

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

In the Matter of the Petition to Revoke
Probation Against:

**CHOL SU KIM, L.Ac.
331 South Gramercy Place, Apt. #212
Los Angeles, CA 90020**

Acupuncturist License No. AC 17761,

Respondent.

Case No. D1-2015-238

OAH No. 2019090161

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 19, 2019.

It is so ORDERED December 9, 2019.

Original signed by: _____

BENJAMIN BODEA, EXECUTIVE OFFICER
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
4 State Bar No. 82958
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6457
Facsimile: (916) 731-2117
7 E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant
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10 **ACUPUNCTURE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

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Probation Against:

14 **CHOL SU KIM, L.Ac.**
15 **331 South Gramercy Place, Apt. #212**
Los Angeles, CA 90020

16 **Acupuncturist License No. AC 17761**

17 Respondent.

Case No. D1-2015-238

OAH No. 2019090161

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18
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 1. 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. Chol Su Kim, L.Ac. is represented in this proceeding by attorney Kevin H. Jang,
27 Esq., whose address is: 3435 Wilshire Blvd., Suite 2300, Los Angeles, CA 90010.

28 3. On or about September 8, 2017, the Board issued Acupuncturist License No. AC

1 17761 to Chol Su Kim, L.Ac. (Respondent). The Acupuncturist License was in full force and
2 effect at all times relevant to the charges brought in Petition to Revoke Probation No. D1-2015-
3 238 and will expire on August 31, 2021, unless renewed.

4 **JURISDICTION**

5 4. Petition to Revoke Probation No. D1-2015-238 was filed before the Board, and is
6 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily
7 required documents were properly served on Respondent on August 12, 2019. Respondent timely
8 filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to
9 Revoke Probation No. D1-2015-238 is attached as Exhibit A and incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Petition to Revoke Probation No. D1-2015-238. Respondent also has
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
14 Surrender of License and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront
17 and cross-examine the witnesses against him; the right to present evidence and to testify on his
18 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
19 production of documents; the right to reconsideration and court review of an adverse decision;
20 and all other rights accorded by the California Administrative Procedure Act and other applicable
21 laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent understands that the charges and allegations in Petition to Revoke
26 Probation No. D1-2015-238, if proven at a hearing, constitute cause for imposing discipline upon
27 his Acupuncturist License.

28 9. For the purpose of resolving the Petition to Revoke Probation without the expense

1 and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
2 establish a factual basis for the charges in the Petition to Revoke Probation and that those charges
3 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for
4 discipline exists based on those charges.

5 10. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Acupuncturist License No. AC 17761 without further
7 process.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Board. Respondent understands
10 and agrees that counsel for Complainant and the staff of the Board may communicate directly
11 with the Board regarding this stipulation and surrender, without notice to or participation by
12 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
13 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
14 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
15 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
17 be disqualified from further action by having considered this matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order shall have the same force and effect as
20 the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following Order:

23 **ORDER**

24 **IT IS HEREBY ORDERED** that Acupuncturist License No. AC 17761, issued to
25 Respondent Chol Su Kim, L.Ac., is surrendered and accepted by the Board.

26 1. The surrender of Respondent's Acupuncturist License and the acceptance of the
27 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
28 This stipulation constitutes a record of the discipline and shall become a part of Respondent's

1 license history with the Board.

2 2. Respondent shall lose all rights and privileges as an acupuncturist in California as of
3 the effective date of the Board's Decision and Order.

4 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
5 issued, his wall certificate on or before the effective date of the Decision and Order.

6 4. If Respondent ever files an application for licensure or a petition for reinstatement in
7 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
8 comply with all the laws, regulations and procedures for reinstatement of a revoked or
9 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
10 contained in Petition to Revoke Probation No. D1-2015-238 shall be deemed to be true, correct
11 and admitted by Respondent when the Board determines whether to grant or deny the petition.

12 5. Respondent shall pay the agency its costs of investigation and enforcement in the
13 amount of \$5,517.50 prior to issuance of a new or reinstated license.

14 6. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in Petition to Revoke Probation, No. D1-
17 2015-238 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
18 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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Exhibit A

Petition to Revoke Probation No. D1-2015-238