

FILED

AUG 17 2011

ACUPUNCTURE BOARD

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 PEGGIE BRADFORD TARWATER
Deputy Attorney General
4 State Bar No. 169127
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 620-6068
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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-2010-176

12
13 ANGELA YOUNGSOOK OH, L.Ac.

ACCUSATION

14 203 N. Magnolia Avneue, #D
15 Anaheim, California 92801

16 Acupuncture License No. AC 7395

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18 Respondent.

19
20 Complainant alleges:

21 PARTIES

22 1. Janelle Wedge (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Acupuncture Board of California (Board).

24 2. On or about August 14, 2000, the Board issued Acupuncture License number AC
25 7395 to Angela Youngsook Oh (Respondent). That license was in full force and effect at all
26 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 4955 of the Code states:

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

7 "Unprofessional conduct shall include, but not be limited to, the following:

8 " ...

9 "(b) Conviction of a crime substantially related to the qualifications, functions,
10 or duties of an acupuncturist, the record of conviction being conclusive evidence
11 thereof.

12 " ..."

13 5. Section 4956 of the Code states:

14 "A plea or verdict of guilty or a conviction following a plea of nolo contendere
15 made to a charge which is substantially related to the qualifications, functions, or
16 duties of an acupuncturist is deemed to be a conviction within the meaning of this
17 chapter.

18 "The board may order a license suspended or revoked, or may deny a license, or
19 may impose probationary conditions upon a license, when the time for appeal has
20 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
21 granting probation is made suspending the imposition of sentence irrespective of a
22 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
23 the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or
24 setting aside the verdict of guilty, or dismissing the accusation, complaint,
25 information, or indictment."

26 6. Section 4961 of the Code states:

27 "(a) Every person who is now or hereafter licensed to practice acupuncture in
28 this state shall register, on forms prescribed by the Acupuncture Board, his or her

1 place of practice, or, if he or she has more than one place of practice, all of the places
2 of practice. If the licensee has no place of practice, he or she shall notify the board of
3 that fact. A person licensed by the board shall register within 30 days after the date of
4 his or her licensure.

5 "(b) An acupuncturist licensee shall post his or her license in a conspicuous
6 location in his or her place of practice at all times. If an acupuncturist has more than
7 one place of practice, he or she shall obtain from the board a duplicate license for
8 each additional location and post the duplicate license at each location.

9 "(c) Any licensee that changes the location of his or her place of practice shall
10 register each change within 30 days of making that change. In the event a licensee
11 fails to notify the board of any change in the address of a place of practice within the
12 time prescribed by this section, the board may deny renewal of licensure. An
13 applicant for renewal of licensure shall specify in his or her application whether or
14 not there has been a change in the location of his or her place of practice and, if so,
15 the date of that change. The board may accept that statement as evidence of the
16 change of address."

17 COST RECOVERY

18 7. Section 4959 of the Code states:

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

24 "(b) The costs to be assessed shall be fixed by the administrative law judge and
25 shall not in any event be increased by the board. When the board does not adopt a
26 proposed decision and remands the case to an administrative law judge, the
27 administrative law judge shall not increase the amount of any costs assessed in the
28 proposed decision.

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

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

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

11 FIRST CAUSE FOR DISCIPLINE

12 (Conviction of a Crime)

13 8. The Respondent is subject to disciplinary action under sections 4955, subdivision (b),
14 and 4956 in that she was convicted of a crime substantially related to the qualifications, functions
15 or duties of an acupuncturist. The circumstances are as follows:

16 9. On or about September 13, 2010, Respondent was charged by misdemeanor
17 complaint with a violation of Labor Code section 3700.5 for willfully and unlawfully failing to
18 secure payment of workers' compensation as required by Labor Code section 3700.¹

19 10. On or about April 4, 2010, Respondent pled guilty to a violation of Labor Code
20 section 3700.5. She was placed on probation for a period of three years with various terms and
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22 ¹ Labor Code section 3700.5 provides, in pertinent part:

23 “(a) The failure to secure the payment of compensation as required by this
24 article by one who knew, or because of his or her knowledge or experience should be
25 reasonably expected to have known, of the obligation to secure the payment of
26 compensation, is a misdemeanor punishable by imprisonment in the county jail for up
27 to one year, or by a fine of up to double the amount of premium, as determined by the
28 court, that would otherwise have been due to secure the payment of compensation
(\$10,000), or by both that imprisonment and fine.”

1 conditions, including the following: maintain full and proper workers' compensation insurance
2 coverage for all employees of any business she owns and/ or operates; provide evidence of
3 worker's compensation insurance coverage to the Los Angeles County District Attorney's Office
4 when requested; and provide to the Los Angeles County District Attorney's Office written proof
5 of workers' compensation insurance coverage on a monthly basis. Respondent was further
6 ordered to pay a fine in the amount of \$10,000, all but \$100 of which was suspended on the
7 condition that Respondent maintain continuous workers' compensation insurance coverage.

8 11. Respondent's failure to secure workers' compensation insurance as required is
9 substantially related to the qualifications, functions and duties of her profession. Respondent
10 failed to take required steps to lessen the risk of harm to employees working under her employ.
11 Respondent breach her professional duties in failing to provide workers' compensation insurance
12 as an employer and as a licensee.

13 SECOND CAUSE FOR DISCIPLINE

14 (Failure to Register Practice Location)

15 12. Respondent is subject to disciplinary action under section 4961 in that she failed to
16 register with the Board all practice locations. The circumstances are as follows:

17 13. On or about August 13, 2010, Respondent was issued a citation for failure to secure
18 workers' compensation insurance in violation of Labor Code section 3700.5 for Best
19 Acupuncture, 8832 Limonite Avenue, Riverside, California. However, Respondent failed to
20 register this practice location with the Board as required by section 4961.

21 PRAYER

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

24 1. Revoking or suspending Acupuncture License Number AC 7395, issued to Angela
25 Youngsook Oh;

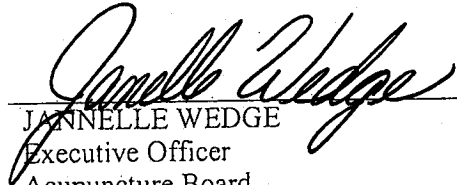
26 2. Ordering her to pay the Acupuncture Board the reasonable costs of the investigation
27 and enforcement of this case, pursuant to Business and Professions Code section 4959; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: **AUG 17 2011**



JANNELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California

Complainant

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