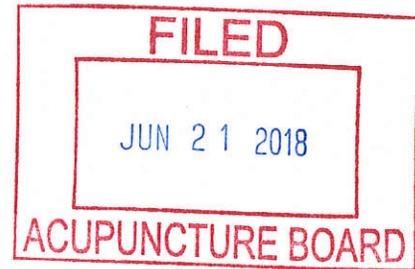


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8  
9 **BEFORE THE**  
**ACUPUNCTURE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1A-2017-10

12 **SUN WOO KIM, L.Ac.**  
13 **8126 Garden Park Street**  
**Chino, CA 91708-9347**  
14 **Acupuncturist License No. AC 9766,**

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity  
20 as the Executive Officer of the Acupuncture Board (Board), Department of Consumer Affairs.  
21 2. On or about March 30, 2004, the Acupuncture Board issued Acupuncturist License  
22 Number AC 9766 to SUN WOO KIM, L.Ac. (Respondent). The Acupuncturist License was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on July 31,  
24 2019, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.  
28 4. Section 4928.1 of the Code states:

1           “Protection of the public shall be the highest priority for the Acupuncture Board in  
2 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the  
3 public is inconsistent with other interests sought to be promoted, the protection of the public shall  
4 be paramount.”

5           5.     Section 4927 of the Code states, in pertinent part:

6           “... ”

7           “(d) ‘Acupuncture’ means the stimulation of a certain point or points on or near the surface  
8 of the body by the insertion of needles to prevent or modify the perception of pain or to normalize  
9 physiological functions, including pain control, treatment of certain diseases or dysfunctions of  
10 the body and includes the techniques of electroacupuncture, cupping, and moxibustion.”

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

12          “The board may deny, suspend, or revoke, or impose probationary conditions upon, the  
13 license of any acupuncturist if he or she is guilty of unprofessional conduct.

14          “Unprofessional conduct shall include, but not be limited to, the following:

15          “(i) Any action or conduct that would have warranted the denial of the acupuncture license.

16          “... ”

17          “(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the violation  
18 of the terms of this chapter or any regulation adopted by the board pursuant to this chapter.

19          “... ”

20          7.     Section 4955.2, of the Code states:

21          “The board may deny, suspend, revoke, or impose probationary conditions upon the license  
22 of any acupuncturist if he or she is guilty of committing any one of the following:

23          “(a) Gross negligence.

24          “(b) Repeated negligent acts.

25          “(c) Incompetence.”

26          8.     Section 726 of the Code states:

27          “(a) The commission of any act of sexual abuse, misconduct, or relations with a patient,  
28 client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any

1 person licensed under this or under any initiative act referred to in this division.

2 “(b) This section shall not apply to consensual sexual contact between a licensee and his or  
3 her spouse or person in an equivalent domestic relationship when that licensee provides medical  
4 treatment, to his or her spouse or person in an equivalent domestic relationship.”

#### 5 COSTS

6 9. Section 4959 of the Code states:

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

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

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

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

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

#### 23 FIRST CAUSE FOR DISCIPLINE

24 (Sexual Relations with a Patient)

25 10. Respondent is subject to disciplinary action under section 726 of the Code, in that he  
26 engaged in a sexual relationship with patient 1 while she was under his professional care and  
27 treatment. The circumstances are as follows:

28 11. On or about January 17, 2017, the Board received a complaint regarding Respondent

1 having a sexual relationship with a patient. The Board initiated an investigation of the events  
2 underlying this complaint.

3 12. The investigation into the complaint was conducted by the Department of Consumer  
4 Affairs, Department of Investigations, Investigation and Enforcement Unit investigator  
5 (Investigator) who confirmed that Respondent was a licensed acupuncturist at all times during the  
6 time of the events referred to in the complaint.

7 13. During the investigation the Investigator spoke with patient 1<sup>1</sup> who stated she began  
8 receiving acupuncture treatments from Respondent in 2006 or 2007, and continued being treated  
9 by Respondent through July 2016.

10 14. Patient 1 told the Investigator that she began having consensual sexual relations with  
11 Respondent in September or October 2015, which continued through July 2016. During the time  
12 she was having consensual sexual relations with Respondent she was married to her husband and  
13 was not engaged in an equivalent domestic relationship with Respondent.

14 15. Patient 1 told the Investigator that from September or October 2015, through July  
15 2016, she was receiving acupuncture treatments from Respondent approximately once a week.

16 16. Patient 1 told the Investigator that during the time she was having consensual sexual  
17 relations with Respondent while she was his patient he did not terminate treatment and refer her  
18 to another healthcare provider.

19 17. Patient 1 told the Investigator Respondent impregnated her, accompanied her to an  
20 appointment with a physician and paid for her subsequent abortion.

21 18. During the investigation the Investigator spoke with Respondent. Respondent stated  
22 that he had provided acupuncture treatments to patient 1 from 2006 or 2007, and continued  
23 treating patient 1 through July 2016.

24 19. Respondent told the Investigator that he had consensual sexual relations with patient  
25 1 to whom he was not married nor engaged in an equivalent domestic relationship while he was  
26 treating her as an acupuncture patient from September or October 2015, through July 2016.

27 \_\_\_\_\_  
28 <sup>1</sup> The names of the patient and/or witnesses are anonymized to protect privacy rights. The names will be  
provided to Respondent upon written request for discovery.

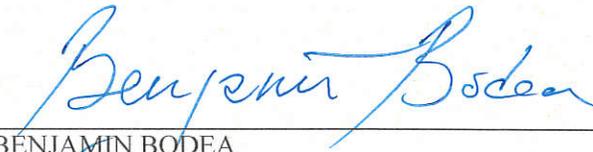


1 **PRAYER**

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

- 4 1. Revoking or suspending Acupuncturist License Number AC 9766, issued to Sun Woo  
5 Kim, L.Ac.;
- 6 2. Ordering Sun Woo Kim, L.Ac. to pay the Acupuncture Board the reasonable costs of  
7 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
8 4959;
- 9 3. If placed on probation, ordering him to pay to the Acupuncture Board the costs of  
10 probation monitoring; and
- 11 4. Taking such other and further action as deemed necessary and proper.

12  
13  
14 DATED: **JUN 21 2018**

  
15 BENJAMIN BODEA  
16 Executive Officer  
17 Acupuncture Board  
18 Department of Consumer Affairs  
19 State of California  
20 *Complainant*

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