

**BEFORE THE  
ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**SHAO H. JIN, L.A.C.**

5730 N. Willard Ave., #34  
San Gabriel, CA 91775

Acupuncture License No. AC 8141

Respondent.

Case No. 1A-2006-40


OAH No. 2008120252

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board, as its Decision in this matter.

This Decision shall become effective on JUL 17 2009

It is so ORDERED JUN 17 2009

  
\_\_\_\_\_  
FOR THE ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 PAUL C. AMENT  
Supervising Deputy Attorney General  
3 ESTHER P. KIM, State Bar No. 225418  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
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7 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 1A-2006-40

OAH No. 2008120252

11 **SHAO H. JIN, L.AC.**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

12 5730 N. Willard Ave., #34  
13 San Gabriel, CA 91775

14 Acupuncture License No. AC 8141

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the  
18 parties to the above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Janelle Wedge (Complainant) is the Executive Officer of the  
21 Acupuncture Board. She brought this action solely in her official capacity and is  
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of  
23 California, by Esther P. Kim, Deputy Attorney General.

24 2. Respondent Shao H. Jin, L.Ac. (Respondent) is represented in this  
25 proceeding by attorney Evan Freed, whose address is 817 Torrance Boulevard, #302,  
26 Redondo Beach, CA 90277-3529.

27 3. On or about October 4, 2001, the Acupuncture Board issued  
28 Acupuncture License No. AC 8141 to Shao H. Jin, L.Ac. The Acupuncture License was

1 in full force and effect at all times relevant to the charges brought in Accusation No.  
2 1A-2006-40 and will expire on July 31, 2009, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 1A-2006-40 was filed before the Acupuncture  
5 Board, Department of Consumer Affairs (Board), and is currently pending against  
6 Respondent. The Accusation and all other statutorily required documents were properly  
7 served on Respondent on September 17, 2008. Respondent timely filed his Notice of  
8 Defense contesting the Accusation. A copy of Accusation No. 1A-2006-40 is attached as  
9 exhibit A and incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. 1A-2006-40. Respondent has  
13 also carefully read, fully discussed with counsel, and understands the effects of this  
14 Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter,  
16 including the right to a hearing on the charges and allegations in the Accusation; the right  
17 to be represented by counsel at his own expense; the right to confront and cross-examine  
18 the witnesses against him; the right to present evidence and to testify on his own behalf;  
19 the right to the issuance of subpoenas to compel the attendance of witnesses and the  
20 production of documents; the right to reconsideration and court review of an adverse  
21 decision; and all other rights accorded by the California Administrative Procedure Act  
22 and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and  
24 gives up each and every right set forth above.

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and  
27 allegation in Accusation No. 1A-2006-40.

28 9. Respondent agrees that his Acupuncture License is subject to

1 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in  
2 the Disciplinary Order below.

3 **CONTINGENCY**

4 10. The parties understand and agree that facsimile copies of this  
5 Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall  
6 have the same force and effect as the originals.

7 11. In consideration of the foregoing admissions and stipulations, the  
8 parties agree that the Board may, without further notice or formal proceeding, issue and  
9 enter the following Disciplinary Order:

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Acupuncture License No. AC 8141  
12 issued to Respondent Shao H. Jin, L.Ac. is revoked. However, the revocation is stayed  
13 and Respondent is placed on probation for three (3) years on the following terms and  
14 conditions.

15 1. **REIMBURSEMENT FOR PROBATION SURVEILLANCE**  
16 **MONITORING** Respondent shall reimburse the Board for the hourly costs it incurs in  
17 monitoring the probation to ensure compliance for the duration of the probation period.

18 2. **COURSEWORK** Respondent shall take and successfully  
19 complete not less than two (2) semester units or three (3) quarter units of coursework in  
20 the following area(s): 1) Ethics; and 2) Professional Boundaries. All coursework shall  
21 be taken at a school approved by the Board. Classroom attendance must be specifically  
22 required. Course content shall be pertinent to the violation and all coursework must be  
23 completed within the first 3 years of probation. The required coursework must be in  
24 addition to any continuing education courses that may be required for license renewal.

25 The above courses may be completed in Respondent's native language of  
26 Mandarin. It is the responsibility of the Respondent to present the Board with courses in  
27 Mandarin that would satisfy the above requirements.

28 Within 90 days of the effective date of this decision, Respondent shall

1 submit a plan for the Board's prior approval for meeting the educational requirements.

2 All costs of the coursework shall be borne by the Respondent.

3           3.     COMMUNITY SERVICE This provision is waived as  
4 Respondent has completed forty hours of community service through his criminal  
5 probation.

6           4.     OBEY ALL LAWS Respondent shall obey all federal, state and  
7 local laws and all regulations governing the practice of acupuncture in California. A full  
8 and detailed account of any and all violations of law shall be reported by the Respondent  
9 to the Board in writing within seventy-two (72) hours of occurrence.

10          5.     QUARTERLY REPORTS Respondent shall submit quarterly  
11 declarations under penalty of perjury on forms provided by the Board, stating whether  
12 there has been compliance with all the conditions of probation.

13          6.     SURVEILLANCE PROGRAM Respondent shall comply with  
14 the Board's probation surveillance program and shall, upon reasonable notice, report to  
15 the assigned investigative district office. Respondent shall contact the assigned probation  
16 surveillance monitor regarding any questions specific to the probation order. Respondent  
17 shall not have any unsolicited or unapproved contact with 1) victims or complainants  
18 associated with the case; 2) Board members or members of its staff; or 3) persons serving  
19 the Board as expert examiners.

20          7.     INTERVIEW WITH THE BOARD OR ITS DESIGNEE  
21 Respondent shall appear in person for interviews with the Board or its designee upon  
22 request at various intervals and with reasonable notice.

23          8.     CHANGES OF EMPLOYMENT Respondent shall notify the  
24 Board in writing, through the assigned probation surveillance compliance officer of any  
25 and all changes of employment, location and address within 30 days of such change.

26          9.     TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE  
27 In the event Respondent should leave California to reside or to practice outside the State,  
28 Respondent must notify the Board in writing of the dates of departure and return. Periods

1 of residency or practice outside California will not apply to the reduction of this  
2 probationary period.

3 10. EMPLOYMENT AND SUPERVISION OF TRAINEES

4 Respondent shall not employ or supervise or apply to employ or supervise acupuncture  
5 trainees during the course of this probation. Respondent shall terminate any such  
6 supervisory relationship in existence on the effective date of this probation.

7 11. COST RECOVERY Respondent shall pay to the Board its costs  
8 of investigation and enforcement in the amount of \$9,743.50. Within thirty (30) days of  
9 the effective date of this order, Respondent shall make monthly payments of \$200.00  
10 towards cost recovery. Failure to pay the ordered reimbursement, or any agreed upon  
11 payment, may constitute a violation of the probation order.

12 12. VIOLATION OF PROBATION If Respondent violates probation  
13 in any respect, the Board may, after giving Respondent notice and the opportunity to be  
14 heard, revoke probation and carry out the disciplinary order that was stated. If an  
15 accusation or petition to revoke probation is filed against Respondent during probation,  
16 the Board shall have continuing jurisdiction until the matter is final, and the period of  
17 probation shall be extended until the matter is final. No petition for modification or  
18 termination of probation shall be considered while there is an accusation or petition to  
19 revoke probation pending against Respondent.

20 13. COMPLETION OF PROBATION Upon successful completion  
21 of probation, Respondent's license will be fully restored.

22 ACCEPTANCE

23 I have carefully read the above Stipulated Settlement and Disciplinary  
24 Order and have fully discussed it with my attorney, Evan Freed. I understand the  
25 stipulation and the effect it will have on my Acupuncture License. I enter into this  
26 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,

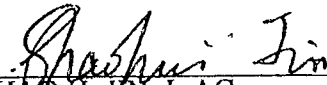
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1 and agree to be bound by the Decision and Order of the Board.

2 DATED: 4/8/09.

3

  
\_\_\_\_\_  
SHAO H. JIN, L.A.C.  
Respondent

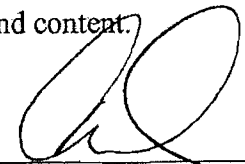
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6 I have read and fully discussed with Respondent Shao H. Jin, L.Ac. the  
7 terms and conditions and other matters contained in the above Stipulated Settlement and  
8 Disciplinary Order. I approve its form and content.

9 DATED: 4/8/09.

10

  
\_\_\_\_\_  
EVAN FREED  
Attorney for Respondent

11

12

13

**ENDORSEMENT**

14

15

The foregoing Stipulated Settlement and Disciplinary Order is hereby  
respectfully submitted for consideration by the Board.

16

DATED: 4/9/09.

17

EDMUND G. BROWN JR., Attorney General  
of the State of California

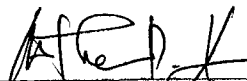
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PAUL C. AMENT  
Supervising Deputy Attorney General

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\_\_\_\_\_  
ESTHER P. KIM  
Deputy Attorney General

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Attorneys for Complainant

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**Exhibit A**

**Accusation No. 1A-2006-40**



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 PAUL C. AMENT  
Supervising Deputy Attorney General  
3 ESTHER P. KIM, State Bar No. 2254182  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2872  
6 Facsimile: (213) 897-9395

**FILED**

SEP 17 2008

**ACUPUNCTURE BOARD**

7 Attorneys for Complainant  
8

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-2006-40

13 SHAO HUI JIN

**ACCUSATION**

14 5730 N. Willard Ave. #34  
15 San Gabriel, CA 91775

16 Acupuncture License No. AC 8141

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about October 4, 2001, the Acupuncture Board issued Acupuncture  
24 License Number AC 8141 to Shao Hui Jin (Respondent). The Acupuncture license was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
26 2009, unless renewed.

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28 ///

## JURISDICTION

1  
2           3.     This Accusation is brought before the Acupuncture Board (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5           4.     Section 4955 of the Code states:

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

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

9           "...

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

12          5.     Section 726 of the Code states in pertinent part:

13          "The commission of any act of sexual abuse, misconduct, or relations with a  
14 patient, client, or customer constitutes unprofessional conduct and grounds for  
15 disciplinary action for any person licensed under this division, under any initiative act  
16 referred to in this division and under Chapter 17 (commencing with Section 9000) of  
17 Division 3."

18          6.     Section 4956 of the Code states:

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

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

1 indictment.”

2 **PENAL CODE**

3 7. Section 242 of the Penal Code states:

4 “A battery is any willful and unlawful use of force or violence upon the person of  
5 another.”

6 **COST RECOVERY**

7 8. Section 4959 of the Code states:

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

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

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

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Criminal Conviction)**

24 9. Respondent is subject to disciplinary action under section 4955,  
25 subdivision (b), of the Code in that he was convicted of a crime that was substantially related to  
26 the qualifications, functions, or duties of an acupuncturist. The circumstances are as follows:

27 10. On or about November 26, 2005, Respondent willfully and unlawfully  
28 used force or violence when he kissed patient M.D. despite being told “no”. This act occurred at

1 Respondent's acupuncture office in the course of Respondent's acupuncture treatment of patient  
2 M.D.

3 11. On or about February 3, 2006, a criminal complaint was filed charging  
4 Respondent with one count of violating Penal Code section 242, battery, in the case entitled  
5 *People vs. Shao Hui Jin*, Orange County Superior Court Case No. 06HM00932. The victim  
6 named in the complaint was patient M.D.

7 12. On or about October 17, 2006, Respondent pled guilty to one count of  
8 battery in violation of Penal Code section 242.

9 13. On or about October 17, 2006, the Court entered judgment and ordered the  
10 imposition of sentence suspended. Respondent was placed on three (3) years informal probation,  
11 ordered to pay fines, complete forty hours of community service, stay away from M.D., and pay  
12 restitution to M.D.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Sexual Misconduct)**

15 14. Respondent is subject to disciplinary action under section 726 of the Code  
16 in that he engaged in sexual misconduct with patient M.D.

17 A. The facts and circumstances alleged in paragraphs 10 through 13 above are  
18 incorporated here as if fully set forth.

19 **PRAYER**

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

- 22 1. Revoking or suspending Acupuncturist Number AC 8141, issued to Shao  
23 Hui Jin;
- 24 2. Ordering Shao Hui Jin to pay the Acupuncture Board the reasonable costs  
25 of the investigation and enforcement of this case, pursuant to Business and Professions  
26 Code section 4959; and


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

DATED: SEP 17 2008

  
JANELLE WEDGE  
Executive Director  
Acupuncture Board  
Department of Consumer Affairs  
State of California  
Complainant