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

12 In the Matter of the Second Amended
Accusation/Petition to Revoke Probation
13 Against:

14 **ANDREW SUNG YOUNG LEE, L.Ac.**
2089 Hetebrink Street
15 Fullerton, CA 92833
Acupuncture License No. AC 6060,

16 Respondent.

Case No. D1-2010-217

OAH No. 2019071238

17 **DEFAULT DECISION**
AND ORDER

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

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20 1. On or about May 29, 2019, Complainant Benjamin Bodea, in his official capacity as
21 the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed
22 Accusation/Petition to Revoke Probation No. D1-2010-217 against Andrew Sung Young Lee,
23 L.Ac. (Respondent) before the Acupuncture Board.

24 2. On or about December 13, 2019, Complainant Benjamin Bodea, in his official
25 capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs,
26 filed Second Amended Accusation/Petition to Revoke Probation No. D1-2010-217 against
27 Andrew Sung Young Lee, L.Ac. (Respondent) before the Acupuncture Board.

28 3. On or about September 30, 1997, the Acupuncture Board (Board) issued Acupuncture

1 License No. AC 6060 to Respondent. The Acupuncture License was in full force and effect at all
2 times relevant to the charges brought herein and will expire on September 30, 2020, unless
3 renewed. See Certification of Licensure attached as Exhibit A and incorporated here as if fully
4 set forth.

5 4. On or about May 29, 2019, Kristen Borges (Borges), an employee of the Complainant
6 Agency, served by Certified Mail a copy of the Accusation/Petition to Revoke Probation No. D1-
7 2010-217, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
8 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
9 which was and is 2840 Francis Avenue, #302, Los Angeles, CA 90005

10 5. Service of the Accusation/Petition to Revoke Probation was effective as a matter of
11 law under the provisions of Government Code section 11505, subdivision (c).

12 6. On or about July 1, 2019, Respondent signed and returned a Notice of Defense,
13 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
14 address of record and it informed him that an administrative hearing in this matter was scheduled
15 for January 21-24, 2020. Respondent failed to appear at that hearing. A copy of Respondent's
16 Notice of Defense, the Notice of Hearing, and Declaration of Service are attached hereto as
17 Exhibit B, and are incorporated herein by reference.

18 7. On or about December 13, 2019, Borges served by Certified Mail a copy of the
19 Second Amended Accusation/Petition to Revoke Probation No. D1-2010-217, Statement to
20 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
21 11507.6, and 11507.7 to Respondent's address of record with the Board, which was 2840 Francis
22 Avenue, #302, Los Angeles, CA 90005. A copy of the Second Amended
23 Accusation/Petition to Revoke Probation, the related documents, and Declaration of Service are
24 attached as Exhibit C, and are incorporated herein by reference.

25 8. Service of the Second Amended Accusation/Petition to Revoke Probation was
26 effective as a matter of law under the provisions of Government Code section 11505, subdivision
27 (c).

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1 9. Neither Respondent nor his attorney appeared at the January 21-24, 2020, scheduled
2 hearing.

3 10. A copy of the Declaration of Borges attesting to the foregoing facts is attached as
4 Exhibit D, and is incorporated herein by reference.

5 11. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent
7 files a notice of defense, and the notice shall be deemed a specific denial of all parts
8 of the accusation not expressly admitted. Failure to file a notice of defense shall
9 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
10 may nevertheless grant a hearing.

11 12. Respondent failed to appear at the January 21-24, 2020, scheduled hearing, and
12 therefore waived his right to a hearing on the merits of Second Amended Accusation/Petition to
13 Revoke Probation No. D1-2010-217.

14 13. California Government Code section 11520 states, in pertinent part:

15 (a) If the respondent either fails to file a notice of defense or to appear at the
16 hearing, the agency may take action based upon the respondent's express admissions
17 or upon other evidence and affidavits may be used as evidence without any notice to
18 respondent.

19 14. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on
21 Respondent's express admissions by way of default and the evidence before it, contained in
22 Exhibits A, B, C, D, E, and F, finds that the allegations in Second Amended Accusation/Petition
23 to Revoke Probation No. D1-2010-217 are true.

24 15. The Board further finds that pursuant to Business and Professions Code section 125.3,
25 the reasonable costs of enforcement of the case prayed for in the Accusation total \$51,543.90,
26 based on the Certification of Costs contained in the Declaration of Deputy Attorney General
27 Wendy Widlus, Exhibit E, which is incorporated herein by reference.

28 **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Andrew Sung Young Lee, L.Ac.
has subjected his Acupuncture License No. AC 6060 to discipline.

1 2. A copy of the Second Amended Accusation/Petition to Revoke Probation and the
2 related documents and Declaration of Service are attached.

3 3. The agency has jurisdiction to adjudicate this case by default.

4 4. The Acupuncture Board is authorized to revoke Respondent's Acupuncture License
5 based upon the following violations alleged in the Second Amended Accusation/Petition to
6 Revoke Probation:

7 a. Cause For Discipline: Unprofessional Conduct- Citation For An Action or
8 Conduct That Would Have Warranted Denial of An Acupuncture License.

9 b. Cause For Discipline: Commission Of Fraudulent Acts - Submission of
10 Fraudulent Statements on Government Forms.

11 c. Cause For Discipline: Violation of Practice Act: Use Of Acupuncture Clinic
12 For Prostitution.

13 d. First Cause To Revoke Probation: Failure to Pay Probation Surveillance
14 Monitoring Costs.

15 e. Second Cause To Revoke Probation: Failure to Obey All Laws.

16 f. Third Cause To Revoke Probation: Failure to Provide Quarterly Reports.

17 g. Fourth Cause To Revoke Probation: Failure to Notify Board of Changes of
18 Employment.

19 h. Fifth Cause To Revoke Probation: Failure to Pay Costs.

20 i. Sixth Cause To Revoke Probation: Failure to Notify the Board of Non-
21 Residency.

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ORDER

IT IS SO ORDERED that Acupuncture License No. AC 6060, heretofore issued to Respondent Andrew Sung Young Lee, L.Ac., is revoked.

Respondent is ordered to reimburse the Acupuncture Board the amount of \$51,543.90, for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its costs. Respondent's Acupuncture License may not be renewed or reinstated unless all costs ordered under Business and Professions code section 4959 have been paid.

If Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 25, 2020.

It is so ORDERED September 15, 2020

Original Signature on File
FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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