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8

**FILED**

SEP 8 2011

**ACUPUNCTURE BOARD**

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

12 In the Matter of the Accusation Against:

Case No. 1A-2010-181

13 **SUNG HIUP OK, L.AC.**  
17341 Greentree Drive  
14 Riverside, CA 92503

**ACCUSATION**

15 Acupuncture License No. AC 8305

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about April 2, 2002, the Acupuncture Board (Board) issued Acupuncture  
23 License Number AC 8305 to SUNG HIUP OK, L.Ac. (Respondent). The Acupuncture License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 April 28, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Acupuncture Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4955 of the Code states:

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

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

"...

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

"(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the violation of the terms of this chapter . . . ."

". . . ."

5. Section 4961 of the Code states:

"(a) Every person who is now or hereafter licensed to practice acupuncture in this state shall register, on forms prescribed by the Acupuncture Board, his or her place of practice, or, if he or she has more than one place of practice, all of the places of practice. If the licensee has no place of practice, he or she shall notify the board of that fact. A person licensed by the board shall register within 30 days after the date of his or her licensure.

". . . ."

COST RECOVERY

6. Section 4959 of the Code states:

"(a) The board may request the administrative law judge, under his or her proposed decision in resolution of a disciplinary proceeding before the board, to direct any licensee found guilty of unprofessional conduct to pay to the board a sum

1 not to exceed actual and reasonable costs of the investigation and prosecution of the  
2 case.

3 "(b) The costs to be assessed shall be fixed by the administrative law judge and  
4 shall not in any event be increased by the board. When the board does not adopt a  
5 proposed decision and remands the case to an administrative law judge, the  
6 administrative law judge shall not increase the amount of any costs assessed in the  
7 proposed decision.

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

13 "(d) In any judicial action for the recovery of costs, proof of the board's  
14 decision shall be conclusive proof of the validity of the order of payment and the  
15 terms for payment.

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

#### 18 FIRST CAUSE FOR DISCIPLINE

#### 19 (Conviction of a Substantially Related Crime)

20 7. Respondent is subject to disciplinary action under section 4955, as defined by section  
21 4955, subdivision (b), of the Code, in that he was convicted of a crime substantially related to the  
22 qualifications, functions, or duties of an acupuncturist. The circumstances are as follows:

23 8. In or about August and September 2010, Riverside Police Department Officers,  
24 California Department of Industrial Relations Investigators and Riverside County District  
25 Attorney Investigators participated in inspections of Respondent's business, BEE Acupuncture,  
26 located at 9824 Magnolia in Riverside, California. The inspections revealed that Respondent's  
27 Acupuncture License No. AC8305 was posted at the business, that the business was an illegal  
28 massage parlor, and that no acupuncturist was on-site.

1 9. On or about November 1, 2010, a misdemeanor complaint was filed in Riverside  
2 County Superior Court entitled *People of the State of California v. Sung Hiup Ok*, Case No.  
3 RIM10013610, charging Respondent with one count of a violation of Business and Professions  
4 Code section 119, subsection (e), knowingly permitting the unlawful use of a license issued to  
5 him by the State of California Acupuncture Board.

6 10. On or about November 2, 2010, Respondent entered a guilty plea to one count of a  
7 violation of Business and Professions Code section 119, subdivision (e) [knowingly permits  
8 unlawful use of license]. Respondent was sentenced to summary probation for three years, 30  
9 days' custody in a Work-Release Program, a fine of \$500, restitution of \$100, and fees of \$80.

10 SECOND CAUSE FOR DISCIPLINE

11 (Failure to Register All Practice Locations)

12 11. Respondent is further subject to disciplinary action under section 4955, as defined by  
13 sections 4955, subdivision (d) and 4961, subdivision (a), of the Code, in that he failed to register a  
14 place of practice. The circumstances are as follows:

15 12. In or about 2010, Respondent had a place of practice, BEE Acupuncture, located at  
16 9824 Magnolia Avenue, Riverside, California, but failed to register the business with the Board.

17 AGGRAVATING FACTORS

18 13. To determine the degree of discipline, if any, to be imposed on Respondent,  
19 Complainant alleges that on or about November 24, 2009, in misdemeanor complaint No.  
20 9EA11633, entitled *People of the State of California v. Sung Hiup Ok*, Respondent entered a plea  
21 of *nolo contendere* to violating Montebello Municipal Code sections 5.48.020 [operating a  
22 massage parlor without an operator's permit], and 17.62.020 [maintaining unapproved signage at  
23 place of business]. Respondent was the business owner of Ok Acupressure, located at 612 W.  
24 Whittier Boulevard, Montebello, California, but no acupuncture was provided at the business,  
25 only massage. Respondent also failed to register the address of Ok Acupressure with the Board.

26 14. On or about April 29, 2011, in Board Case No. 1A-2009-91, the Board issued a  
27 Citation Decision and Order affirming Citation No. 1A-2009-91, issued to Respondent and  
28 imposing a \$1000 fine for failing to register a place of practice in violation of Business and

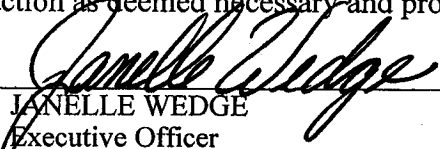
1 Professions Code sections 4955, subdivision (j) and 4961, subdivision (a). On or about June 24,  
2 2011, Respondent was notified that he had paid the fine and satisfied the citation.

3 PRAYER

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

- 6 1. Revoking, suspending or imposing probationary conditions on Acupuncture License  
7 Number AC 8305, issued to SUNG HIUP OK, L.Ac.
- 8 2. Ordering Respondent SUNG HIUP OK, L.Ac. to pay the Acupuncture Board the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 4959; and,
- 11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: SEP 08 2011

  
13 JANELLE WEDGE  
14 Executive Officer  
15 Acupuncture Board  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant