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

13 In the Matter of the Accusation Against:

Case No. 1A-2016-273

14 **VINCENT H.T. HAN, L.AC.**
15 **12940 Newhope Street**
Garden Grove, CA 92840

ACCUSATION

16 **Acupuncturist License No. AC 9200**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about September 18, 2003, the Board issued Acupuncturist License No.
23 AC 9200 to Vincent H.T. Han, L.Ac. (Respondent). The Acupuncturist License expired on June
24 30, 2019, and has not been renewed.

25 3. On or about May 12, 2017, in the case entitled *The People of the State of California v.*
26 *Vincent Han*, Orange County Superior Court Case No. 17WF0851, pursuant to Penal Code
27 section 23, the Superior Court ordered Respondent prohibited from practicing, or attempting to
28 practice acupuncture, as defined in the Acupuncture License Act (Bus. & Prof. Code, § 4925, et

1 seq.), until formal disposition of the criminal charges pending against him in Orange County
2 Superior Court Case No. 17WF0851.

3 **JURISDICTION**

4 4. This Accusation is brought before the Board under the authority of the following
5 laws. All section references are to the Business and Professions Code (Code) unless otherwise
6 indicated.

7 5. Section 118 of the Code states, in pertinent part:

8 ...

9 (b) The suspension, expiration, or forfeiture by operation of law of a license
10 issued by a board in the department, or its suspension, forfeiture, or cancellation by
11 order of the board or by order of a court of law, or its surrender without the written
12 consent of the board, shall not, during any period in which it may be renewed,
13 restored, reissued, or reinstated, deprive the board of its authority to institute or
14 continue a disciplinary proceeding against the licensee upon any ground provided by
15 law or to enter an order suspending or revoking the license or otherwise taking
16 disciplinary action against the licensee on any such ground.

17 ...

18 6. Section 4955 of the Code states, in pertinent part:

19 The board may deny, suspend, or revoke, or impose probationary conditions
20 upon, the license of any acupuncturist who is guilty of unprofessional conduct.¹

21 ...

22 7. Section 4955.1 of the Code states, in pertinent part:

23 The board may deny, suspend, revoke, or impose probationary conditions upon
24 the license of any acupuncturist if he or she is guilty of committing a fraudulent act
25 including, but not be limited to, any of the following:

26 ...

27 (c) Committing any act involving dishonesty or corruption with respect to the
28 qualifications, functions, or duties of an acupuncturist.

...

¹ “Unprofessional conduct is that conduct which breaches the rules or ethical code of a profession, or conduct which is unbecoming a member in good standing of a profession.” (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575; *Davis v. Physician Assistant Bd.* (2021) 66 Cal.App.5th 227, 280–281.)

1 **COST RECOVERY**

2 8. Section 4959 of the Code states:

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

8 (b) The costs to be assessed shall be fixed by the administrative law judge and
9 shall not in any event be increased by the board. When the board does not adopt a
10 proposed decision and remands the case to an administrative law judge, the
11 administrative law judge shall not increase the amount of any costs assessed in the
12 proposed decision.

13 (c) When the payment directed in the board’s order for payment of costs is not
14 made by the licensee, the board may enforce the order for payment in the superior
15 court in the county where the administrative hearing was held. This right of
16 enforcement shall be in addition to any other rights the board may have as to any
17 licensee directed to pay costs.

18 (d) In any judicial action for the recovery of costs, proof of the board’s decision
19 shall be conclusive proof of the validity of the order of payment and the terms for
20 payment.

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

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Dishonesty or Corruption)**

25 9. Respondent has subjected his Acupuncture License No. AC 9200 to disciplinary
26 action under section 4955.1, subdivision (c), of the Code, in that Respondent committed acts
27 involving dishonesty or corruption with respect to his qualifications, functions, or duties of an
28 acupuncturist, as more particularly alleged hereinafter:

10 10. Between in or around 2010, and in or around 2013, Respondent engaged in repeated
11 sexual acts with a female relative who was under fourteen years of age at the time.

12 11. On or about November 1, 2016, Respondent’s female relative reported the sexual acts
13 by Respondent to the Garden Grove Police Department.

14 12. On or about September 27, 2017, the Orange County District Attorney filed a
15 criminal Information against Respondent in the case entitled *The People of the State of California*
16 *v. Vincent Han*, Orange County Superior Court Case No. 17WF0851 (Information) charging him

1 with multiple felonies including (1) Sexual penetration with a child 10 years or younger, in
2 violation of Penal Code section 288.7, subdivision (b); (2) Lewd act upon a child under 14 (hand
3 touching vagina), in violation of Penal Code section 288, subdivision (a); (3) Aggravated sexual
4 assault of a child under 14 (rape) in violation of Penal Code sections 269, subdivision (a)(1), and
5 261, subdivision (a)(2); (4) Aggravated sexual assault of a child under 14 (rape), in violation of
6 Penal Code sections 269, subdivision (a)(1), and 261, subdivision (a)(2); (5) Aggravated sexual
7 assault of a child under 14 (oral copulation of victim) in violation of Penal Code sections 269,
8 subdivision (a)(4), and 288, subdivision (a); and (6) Aggravated sexual assault of a child under 14
9 (oral copulation of Defendant) in violation of Penal Code sections 269, subdivision (a)(4), and
10 288, subdivision (a).

11 13. On or about July 20, 2021, following a jury trial, Respondent was found guilty of all
12 six counts alleged in the Information, and was remanded into custody.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(General Unprofessional Conduct)**

15 14. Respondent has further subjected his Acupuncture License No. AC 9200 to
16 disciplinary action under section 4955, of the Code, in that Respondent engaged in general
17 unprofessional conduct, as more particularly alleged in paragraphs 9 through 13, above, which are
18 hereby incorporated by reference and realleged as if fully set forth herein.

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PRAYER

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

1. Revoking or suspending Acupuncturist License No. AC 9200, issued to Respondent, Vincent H.T. Han, L.Ac.;
2. Ordering Respondent, Vincent H.T. Han, L.Ac. to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/07/2021

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

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