN, L.AC. 525 S. Berendo Street, # 301 Los Angeles, CA 90020	) ) )	
Acupuncture License No. AC 12521		
Respondent.	) ) )	
DEC	ISION AND ORDER	
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the		
Acupuncture Board, Department of Consun	ner Affairs, as its Decision in this matter.	
This Decision shall become effective	e on January 18, 2018	
It is so ORDEREDDecember	er 19, 2017 .	

Amy Matecki, MD, L.Ac., Chair Acupuncture Board Department of Consumer Affairs State of California

1	XAVIER BECERRA Attorney General of California	
2	E. A. JONES III Supervising Deputy Attorney General	
3	Wendy Widlus Deputy Attorney General	
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6	Telephone: (213) 897-2867 Facsimile: (213) 897-9395	
7	E-mail: Wendy. Widlus@doj.ca.gov  Attorneys for Complainant	
8	BEFOR!	R THE
9	ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11	In the Matter of the Amended Accusation	Case No. 1A-2016-184
12	Against:	Case 140, 1A-2010-104
13	SEUNG YUEB HAN, L.Ac. 3251 West 6th Street Suite 400 B.	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER
14	Los Angeles, CA 90020	DISCIPLINARY ORDER
15	Acupuncturist License No. AC 12521,	*
16	Respondent.	
17		
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19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-	
20	entitled proceedings that the following matters are true:	
21	PARTIES	
22	Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board	
23	(Board). He brought this action solely in his official capacity and is represented in this matter by	
24	Xavier Becerra, Attorney General of the State of California, by Wendy Widlus, Deputy Attorney	
25	General.	
26	2. Respondent Seung Yueb Han, L.Ac. (	(Respondent) is represented in this proceeding
27	by attorney Kevin D. Cauley, Esq., whose address is: 624 South Grand Avenue, 22nd Floor,	
28	Los Angeles, California, 90017.	
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3. On or about August 25, 2008, the Board issued Acupuncturist License No. AC 12521 to Seung Yueb Han, L.Ac. (Respondent). The Acupuncturist License was in full force and effect at all times relevant to the charges brought in Amended Accusation No. 1A-2016-184, and will expire on June 30, 2018, unless renewed.

#### JURISDICTION

- 4. Amended Accusation No. 1A-2016-184 was filed before the Board, and is currently pending against Respondent. The Amended Accusation and all other statutorily required documents were properly served on Respondent on September 20, 2017. Respondent timely filed his Notice of Defense contesting the Amended Accusation.
- 5. A copy of Amended Accusation No. 1A-2016-184 is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Amended Accusation No. 1A-2016-184. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Amended Accusation; 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.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

### **CULPABILITY**

 Respondent admits the truth of each and every charge and allegation in Amended Accusation No. 1A-2016-184.

10. Respondent agrees that his Acupuncturist 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

- 11. This stipulation shall be subject to approval by the Acupuncture Board. Respondent understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. 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.
- 12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as the originals.
- 13. 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 Acupuncturist License No. AC 12521 issued to Respondent Seung Yueb Han, L.Ac. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

- 1. **OBEY ALL LAWS** Respondent shall obey all 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 or its designee in writing within seventy-two (72) hours of occurrence.
- COURSEWORK Respondent shall take and successfully complete not less than
   hours of coursework in 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 year 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, including date(s) of course(s), Continuing Education Provider (CEP), course title, instructor, and course description, for the Board's prior approval for meeting the educational requirements. All costs of the coursework shall be borne by the Respondent.

- 3. QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation. If the final probation report is not submitted as directed, probation shall be extended automatically until such time as the final report is submitted and accepted by the board or its designee.
- 4. SURVEILLANCE PROGRAM Respondent shall comply with the Board's probation surveillance program and shall, upon reasonable notice, report to the assigned investigative district office. Respondent shall contact the assigned probation surveillance monitor regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with 1) victims or complainants associated with the case;

  2) Board members or members of its staff; or 3) persons serving the Board as expert examiners.
- 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.
- 6. 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.
- 7. 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.

- 8. **EMPLOYMENT AND SUPERVISION OF TRAINEES** Respondent shall not employ or supervise or apply to employ or supervise acupuncture trainees during the course of this probation. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this probation. Respondent shall not teach at any Board approved training program during the course of this probation.
- 9. COST RECOVERY Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$1,047.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board or its designee, with payments to be completed no later than three months prior to the end of the probation term. Cost recovery will not be tolled.

At Respondent's request, if Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board or its designee, in its discretion, may grant an extension of Respondent's probation period up to two years without further hearing in order to comply with this condition. During the two years' extension, all original conditions of probation will apply. The filing of bankruptcy by Respondent shall not relieve Respondent of his/her responsibility to reimburse the Board for its investigation and prosecution costs.

- 10. **PROBATION MONITORING COSTS** 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, including but not limited to travel and quarterly reviews.
- 11. NOTIFICATION OF NAME, ADDRESS, TELEPHONE NUMBER or E-MAIL ADDRESS CHANGES. Respondent shall notify the assigned probation monitor, in writing within ten (10) days, of any and all name, address, telephone and/or e-mail address changes.
- 12. MAINTENANCE OF VALID LICENSE Respondent shall, at all times, maintain an active current license with the Board, including any period of suspension or tolled probation.

- 13. 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.
- 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, Kevin D. Cauley, Esq. I understand the stipulation and the effect it will have on my Acupuncturist 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: 10/17/20/1 SEUNG YUEB HAN, L.AC.
Respondent

I have read and fully discussed with Respondent SEUNG YUEB HAN, 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: 10-23-17

KEVIN D. CAULEY, ESO Attorney for Respondent

# ENDORSEMENT

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

Dated: 12 2017

Respectfully submitted,

XAVIER BECERRA Attorney General of California E. A. JONES III Supervising Deputy Attorney General

WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

LA2017504865 Stipulated Settlement & Disciplinary Order Han.PDF.docx

# **Exhibit A**

Amended Accusation No. 1A-2016-184