

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EUN WHA LEE, L.A.C.
456 S. Harvard Blvd. #203
Los Angeles, CA 90020
Acupuncturist License No. AC 13320,

Respondent.

Case No. 1A-2012-66

OAH No. 2014110288

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 28, 2015.

It is so ORDERED July 29, 2015.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
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:

12 **EUN WHA LEE, L.AC.**
13 **456 S. Harvard Blvd. #203**
Los Angeles, CA 90020
14 **Acupuncturist License No. AC 13320,**

15 Respondent.

Case No. 1A-2012-66

OAH No. 2014110288

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Terri Thorfinnson ("Complainant") is the Executive Officer of the Acupuncture
21 Board. She brought this action solely in her official capacity and is represented in this matter by
22 Kamala D. Harris, Attorney General of the State of California, by Wendy Widlus, Deputy
23 Attorney General.

24 2. Respondent EUN WHA LEE, L.Ac. ("Respondent") is represented in this proceeding
25 by attorney John Kolfshoten, whose address is: 3807 Wilshire Blvd Suite 770, Los Angeles, CA
26 90010.

27 3. On or about September 15, 2009, the Acupuncture Board issued Acupuncturist
28 License No. AC 13320 to Respondent. The Acupuncturist License was in full force and effect at

1 all times relevant to the charges brought in Accusation No. 1A-2012-66 and will expire on April
2 30, 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1A-2012-66 was filed before the Acupuncture Board (Board), and is
5 currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on July 23, 2014. Respondent timely filed her
7 Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 1A-2012-66 is attached as exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 1A-2012-66. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

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

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

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 1A-2012-66.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONTINGENCY

11. 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 or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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, 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.

12. 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.

13. 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:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Acupuncturist License No. AC 13320 issued to Respondent EUN WHA LEE, L.Ac. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. PRACTICE MONITOR Within 90 days of the effective date of this decision, Respondent shall submit to the Board for its prior approval, the names and qualifications of one or more California licensed acupuncturists whose record is clear (no record of complaints) and current and who has agreed to serve as a practice monitor for the first three (3) years of Respondent's probation. Once approved, the monitor shall submit to the Board a plan by which Respondent's practice shall be monitored. The monitor's education and experience shall be in the same field of practice as that of the Respondent. The monitor shall submit written reports to the Board on a quarterly basis verifying that monitoring has taken place and providing an evaluation

1 of Respondent's performance. It shall be Respondent's responsibility to assure that the required
2 reports are filed in a timely fashion. The Respondent shall provide access to the monitor of
3 Respondent's fiscal and client records and the monitor shall be permitted to make direct contact
4 with patients. Further, the monitor shall have no prior business, professional, personal or other
5 relationship with Respondent. Respondent shall execute a release authorizing the monitor to
6 divulge any information that the Board may request.

7 Respondent shall notify all current and potential patients of any term or condition of
8 probation which will affect their treatment or the confidentiality of their records (such as this
9 condition which requires a practice monitor). Such notification shall be signed by each patient
10 prior to continuing or commencing treatment.

11 2. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING

12 Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to
13 ensure compliance for the duration of the probation period.

14 3. COURSEWORK Respondent shall take and successfully complete not less than
15 twenty (20) semester units of coursework in the following area(s) Ethics, and eighty (80) semester
16 units of coursework in billing. All coursework shall be taken at the graduate level at a school
17 approved by the Board Classroom attendance must be specifically required. Course content shall
18 be pertinent to the violation and all coursework must be completed within the first 3 years of
19 probation. The required coursework must be in addition to any continuing education courses that
20 may be required for license renewal.

21 Within 90 days of the effective date of this decision, Respondent shall submit a plan for the
22 Board's prior approval for meeting the educational requirements. All costs of the coursework
23 shall be borne by the respondent.

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

28 5. QUARTERLY REPORTS Respondent shall submit quarterly declarations under

1 penalty of perjury on forms provided by the Board, stating whether there has been compliance
2 with all the conditions of probation.

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

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

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

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

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

23 11. COST RECOVERY Respondent shall pay to the Board the actual and reasonable
24 investigative and prosecutorial costs in the amount of \$6,000. The Board or its designee may
25 establish a payment plan for cost recovery; however, Respondent shall pay the full amount of cost
26 recovery at least 180 days prior to the completion of the probation. Failure to pay the ordered
27 reimbursement, or any agreed upon payment, constitutes a violation of the probation order and
28 may result in revocation. If Respondent is in default of her responsibility to reimburse the Board,

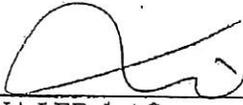
1 the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service,
2 or by any other means of attachment of earned wages legally available to the Board

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

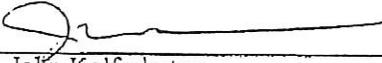
10 13. COMPLETION OF PROBATION Upon successful completion of probation,
11 respondent's license will be fully restored.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, John Kolfshoten. I understand the stipulation and the effect it will
15 have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary Order
16 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
17 Acupuncture Board.

18
19 DATED: 4-8-15 
20 _____
EUN WHA LEE, L.A.C.
Respondent

21 I have read and fully discussed with Respondent EUN WHA LEE, L.Ac. the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
23 I approve its form and content.

24 DATED: 4-8-15 
25 _____
John Kolfshoten
Attorney for Respondent

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

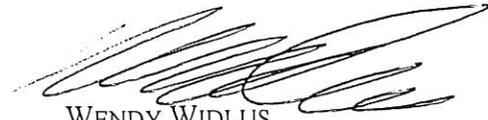
ENDORSEMENT

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

Dated: *April 8, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

LA2013611070
61535206.docx

Exhibit A

Accusation No. 1A-2012-66