BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to
Revoke Probation Against:

YONG BUM BAE, L.Ac.
338 S. Western Avenue, #201
Los Angeles, California 90020
Acupuncturist License No. AC 12253,
Respondent.

Complainant alleges:

PARTIES

1. Benjamin Bodea (Complainant) brings this Accusation and Petition to Revoke Probation solely in his official capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

2. On or about March 13, 2008, the Acupuncture Board issued Acupuncturist License Number AC 12253 to Yong Bum Bae, L.Ac. (Respondent). The Acupuncturist License was in effect at all times relevant to the charges brought herein and will expire on August 31, 2019, unless renewed.
3. In a disciplinary action entitled “In the Matter of Accusation Against Yong Bum Bae, L.Ac.,” Case No. 1A-2015-7, the Acupuncture Board, issued a decision, effective August 17, 2017, in which Respondent's Acupuncturist License was revoked. However, the revocation was stayed and Respondent's Acupuncturist License was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

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

5. Section 4928.1 of the Code states:

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

6. Section 4927, of the Code states:

“As used in this chapter, unless the context otherwise requires:

(a) “Board” means the Acupuncture Board

(b) “Person” means any individual, organization, or corporate body, except that only individuals may be licensed under this chapter.

(c) “Acupuncturist” means an individual to whom a license has been issued to practice acupuncture pursuant to this chapter, which is in effect and is not suspended or revoked.

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

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Section 4937 of the Code states:

"An acupuncturist’s license authorizes the holder thereof:

(a) To engage in the practice of acupuncture.

(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist’s license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.

(c) For purposes of this section, a ‘magnet’ means a mineral or metal that produces a magnetic field without the application of an electric current.

(d) For purposes of this section, ‘plant, animal, and mineral products’ means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(e) For purposes of this section, ‘dietary supplement’ has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substances listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

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:

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

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

“(j) The violation of any law or local ordinance on an acupuncturist’s business premises by an acupuncturist’s employee or a person who is working under the acupuncturist’s professional license or business permit, that is substantially related to the qualifications, functions, or duties of an acupuncturist. These violations shall subject the acupuncturist who employed the individuals, or under whose acupuncturist license the employee is working, to disciplinary action.

“...”

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

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

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

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

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

10. California Code of Regulations, title 16, section 1399.451, states:

“In treating a patient, an acupuncturist shall adhere to the following procedures:

“(a) The acupuncturist's hands shall be brush-scrubbed with soap and warm water immediately before examining patients or handling acupuncture needles and other instruments,
and between patients.

"(b) All instruments shall be sterilized before and between uses in a manner which will
destroy all microorganisms. All needle trays which contain sterile needles shall also be sterile.
Each time instruments are sterilized, the acupuncturist shall use a tape or strip indicator which
shows that sterilization is complete.

"(c) Acupuncture points, where needles are to be inserted, shall be cleaned with an
appropriate antiseptic before insertion of the needle.

"(d) In the event an acupuncture needle inserted in a patient breaks subcutaneously, the
treating acupuncturist shall immediately consult a physician. An acupuncturist shall not sever or
penetrate the tissues in order to excise such a needle.

"(e) Any complication, including but not limited to, hematoma, peritonitis or pneumothorax
arising out of acupuncture treatment shall be referred immediately to a physician or dentist or
podiatrist, if appropriate, if immediate medical treatment is required.

"(f) Acupuncture shall not be performed using hypodermic needles.

"(g) All instruments to be discarded shall be disposed of safely.

"(h) Needles shall be disposed of by placing them in a sealed, unbreakable container
marked ‘Hazardous Waste’ and disposed of in accordance with state and local law.”

11. California Code of Regulations, title 16, section 1399.463, states:

“(a) The executive officer of the board is authorized to issue a citation which may contain
an order of abatement or an administrative fine for violations by a licensee of the statutes
contained in the Acupuncture Licensure Act (commencing with Business and Professions Code
Section 4925 et seq.) or the regulations adopted by the board. For purposes of this Section and
Sections 1399.464, 1399.466, 1399.467, and 1399.468, the term ‘licensee’ refers to either a
California licensed acupuncturist or a board approved continuing education provider.

“(b) Each citation shall be in writing and shall describe with particularity the nature and
facts of the violation, including a reference to the statute or regulation alleged to have been
violated. The citation shall be served upon the licensee personally or by certified mail.”

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12. California Code of Regulations, title 16, section 1399.466, states:
“(a) If a cited person who has been issued an order of abatement is unable to complete the
abatement within the time set forth in the citation because of conditions beyond his or her control
after the exercise of reasonable diligence, the person cited may request an extension of time from
the executive officer in which to complete the correction. Such a request shall be in writing and
shall be made within the time set forth for abatement.
“(b) When an order of abatement is not contested or if the order is appealed and the person
cited does not prevail, failure to abate the violation charged in the citation within the time allowed
shall constitute a violation and failure to comply with the order of abatement. Such failure may
result in disciplinary action being taken by the board or other appropriate judicial relief being
taken against the person cited.”

Factual Allegations
13. On or about February 10, 2014, the California Board of Barbering and Cosmetology
(CBBC) issued License Number 290157 to YB2 SKIN & BODY CLINIC (YB2) with the address
of record, 338 South Western Avenue, #201, Los Angeles, CA 90020-3842. License Number
290157 was in effect at all times relevant to the charges brought herein and will expire on
February 29, 2020, unless renewed.
14. On or about February 23, 2012, YB2 filed Articles of Incorporation with the State of
California.
15. On or about April 10, 2012, Respondent, signed a Statement of Information form with
the State of California, which certified he was the Chief Executive Officer, Chief Financial
Officer, Secretary, and President of YB2 Inc., a skin care service located at 338 South Western
Avenue, #201, Los Angeles, CA 90020.
16. On or about November 21, 2017, Respondent completed and signed a Statement of
No Change document with the State of California, which stated he was the President of YB2
SKIN & BODY CLINIC, INC, and there had been no change in any of the information contained
in the previous complete Statement of Information filed with the California Secretary of State.
17. On or about May 19, 2016, CBBC inspectors inspected YB2 Skin & Body Clinic, Inc, aka YB2 Skin & Body Clinic located at 338 South Western Avenue #201, Los Angeles, CA 90020. Respondent was present during the inspection. The inspection revealed a series of violations of the California Business and Professions Code sections which included but were not limited to the employment of unlicensed persons by the business, failure to disinfect tools properly, and failure to dispose of tools and supplies that cannot be disinfected.

18. On or about August 15, 2016, the CBBC issued Citation Number 1002016027453 to YB2 Skin & Body Clinic, Inc., aka YB2 Skin & Body Clinic, in the amount of $2,400.00, as a result of the violations found during the May 9, 2016, inspection.

19. On or about June 26, 2016, the Board filed a disciplinary action entitled “In the Matter of Accusation Against Yong Bum Bae, L.Ac.,” Case No. 1A-2015-7, which alleged that Respondent was subject to disciplinary action as a result of his criminal conviction sustained on May 7, 2015, for driving under the influence of alcohol on January 9, 2015, his use of alcohol in a dangerous manner on January 9, 2015, and his unprofessional conduct by committing a dishonest and corrupt act for failing to disclose his conviction to the Board.

20. On or about January 9, 2015, Respondent was arrested at approximately 3:10 a.m. after he fled the scene of an accident during which he had sideswiped another driver’s vehicle. Respondent told the officers he did not recall being involved in the traffic collision and that he had only consumed one beer earlier in the evening. After Respondent’s arrest he provided two breath samples which revealed his breath alcohol concentration to be 0.17 percent and 0.18 percent.

21. On May 7, 2015, in the case entitled The People of the State of California v. Steve Yong Bae, case number 5MP00441, in the Superior Court of California, County of Los Angeles, Respondent, upon his plea of nolo contendere, was convicted of driving a vehicle while under the influence of an alcoholic beverage in violation of Vehicle Code Section 23152, subdivision (a), a misdemeanor. Accordingly, Respondent was placed on three years probation under various terms and conditions of probation which included inter alia his enrollment and satisfactory completion of a three month licensed first-offender alcohol and other drug education and counseling program.
22. Respondent subsequently failed to disclose his criminal conviction in *The People of the State of California v. Steve Yong Bae*, case number 5MP00441, on his license renewal application, which he completed and signed under penalty of perjury on August 15, 2015, thereby successfully renewing his acupuncture license through August 31, 2017.

23. On or about May 12, 2017, Respondent signed a stipulated settlement agreement in “*In the Matter of Accusation Against Yong Bum Bae, L.Ac.*, Case No. 1A-2015-7,” in which he admitted the truth of every charge and allegation in Case No. 1A-2015-7. Thereafter the Acupuncture Board, issued a decision, effective August 17, 2017, in which Respondent’s Acupuncturist License was revoked, the revocation stayed, and Respondent’s Acupuncturist License was placed on probation for a period of three (3) years with certain terms and conditions.

24. On or about June 5, 2018, CBBC inspectors inspected YB2 Skin & Body Clinic, Inc., aka YB2 Skin & Body Clinic, located at 338 South Western Avenue, #201, Los Angeles, CA 90020. Respondent was present during the inspection. The inspection revealed a series of violations of the California Business and Professions Code sections which included but were not limited to the employment of unlicensed persons by the business, interference with a Board investigation, failure of the business to maintain a container for disinfectant solution, failure to disinfect tools properly, failure to dispose of tools and supplies that cannot be disinfected, and an unclean treatment table.

25. On or about August 13, 2018, the CBBC issued Citation Number 1002019000208 to YB2 Skin & Body Clinic, Inc., aka YB2 Skin & Body Clinic, in the amount of $2,850.00, as a result of the violations found during the June 5, 2018, inspection.

26. On or about September 20, 2018, CBBC inspectors inspected YB2 Skin & Body Clinic, Inc., aka YB2 Skin & Body Clinic, located at 338 South Western Avenue #201, Los Angeles, CA 90020. Respondent was present during the inspection. The inspection revealed a series of violations of the California Business and Professions Code sections which included but were not limited to, failure to disinfect tools properly, failure to dispose of tools and supplies that cannot be disinfected, an unclean treatment table, and the presence of illegal needle like instruments.
27. On or about October 31, 2018, the CBBC issued Citation Number 1002019 010177 to YB2 Skin & Body Clinic, Inc., aka YB2 Skin & Body Clinic, in the amount of $2,350.00, as a result of the violations found during the September 20, 2018, inspection.

FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

28. Respondent is subject to disciplinary action under Code section 4955, for unprofessional conduct pursuant to Code section 4955, subdivisions (i) and (j), in that he was cited for an action or conduct that would have warranted the denial of his acupuncture license.

29. The facts and circumstances in paragraphs 13, 14, 15, 16, 17, 18, 24, 25, 26, and 27 are incorporated by reference as if set forth in full herein.

FIRST CAUSE TO REVOKE PROBATION
(Failure to Obey All Laws)

30. At all times after the effective date of Respondent’s probation, Condition 3, Obey All Laws, stated:

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

31. Respondent’s probation is subject to revocation because he failed to comply with Probation Condition 3, referenced above. The facts and circumstances regarding this are as follows:

32. The facts and circumstances in paragraphs 13, 14, 15, 16, 24 through 27 are incorporated by reference as if set forth in full herein.

SECOND CAUSE TO REVOKE PROBATION

33. At all times after the effective date of Respondent’s probation, Condition 2, Abstain From Drugs and Alcohol And Submit To Tests And Samples, stated:

   “Respondent shall abstain completely from the personal use or possession of alcohol, controlled substances as defined in the California Uniform Controlled Substances Act (Division
10, commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by
Section 4022 of the Business and Professions Code, or any drugs requiring a prescription and
their associated paraphernalia except when the drugs are lawfully prescribed by a licensed
practitioner as part of a documented medical treatment. Upon request of the Board or its designee,
Respondent shall provide documentation from the licensed practitioner that the prescription for
the drug was legitimately issued and is a necessary part of the treatment of the Respondent.
Failure to timely provide such documentation shall be considered a violation of probation. Any
possession or use of alcohol, controlled substances, or their associated paraphernalia not
supported by documentation timely provided shall be considered a violation of probation.
Respondent shall undergo random, biological fluid testing as determined by the Board or its
designee. Respondent shall bear all costs of such testing. The length of time and frequency will be
determined by the Board or its designee. Any confirmed positive finding will be considered a
violation of probation.”

34. Respondent’s probation is subject to revocation because he failed to comply with
Probation Condition 2, referenced above. The facts and circumstances regarding this violation
are as follows:

A. During his probationary period the Board issued six Notice of Violation letters
to Respondent due to his failure to check in to determine if he needed to submit to a random
biological fluid test.

B. The Board was notified that Respondent’s January 26, 2018, biological fluid
sample tested positive for alcohol. After being notified of Respondent’s positive test on or about
February 12, 2018, the Board issued Respondent a notice of warning.

C. On or about August 7, 2018, as a result of Respondent’s six repeated failures to
check in for biological fluid testing and the January 26, 2018, positive biological fluid sample the
Board issued Respondent a Citation in the amount of $500.00 and an Order of Abatement
regarding his failure to comply with Condition 2 of his probation.

D. On or about December 27, 2018, the Board was notified that Respondent’s
December 20, 2018, biological fluid sample tested positive for alcohol.
PRAYER

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

1. Revoking the probation that was granted by the Acupuncture Board in Case No. 464644 and imposing the disciplinary order that was stayed thereby revoking Acupuncturist License No. AC 12253 issued to Yong Bum Bae, L.Ac.;

2. Revoking or suspending Acupuncturist License No. AC 12253, issued to Yong Bum Bae, L.Ac.;

3. Ordering Yong Bum Bae, L.Ac., to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 4959; and

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

DATED: MAR 25 2019

BENJAMIN BODEA
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

ACCUSATION AND PETITION TO REVOKE PROBATION (Case No. D1-2015-7)
Exhibit A

Decision and Order

Acupuncture Board Case No. D1-2015-7
BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: YONG BUM BAE, L.AC.
338 S. Western Avenue, #201
Los Angeles, CA 90020
Acupuncture License No. AC 12253
Respondent.

Case No. 1A-2015-7

DECISION AND ORDER

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

This Decision shall become effective on August 17, 2017.

It is so ORDERED July 18, 2017.

Hildegarde Agunmalo, Board President
Acupuncture Board
Department of Consumer Affairs
State of California
IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES
1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board, Department of Consumer Affairs (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Nicholas B.C. Schultz, Deputy Attorney General.
2. Yong Bum Bae, L.Ac. (Respondent) is represented in this proceeding by attorney Yohan Lee, Esq., whose address is: 5681 Beach Boulevard, Second Floor, Buena Park, California 90621.
3. On or about March 13, 2008, the Board issued Acupuncturist License No. AC12253 to Respondent. The Acupuncturist License was in full force and effect at all times relevant to the
charges brought in Accusation No. 1A-2015-7, and will expire on August 31, 2017, unless renewed.

JURISDICTION

4. Accusation No. 1A-2015-7 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 26, 2016. The Accusation and other statutorily required documents were again served on Respondent, as part of a Default Decision and Order, on November 15, 2016. Respondent subsequently filed his Notice of Defense contesting the Accusation. Additionally, Respondent’s motion to vacate the Default Decision and Order was granted on December 2, 2016.

5. A copy of Accusation No. 1A-2015-7 is attached as Exhibit A and incorporated herein by reference.

ADVICEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1A-2015-7. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

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CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 1A-2015-7.

10. Respondent agrees that his Acupuncturist License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Acupuncture Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Acupuncture Board. Respondent understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, then the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Acupuncturist License No. AC12253 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. ATTEND CHEMICAL DEPENDENCY SUPPORT AND RECOVERY GROUPS.
   Effective thirty (30) days from the date of this Decision, Respondent shall begin attendance at a chemical dependency support group (e.g., Alcoholics Anonymous, Narcotics Anonymous). Documentation of attendance shall be submitted by the Respondent with each quarterly written report. Frequency and duration shall be determined by the Board or its designee.

2. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND SAMPLES. Respondent shall abstain completely from the personal use or possession of alcohol, controlled substances as defined in the California Uniform Controlled Substances Act (Division 10, commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by Section 4022 of the Business and Professions Code, or any drugs requiring a prescription and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the Board or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by documentation timely provided shall be considered a violation of probation. Respondent shall undergo random, biological fluid testing as determined by the Board or its designee. Respondent shall bear all costs of such testing. The length of time and frequency will be determined by the Board or its designee. Any confirmed positive finding will be considered a violation of probation.

3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws and all regulations governing the practice of acupuncture in California. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing within

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER (Case No. 1A-2015-7)
seventy-two (72) hours of occurrence.

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

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

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

7. **CHANGES OF EMPLOYMENT.** Respondent shall notify the Board in writing through the assigned probation surveillance compliance officer of any and all changes of employment, location and address within thirty (30) days of such change.

8. **TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE.** In the event Respondent should leave California to reside or to practice outside the State, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

9. **EMPLOYMENT AND SUPERVISION OF TRAINEES.** Respondent shall not employ or supervise or apply to employ or supervise acupuncture trainees during the course of this probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

10. **COST RECOVERY.** Respondent shall pay to the Board its costs of investigation and enforcement in the amount of $5,595.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board or its designee, with payments to be completed no later than three (3) months prior to the end of the probation term. Cost recovery will not be tolled.
At Respondent’s request, if Respondent has not complied with this condition during the probationary term, and if Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions of probation have been violated, then the Board or its designee, in its discretion, may grant an extension of Respondent’s probation period up to two (2) years without further hearing in order to comply with this condition. During the two (2) year extension, all original conditions of probation will apply. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its investigative and prosecution costs.

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

12. COMPLETION OF PROBATION. Upon successful completion of probation, Respondent’s license will be fully restored.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Yohan Lee, Esq. I understand the stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and I agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 5/12/2017

YONG BUM BAE, L.A.C.
Respondent
I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/12/2017

YOHAN LEE, ESQ.
Attorney for Respondent

ENDORSEMENT

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

Dated: May 15, 2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

NICHOLAS B.C. SCHULTZ
Deputy Attorney General
Attorneys for Complainant
ATTORNEYS FOR COMPLAINTANT

FILED
JUL 26 2016

ACUPUNCTURE BOARD

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

YONG BUM BAE, L.AC.
239 South La Cienega Boulevard, #101
Beverly Hills, California 90211

Acupuncturist License No. AC12253,
Respondent.

Complainant alleges:

PARTIES

1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity as the Acting Executive Officer of the Acupuncture Board, Department of Consumer Affairs (Board).

2. On or about March 13, 2008, the Acupuncture Board issued Acupuncturist License Number AC12253 to Yong Bum Bae, L.Ac. (Respondent). The Acupuncturist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2017, unless renewed.

JURISDICTION

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

YONG BUM BAE, L.AC.) ACCUSATION NO. 1A-2015-7
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:

   "(a) Using or possessing any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or to any other person, or to the public, and to an extent that the use impairs his or her ability to engage in the practice of acupuncture with safety to the public.

   "(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 or any regulation adopted by the board pursuant to this chapter.

   "

5. Section 4955.1 of the Code states:

   "The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not be limited to, any of the following:

   "

   "(c) Committing any act involving dishonesty or corruption with respect to the qualifications, functions, or duties of an acupuncturist.

   "

6. Section 4956 of the Code states:

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

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

7. Section 490 of the Code states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in Petropoulos v. Department of Real Estate (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the
amendments to this section made by Senate Bill 797 of the 2007-08 Regular Session do not
constitute a change to, but rather are declaratory of, existing law.”

8. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within
the department pursuant to law to deny an application for a license or to suspend or revoke a
license or otherwise take disciplinary action against a person who holds a license, upon the
ground that the applicant or the licensee has been convicted of a crime substantially related to the
qualifications, functions, and duties of the licensee in question, the record of conviction of the
crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
and the board may inquire into the circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the conviction is substantially related to the
qualifications, functions, and duties of the licensee in question.

“...”

9. Section 498 of the Code states:

“A board may revoke, suspend, or otherwise restrict a license on the ground that the
licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or
by knowingly omitting to state a material fact.”

COST RECOVERY

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

“(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in
any event be increased by the board. When the board does not adopt a proposed decision and
remands the case to an administrative law judge, the administrative law judge shall not increase
the amount of any costs assessed in the proposed decision.
“(c) When the payment directed in the board’s order for payment of costs is not made by
the licensee, the board may enforce the order for payment in the superior court in the county
where the administrative hearing was held. This right of enforcement shall be in addition to any
other rights the board may have as to any licensee directed to pay costs.

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

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

FACTUAL SUMMARY

Yong Bae, case number 5MP00441, in the Superior Court of California, County of Los Angeles,
Respondent, upon his plea of nolo contendere, was convicted of driving a vehicle while under the
influence of an alcoholic beverage in violation of Vehicle Code Section 23152, subdivision (a), a
misdemeanor. Accordingly, Respondent was placed on three years probation with the following
terms and conditions:

A. Serve thirteen days in the Los Angeles County Jail, or pay $1,777.00 in fines
and fees to the Superior Court, or perform thirteen days of community labor;

B. Enroll and participate in and successfully complete a three month licensed first-
offender alcohol and other drug education and counseling program;

C. Pay a restitution fine in the amount of $150.00 to the Superior Court;

D. Pay restitution in the amount of $11,936.00 to the victim(s) at the rate of
$1,000.00 each month as determined by the Superior Court at a subsequent restitution hearing;

E. Enroll within twenty-one days or within twenty-one days of release from
custody in an AB-541 program;

F. Attend ten Alcoholics/Narcotics Anonymous meetings at the rate of one time
per week, in addition to those required as part of the alcohol education program;

G. Not drive a motor vehicle without a valid driver’s license in his possession or
without liability insurance in at least the minimum amounts required by law;
H. Not drive a motor vehicle with a measurable amount of alcohol or drugs in his blood;
I. Not refuse to take and complete any blood alcohol or drug chemical test, any field sobriety test, and any preliminary alcohol screening when requested by any peace officer;
J. Comply with the supplemental terms of probation regarding the installation of an ignition interlock device;
K. Obey all laws and orders of the Superior Court; and
L. Pay any other fines, fees or costs at the direction of the Superior Court.

12. The circumstances leading to Respondent's conviction are as follows:
   A. At approximately 3:10 a.m. on January 9, 2015, law enforcement officers with the Los Angeles Police Department (LAPD) were dispatched to a traffic collision near the intersection of Wilshire Boulevard and South Westmoreland Avenue in Los Angeles. The LAPD officers arrived at the crash scene and quickly observed the victim-motorist standing outside of his Jeep vehicle, which had significant damage to the right side. The victim-motorist told the LAPD officers that he was driving his Jeep eastbound on Wilshire Boulevard when he stopped at a red light near the intersection of South Westmoreland Avenue. The victim-motorist reported that a black Mercedes vehicle “sideswiped” his Jeep and then drove away eastbound on Wilshire Boulevard without stopping. A witness to the hit-and-run followed the black Mercedes to a parking lot near Wilshire Boulevard and South Rampart Boulevard. The witness contacted and briefly interacted with the driver of the black Mercedes, later identified as Respondent. The witness later reported to the LAPD officers that Respondent appeared to be “drunk.”

B. The LAPD officers located and contacted Respondent near his black Mercedes at the intersection of Wilshire Boulevard and South Rampart Boulevard. The LAPD officers inspected Respondent’s black Mercedes and observed fresh damage to the left side of the vehicle. The LAPD officers concluded that the damage to Respondent’s vehicle was consistent with the damage to the victim-motorist’s vehicle.

C. Respondent told the LAPD officers that he did not recall the traffic crash, but admitted to driving the black Mercedes to the parking lot where he parked his vehicle.
Respondent admitted to drinking "one beer" earlier that evening. During the LAPD officers' contact with Respondent, he displayed symptoms of intoxication, including: the strong odor of alcohol emitting from his breath; bloodshot and watery eyes; slurred speech; a flush, red face; and poor coordination. Respondent agreed to take Standardized Field Sobriety Tests, but he was ultimately unable to perform the tests as explained and demonstrated by the LAPD officers. Consequently, the LAPD officers formed the opinion that Respondent was under the influence of an intoxicant and was unable to operate a motor vehicle safely upon a highway.

C. Respondent was arrested for driving under the influence of an alcoholic beverage and transported to the Olympic Station where he consented to and provided two breath samples. The first sample revealed that Respondent's breath alcohol concentration was approximately 0.17 percent. The second sample revealed that Respondent's breath alcohol concentration was approximately 0.18 percent.

D. Respondent was booked into the Metropolitan Detention Center.

13. Respondent's acupuncturist license was previously due to expire on August 31, 2015. On August 15, 2015, Respondent completed a license renewal application and further certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the license renewal application. In response to the question asking whether Respondent had been convicted of any crime in any state since he last renewed his acupuncturist license, Respondent indicated "no" by checking the appropriate box on the form. Respondent's acupuncturist license was subsequently renewed and is now due to expire on August 31, 2017.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Use of an Alcoholic Beverage in a Dangerous Manner)

14. By reason of the facts set forth in paragraphs 12 and 13 above, Respondent's license is subject to disciplinary action under Section 4955, subdivision (a) of the Code, in that Respondent used alcoholic beverages to the extent, or in such a manner, as to be dangerous and injurious to himself, or to any other person or to the public.

15. Respondent's acts and/or omissions as set forth in paragraphs 12 and 13 above, whether proven individually, jointly, or in any combination thereof, constitute Respondent's use
of alcoholic beverages to the extent, or in such a manner, as to be dangerous and injurious to
himself, or to any other person or to the public pursuant to Section 4955, subdivision (a) of the
Code. Therefore, cause for discipline exists.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct - Conviction of a Substantially Related Crime)
16. By reason of the facts set forth in paragraphs 12 and 13 above, Respondent's license
is subject to disciplinary action under Section 4955, subdivision (b), Section 4956, and Section
490 of the Code, in that Respondent has been convicted of a crime substantially related to the
qualifications, functions or duties of an acupuncturist.
17. Respondent's acts and/or omissions as set forth in paragraphs 12 and 13 above,
whether proven individually, jointly, or in any combination thereof, constitute the conviction of a
crime substantially related to the qualifications, functions or duties of an acupuncturist pursuant
to Section 4955, subdivision (b), Section 4956, and Section 490 of the Code. Therefore, cause for
discipline exists.

THIRD CAUSE FOR DISCIPLINE
(Unprofessional Conduct - Committing an Act of Dishonesty or Corruption)
18. By reason of the facts set forth in paragraph 14 above, Respondent’s license is subject
to disciplinary action under Section 4955, subdivision (d), Section 4955.1, subdivision (c), and
Section 498 of the Code, in that Respondent committed an act involving dishonesty or corruption
with respect to the qualifications, functions or duties of an acupuncturist, and knowingly omitted
to state a material fact in securing his renewed acupuncturist license.
19. Respondent's acts and/or omissions as set forth in paragraph 14 above, whether
proven individually, jointly, or in any combination thereof, constitute the commission of an act
involving dishonesty or corruption with respect to the qualifications, functions or duties of an
acupuncturist, and knowingly omitting to state a material fact in securing his renewed
acupuncturist license pursuant to Section 4955, subdivision (d), Section 4955.1, subdivision (c),
and Section 498 of the Code. Therefore, cause for discipline exists.

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(YONG BUM BAE, L.AC.) ACCUSATION NO. 1A-2015-7
PRAYER

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

1. Revoking or suspending Acupuncturist License Number AC12253, issued to Yong Bum Bae, L.Ac.

2. Ordering Yong Bum Bae, L.Ac. to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959;

3. Ordering Yong Bum Bae, L.Ac., if placed on probation, to pay the Acupuncture Board the costs of probation monitoring; and

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

DATED: JUL 26 2016

BENJAMIN BODEA
Acting Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant