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

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Respondent.

In the Matter of the Accusation Against: JUNG GUN LEE, L.AC. 2525 West 8th Street, Suite 210 Los Angeles, CA 90057 Acupuncture License No. AC 12728

Case No. 1A-2016-10

Oah no. 2018070132

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the

California Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on _____ March 21, 2019

It is so ORDERED _____ February 19, 2019

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

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| | 1 2 3 4 5 6 7 8 9 | | ney General of California JONES III rvising Deputy Attorney General DV WIDLUS ty Attorney General Bar No. 82958 ornia Department of Justice So. Spring Street, Suite 1702 Angeles, CA 90013 ephone: (213) 269-6457 simile: (213) 897-9395 nail: Wendy.Widlus@doj.ca.gov | |
| | 10 | DEPARTMENT OF CONSUMER AFFAIRS | | |
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| | 13 | In the Matter of the Amended Accusation Against: | Case No. 1A-2016-10 | |
| | 14 | JUNG GUN LEE, L.Ac. | OAH No. 2018070132 | |
| | 15 | 2525 West 8th Street, Suite 210 Los Angeles, CA 90057 | STIPULATED SETTLEMENT AND DISCIPLINARY ORDER | |
| | 16 | Acupuncturist License No. AC 12728, | | |
| | 17 | Respondent. | | |
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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 | | |
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| | 24 | Xavier Becerra, Attorney General of the State of California, by Wendy Widlus, Deputy Attorney | | |
| | 25 | General. | | |
| | 26 | 2. Respondent Jung Gun Lee, L.Ac. (Respondent) is represented in this proceeding by | | |
| | | attorney Jehan N. Jayakumar, whose address is: 2424 S. E. Bristol Street, Ste. 300, Newport | | |
| | | Beach, CA 92660. | | |
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| | | | STIPULATED SETTLEMENT (1A-2016-10) | |

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On or about September 17, 2008, the Board issued Acupuncturist License No. AC 3. 1 12728 to Jung Gun Lee, L.Ac. (Respondent). The Acupuncturist License was in full force and 2 effect at all times relevant to the charges brought in Amended Accusation No. 1A-2016-10, and 3 will expire on February 29, 2020, unless renewed. 4 **JURISDICTION** 5 Amended Accusation No. 1A-2016-10 was filed before the Board, and is currently 4. 6 pending against Respondent. The Amended Accusation and all other statutorily required 7 documents were properly served on Respondent on August 21, 2018. Respondent timely filed his 8 Notice of Defense contesting the Amended Accusation. 9 A copy of Amended Accusation No. 1A-2016-10 is attached as exhibit A and 5. 10 incorporated herein by reference. 11 ADVISEMENT AND WAIVERS 12 Respondent has carefully read, fully discussed with counsel, and understands the 6. 13 charges and allegations in Amended Accusation No. 1A-2016-10. Respondent has also carefully 14 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and 15 Disciplinary Order. 16 Respondent is fully aware of his legal rights in this matter, including the right to a 7. 17 hearing on the charges and allegations in the Amended Accusation; the right to confront and 18 cross-examine the witnesses against him; the right to present evidence and to testify on his own 19 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the 20 production of documents; the right to reconsideration and court review of an adverse decision; 21 and all other rights accorded by the California Administrative Procedure Act and other applicable 22 laws. 23 Respondent voluntarily, knowingly, and intelligently waives and gives up each and 8. 24 every right set forth above. 25 CULPABILITY 26 Respondent admits the truth of each and every charge and allegation in Amended 9. 27 Accusation No. 1A-2016-10. 28 2 STIPULATED SETTLEMENT (1A-2016-10)

Respondent agrees that his Acupuncturist License No. AC 12728 is subject to 10. discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below. 3

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CONTINGENCY

This stipulation shall be subject to approval by the Acupuncture Board. Respondent 11. 5 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may 6 communicate directly with the Board regarding this stipulation and settlement, without notice to 7 or participation by Respondent or his counsel. By signing the stipulation, Respondent 8 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation 9 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation 10 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or 11 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, 12 and the Board shall not be disqualified from further action by having considered this matter. 13 The parties understand and agree that Portable Document Format (PDF) and facsimile 12. 14 copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as 15 the originals. 16 In consideration of the foregoing admissions and stipulations, the parties agree that 13. 17 the Board may, without further notice or formal proceeding, issue and enter the following 18 Disciplinary Order: 19 **DISCIPLINARY ORDER** 20IT IS HEREBY ORDERED that Acupuncturist License No. AC 12728 issued to 21 Respondent Jung Gun Lee, L.Ac. is revoked. However, the revocation is stayed and Respondent 22 is placed on probation for three (3) years on the following terms and conditions. 23 OBEY ALL LAWS Respondent shall obey all federal, state and local 1. 24 laws and all regulations governing the practice of acupuncture in California. A full and detailed 25 account of any and all violations of law shall be reported by the Respondent to the Board in 26 writing within seventy-two (72) hours of occurrence. 27 QUARTERLY REPORTS Respondent shall submit quarterly declarations 2. 28 3 STIPULATED SETTLEMENT (1A-2016-10)

under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

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<u>COURSEWORK</u> Respondent shall take and successfully complete not
 less than eight (8) hours of coursework in the area of Record Keeping and not less than four (4)
 hours of coursework in Ethics. The coursework shall be taken as approved by the Board.
 Classroom attendance or live webinar must be specifically required. Course content shall be
 pertinent to the violation and all coursework must be completed within the first three (3) years 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 for
the Board's prior approval for meeting the educational requirements. All costs of the coursework
shall be borne by the Respondent.

SURVEILLANCE PROGRAM Respondent shall comply with the 4. 13 Board's probation surveillance program and shall, upon reasonable notice, report to the assigned 14 investigative district office. Respondent shall contact the assigned probation surveillance monitor 15 regarding any questions specific to the probation order. Respondent shall not have any 16 unsolicited or unapproved contact with 1) victims or complainants associated with the case; 17 2) Board members or members of its staff; or 3) persons serving the Board as expert examiners. 18 REIMBURSEMENT FOR PROBATION SURVEILLANCE 5. 19 MONITORING Respondent shall reimburse the Board for the hourly costs it incurs in 20monitoring the probation to ensure compliance for the duration of the probation period. 21 INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent 6. 22 shall appear in person for interviews with the Board or its designee upon request at various 23 intervals and with reasonable notice. 24 CHANGES OF EMPLOYMENT Respondent shall notify the Board in 7. 25 writing, through the assigned probation surveillance compliance officer of any and all changes of 26 employment, location and address within 30 days of such change. 27 TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the 8. 28 4 STIPULATED SETTLEMENT (1A-2016-10) 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.

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9. <u>EMPLOYMENT AND SUPERVISION OF TRAINEES</u> 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.

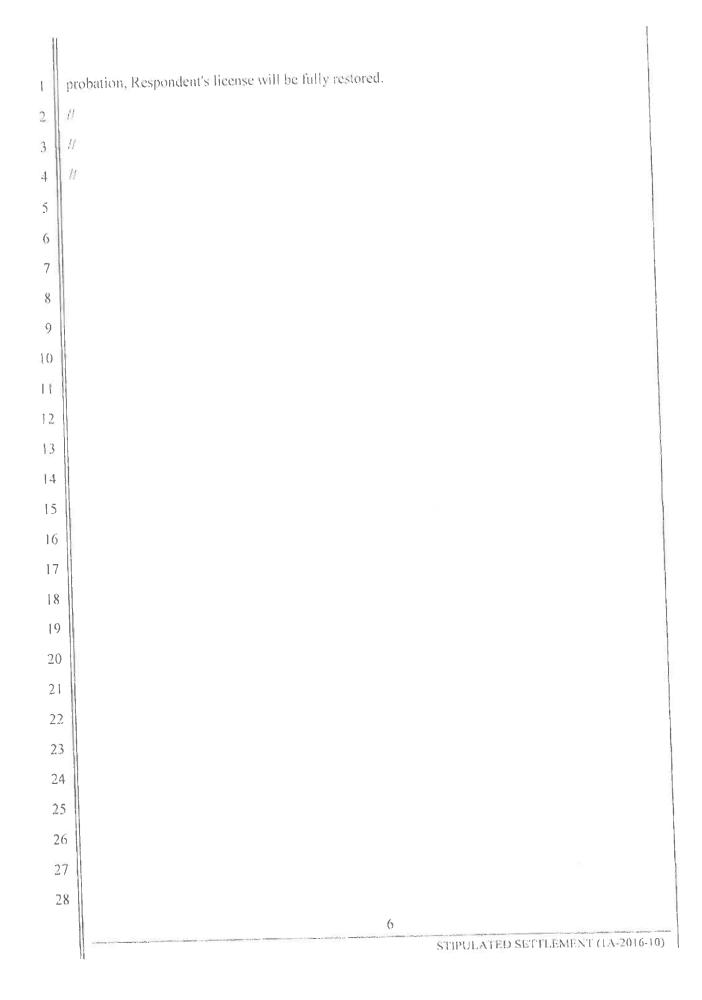
COST RECOVERY Respondent shall pay to the Board its costs of 10. 8 investigation and enforcement in the amount of \$5,500. Respondent shall be permitted to pay 9 these costs in a payment plan approved by the Board, with payments to be completed no later 10 than three months prior to the end of the probation term and the period of probation shall be 11 automatically extended should Respondent require additional time to complete payment of the 12 full sum. Cost recovery will not be tolled. Respondent understands that failure to timely pay 13 costs is a violation of probation, and submission of evidence demonstrating financial hardship 14 does not preclude the Board from pursuing further disciplinary action. However, Respondent 15 understands that providing evidence and supporting documentation of financial hardship may 16 delay further disciplinary action. Consideration to financial hardship will not be given should 17 Respondent violate this term and condition, unless an unexpected AND unavoidable hardship is 18 established from the date of this order to the date payment(s) is due. 19

VIOLATION OF PROBATION If Respondent violates probation in any 11. 20 respect, the Board may, after giving Respondent notice and the opportunity to be heard, revoke 21probation and carry out the disciplinary order that was stated. If an Amended Accusation or 22 petition to revoke probation is filed against respondent during probation, the Board shall have 23 continuing jurisdiction until the matter is final, and the period of probation shall be extended until 24 the matter is final. No petition for modification or termination of probation shall be considered 25 while there is an Amended Accusation or petition to revoke probation pending against 26 Respondent. 27

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12. <u>COMPLETION OF PROBATION</u> Upon successful completion of

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ACCEPTANCE 1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully 2 discussed it with my attorney, Jehan N. Jayakumar. I understand the stipulation and the effect it 3 will have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary 4 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order 5 of the Acupuncture Board. 6 7 DATED: 11/27/2018 8 JUNG GUN LEE, L.Ac. Respondent 9 I have read and fully discussed with Respondent Jung Gun Lee, L.Ac. the terms and 10 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content. 12 DATED: 11-27-18 13 JEHAN N. JAYAKUMA Attorney for Respondent 14 15 ENDORSEMENT 16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully 17 submitted for consideration by the Acupuncture Board. 18 Respectfully submitted, 19 premiu 27, Dated: 20 XAVIER BECERRA Attorney General of California 21 E. A. JONES III Supervising Deputy Attorney General 22 23 WENDY WIDLUS 24 Deputy Attorney General Attorneys for Complainant 25 26 LA2018500494 53159642.docx 27 28 7 STIPULATED SETTLEMENT (1A-2016-10)

Exhibit A

Amended Accusation No. 1A-2016-10