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

13 In the Matter of the Accusation and Petition to
14 Revoke Probation Against,

15 **YONG BUM BAE, L.Ac.**
16 **338 S. Western Avenue, # 201**
Los Angeles, California 90020
17 **Acupuncturist License No. AC 12253,**

18 Respondent.

Case No. D1-2015-7

19 **DEFAULT DECISION**
20 **AND ORDER**

[Gov. Code, § 11520]

21 **FINDINGS OF FACT**

22 1. On or about March 25, 2019, Complainant Benjamin Bodea, in his official capacity as
23 the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed
24 Accusation and Petition to Revoke Probation No. D1-2015-7 against Yong Bum Bae, L.Ac.
(Respondent) before the Acupuncture Board.

25 2. On or about March 13, 2008, the Acupuncture Board (Board) issued Acupuncturist
26 License No. AC 12253 to Respondent. The Acupuncturist License was in full force and effect at
27 all times relevant to the charges brought herein and will expire on August 31, 2019, unless
28 renewed.

1 3. On or about March 25, 2019, Kristine Bothers (Brothers), an employee of the
2 Complainant Agency, served by Certified and First Class Mail a copy of the Accusation and
3 Petition to Revoke Probation No. D1-2015-7, Statement to Respondent, Notice of Defense,
4 Request for Discovery, and Government Code sections 11507.5, 11507.6, 11507.7 to
5 Respondent's address of record with the Board, which was and is 338 S. Western Avenue, # 201,
6 Los Angeles, California 90020. A copy of the Accusation and Petition to Revoke Probation, the
7 related documents, and Declaration of Service are attached as Exhibit A, and are incorporated
8 herein by reference.

9 4. Service of the Accusation and Petition to Revoke Probation was effective as a matter
10 of law under the provisions of Government Code section 11505, subdivision (c).

11 On or about May 17, 2019, the aforementioned documents served by First Class Mail were
12 returned by the U.S. Postal Service marked "Moved." A copy of the envelope returned by the
13 post office is attached as Exhibit B, and is incorporated herein by reference.

14 5. On or about May 22, 2019, the aforementioned documents served by Certified Mail
15 were returned by the U.S. Postal Service marked "RETURN TO SENDER," "UNABLE TO
16 FORWARD." A copy of the envelope returned by the post office is attached as Exhibit C, and is
17 incorporated herein by reference.

18 6. No Notice of Defense was received by the Board.

19 7. A copy of the Declaration of Brothers attesting to the foregoing facts is attached as
20 Exhibit D, and is incorporated herein by reference.

21 8. Deputy Attorney General Wendy Widlus (Widlus) is assigned to prepare the Default
22 Decision & Order in the above matter and has reviewed the file. No Notice of Defense was
23 received by the California Department of Justice, Health Quality Enforcement Section.

24 9. A copy of the Declaration of Widlus attesting to the fact that no Notice of Defense
25 from Respondent was ever received by the California Department of Justice, Health Quality
26 Enforcement Section is attached as Exhibit E, and is incorporated herein by reference.

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

28 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a

1 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
2 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
3 right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

4 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
5 Accusation and Petition to Revoke Probation, and therefore waived his right to a hearing on the
6 merits of Accusation and Petition to Revoke Probation No. D1-2015-7.

7 11. California Government Code section 11520 states, in pertinent part:

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

11 12. Pursuant to its authority under Government Code section 11520, the Board finds
12 Respondent is in default. The Board will take action without further hearing and, based on
13 Respondent's express admissions by way of default and the evidence before it, contained in
14 Exhibits A, B, C, D, and E, finds that the allegations in Accusation and Petition to Revoke
15 Probation No. D1-2015-7 are true.

16 13. The Board further finds that pursuant to Business and Professions Code section 125.3,
17 the reasonable costs of enforcement of the case prayed for in the Accusation total \$4,860.00,
18 based on the Certification of Costs contained in Exhibit E, and which is incorporated herein by
19 reference.

20 **DETERMINATION OF ISSUES**

21 1. Based on the foregoing findings of fact, Respondent Yong Bum Bae, L.Ac. has
22 subjected his Acupuncturist License No. AC 12253 to discipline.

23 2. A copy of the Accusation and Petition to Revoke Probation and the related documents
24 and Declaration of Service are attached.

25 3. The agency has jurisdiction to adjudicate this case by default.

26 4. The Acupuncture Board is authorized to revoke Respondent's Acupuncturist License
27 based upon the following violations alleged in the Accusation and Petition to Revoke Probation:

28 a. Cause For Discipline: Unprofessional Conduct- Citation For An Action or

1 Conduct That Would Have Warranted Denial of An Acupuncture License.

2 b. First Cause To Revoke Probation: Failure To Obey All Laws.

3 c. Second Cause To Revoke Probation For Failure to Comply With Terms And
4 Conditions Of Probation: Repeted Failure to Check In For Biological Fluid Testing and Failure to
5 Abstain From Alcohol.

6 **ORDER**

7 **IT IS ORDERED** that Acupuncturist License No. AC 12253, heretofore issued to
8 Respondent Yong Bum Bae, L.Ac., is revoked.

9 Respondent is ordered to reimburse the Acupuncture Board the amount of \$4,860.00 for its
10 investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve
11 Respondent of his responsibility to reimburse the Board for its costs. Respondent's

12 Acupuncturist License may not be renewed or reinstated unless all costs ordered under
13 Business and Professions Code section 3753.5 have been paid. If Respondent ever files an
14 application for relicensure or reinstatement in the State of California, the Board shall treat it as a
15 petition for reinstatement of a revoked license. Respondent must comply with all the laws,
16 regulations and procedures for a revoked license in effect at the time that the application for
17 relicensure or reinstatement is filed.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
19 written motion requesting that the Decision be vacated and stating the grounds relied on within
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective on September 19, 2019.

23 It is so ORDERED August 20, 2019

24 Original signed by: _____

25 FOR THE ACUPUNCTURE BOARD
26 DEPARTMENT OF CONSUMER AFFAIRS
27 Amy Matecki, MD., L.Ac., President

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Attachments:

Exhibit A: Accusation and Petition to Revoke Probation No. D1-2015-7, Related Documents, and Declaration of Service

Exhibit B: Copy of Envelope Returned by Post Office

Exhibit C: Copy of Envelope Returned by Post Office

Exhibit D: Declaration of Board Analyst Brothers

Exhibit E: Declaration of Deputy Attorney General Widlus