

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
4 State Bar No. 82958
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2867
Facsimile: (213) 897-9395
7 E-mail: Wendy.Widlus@doj.ca.gov
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-2011-111

12 **KI BONG SUK, L.Ac.**
13 150 S. Magnolia Ave., #130
Anaheim, CA 92804
14 Acupuncturist License No. AC 12007,

DEFAULT DECISION
AND ORDER

15 Respondent. [Gov. Code, § No. 11520]

16
17 **FINDINGS OF FACT**

18 1. On or about October 5, 2015, Complainant Terri Thorfinnson, in her official capacity
19 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed
20 Accusation No. 1A-2011-111 against Ki Bong Suk, L.Ac. (Respondent) before the Acupuncture
21 Board.

22 2. On or about October 18, 2007, the Acupuncture Board (Board) issued Acupuncturist
23 License No. AC 12007 to Respondent. The Acupuncturist License was in full force and effect at
24 all times relevant to the charges brought herein and expired on October 31, 2013. Respondent's
25 license is expired and is in a delinquent status.

26 3. On or about April 17, 2015, Kristen Borges, an employee of the Complainant
27 Agency, served by Certified and First Class Mail a copy of the Accusation No. 1A-2011-111,
28 Statement to Respondent, Notice of Defense, and Request for Discovery to Respondent's address

1 of record with the Board, which was and is 150 S. Magnolia Ave., #130 Anaheim, CA 92804. A
2 copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit
3 A, and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c).

6 After mailing the aforementioned documents to the Respondent the Board received the
7 green certified mail response card signed by Respondent on April 23, 2015, indicating receipt of
8 the aforementioned documents. A copy of the green certified mail response card signed by
9 Respondent is attached as exhibit B, and is incorporated herein by reference.

10 5. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
12 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
13 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
16 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 1A-2011-
17 111.

18 6. California Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
20 agency may take action based upon the respondent's express admissions or upon other evidence
21 and affidavits may be used as evidence without any notice to respondent."

22 7. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default and the evidence before it, contained in
25 exhibits A, B, C, and D, finds that the allegations in Accusation No. 1A-2011-111 are true.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent KI BONG SUK, L.Ac. has
28 subjected his Acupuncturist License No. AC 12007 to discipline.

