

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

In the Matter of the Statement of Issues)
Against:)
)
JOHN KOK-HONG CHEUNG)
9471 Cortada Street, #28)
El Monte, CA 91733)
)
)
Applicant/Respondent.)
_____)


Case No. 1A-2010-16

DECISION AND ORDER

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

This Decision shall become effective on APR 08 2011.

It is so ORDERED MAR 09 2011.



Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA L. CASTRO
Supervising Deputy Attorney General
3 MARGARET PHE
Deputy Attorney General
4 State Bar No. 207205
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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Attorneys for Complainant

7
8 **BEFORE THE**
ACUPUNCTURE BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Statement of Issues
Against:

Case No. 1A-2010-16

12 **STIPULATED SETTLEMENT AND**
DISCIPLINARY ORDER

13 JOHN KOK-HONG CHEUNG
9471 Cortada Street, #28
14 El Monte, California 91733,

15 Respondent.

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

24 2. Respondent John Kok-Hong Cheung (Respondent) is represented in this proceeding
25 by attorney Thomas A. Widger, whose address is:

26 Thomas A. Widger, Esq.
27 Johnson & Associates
350 South Figueroa Street, Suite 190
28 Los Angeles, California 90071

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

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

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

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

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

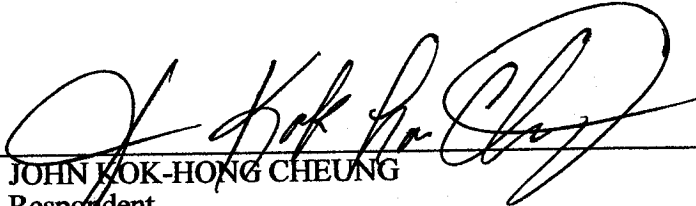
21 9. VIOLATION OF PROBATION If Respondent violates probation in any
22 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke
23 probation and carry out the disciplinary order that was stated. If an Accusation or petition to
24 revoke probation is filed against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

28

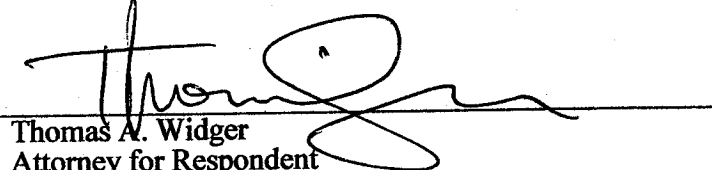
1 10. COMPLETION OF PROBATION Upon successful completion of probation,
2 Respondent's license will be fully restored.

3
4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Thomas A. Widger. I understand the stipulation and the effect it
7 will have on my acupuncture license. I enter into this Stipulated Settlement and Disciplinary
8 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
9 of the Board.

10
11 DATED: December 21, 2010 
12 JOHN KOK-HONG CHEUNG
13 Respondent

14 I have read and fully discussed with Respondent John Kok-Hong Cheung the terms and
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
16 I approve its form and content.

17 DATED: 12/21/2010 
18 Thomas A. Widger
19 Attorney for Respondent

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ENDORSEMENT

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

Dated: 12/28/10

Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
GLORIA L. CASTRO
Supervising Deputy Attorney General



MARGARET J. PHE
Deputy Attorney General
Attorneys for Complainant

LA2010503509

Exhibit A

Statement of Issues No. 1A-2010-16

FILED

OCT 12 2010

ACUPUNCTURE BOARD

1 EDMUND G. BROWN JR.
Attorney General of California
2 TRINA L. SAUNDERS
Acting Supervising Deputy Attorney General
3 MARGARET PHE
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4 State Bar No. 207205
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8 **BEFORE THE**
ACUPUNCTURE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues
11 Against:

Case No. 1A-2010-16

12 JOHN KOK-HONG CHEUNG

STATEMENT OF ISSUES

13 9471 Cortada Street, #28
14 El Monte, California 91733,

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Janelle Wedge (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the Acupuncture Board (Board).
21 2. On or about March 22, 2010, the Acupuncture Board received an application for an
22 Acupuncture License from John Kok-Hong Cheung (Respondent). On or about March 18, 2010,
23 John Kok-Hong Cheung certified under penalty of perjury to the truthfulness of all statements,
24 answers, and representations in the application. The Board denied the application on May 5,
25 2010.

26 **JURISDICTION**

- 27 3. This Statement of Issues is brought before the Board, under the authority of the
28 following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 4. Section 4955 of the Code states in part:

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

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

6 "...

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

9 "...

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

12 "..."

13 5. Section 480 of the Code states in part:

14 "(a) A board may deny a license regulated by this code on the grounds that the applicant
15 has one of the following:

16 "(1) Been convicted of a crime. A conviction within the meaning of this section
17 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

18 Any action that a board is permitted to take following the establishment of a
19 conviction may be taken when the time for appeal has elapsed, or the judgment of
20 conviction has been affirmed on appeal, or when an order granting probation is made
21 suspending the imposition of sentence, irrespective of a subsequent order under the
22 provisions of Section 1203.4 of the Penal Code.

23 "..."

24 6. Penal Code section 136.1, subdivision (a)(2), provides:

25 "(a) Except as provided in subdivision (c), any person who does any of the following is
26 guilty of a public offense and shall be punished by imprisonment in a county jail for not more
27 than one year or in the state prison:

28 "...

1 number GA045669, Respondent was convicted of attempting to dissuade a witness from
2 testifying at trial in violation of California Penal Code section 136.1, subdivision (a)(2), a felony.

3 10. The facts and circumstances surrounding the conviction referred to above were that
4 on or about March 19, 2001, Los Angeles County Sheriff's Department (LASD) detectives from
5 the Asian Crime Task Force conducted an investigation involving an attempt to dissuade a
6 victim/witness from testifying at the Los Angeles County Criminal Court for a hearing related to
7 a robbery/assault incident that involved a United Bamboo street gang member. At the time of the
8 incident, Respondent was a member of the United Bamboo street gang. During their
9 investigation, the LASD detectives learned that Respondent had made contact with a witness to
10 the robbery/assault incident on two separate occasions. Specifically, on February 19, 2001,
11 Respondent went to the witness's house and spoke to the witness regarding the criminal
12 proceeding and incident that Respondent's then fellow gang member was involved in. Then, on
13 or about March 4, 2001, while outside in the parking lot of a café where the witness was present
14 inside, Respondent again spoke to the witness a second time via a cellular telephone about the
15 same criminal proceeding.

16 11. On or about March 28, 2001, a felony complaint for arrest warrant was filed in *The*
17 *People of the State of California vs. John Kok Hong Cheung, et al.* charging Respondent with the
18 following:

19 Count 1: Knowingly and maliciously attempting to prevent and dissuade a witness from
20 giving testimony at trial on or about February 19, 2001, in violation of Penal
Code section 136.1, subdivision (a)(2), a felony;

21 Count 2: Unlawfully attempting to bribe to a witness upon the understanding that he shall
22 not attend trial on or about February 19, 2001, in violation of Penal Code
23 section 138, subdivision (a), a felony;

24 Count 3: Knowingly and maliciously attempting to prevent and dissuade a witness from
25 giving testimony at trial on or about March 4, 2001, in violation of Penal Code
section 136.1, subdivision (a)(2), a felony; and

26 Count 4: Unlawfully attempting to bribe to a witness upon the understanding that he shall
27 not attend trial on or about March 4, 2001, in violation of Penal Code section
28 138, subdivision (a), a felony.

1 12. On or about June 1, 2001, the case was called for a preliminary setting/resetting
2 hearing. Respondent was convicted by plea of nolo contendere to Count 1 (attempting to
3 dissuade a witness from testifying). The Court suspended the imposition of sentence, and placed
4 Respondent on formal probation for a period of five years. Additionally, Respondent was ordered
5 to: (1) serve 364 days in Los Angeles County Jail (minus a credit of 133 days); (2) pay restitution
6 in the amount of \$500; (3) not use or possess any narcotics, dangerous or restricted drugs or
7 associated paraphernalia, except with a valid prescription, and stay away from places where users,
8 buyers or sellers congregate, except in an authorized drug counseling program; (4) not associate
9 with persons believed to be or known to be narcotic or drug users, sellers or buyers, except in an
10 authorized drug counseling program; (5) stay 100 yards away from the victims and gang
11 members; (6) seek and maintain training, schooling or employment as approved by the probation
12 officer; (7) maintain residence as approved by the probation officer; (8) not own, use or possess
13 any dangerous or deadly weapons, including any firearms, knives or other concealable weapons;
14 (9) submit to search or seizure at any time of the day or night by any law enforcement officer or
15 by a probation officer with or without a warrant; (10) use only his true name with the government
16 and police officials; (11) obey all rules and regulations of the probation department; (12) obey all
17 laws and further orders of the court; (13) stay 100 yards away from Asian gang members,
18 specifically Asian Boys, Oriental Thugz and United Bamboo; and (14) register as a gang member.

19 13. On or about September 14, 2006, the case was called for a readiness/termination/
20 dismissal/nonappearance hearing. Respondent was determined to be in full compliance with the
21 terms and conditions of probation, and his motion for a reduction to a misdemeanor was granted.
22 Additionally, the plea was set aside and vacated, and Count 1 was dismissed pursuant to Penal
23 Code section 1203.4.

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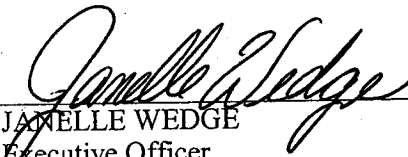
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PRAYER

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. Denying the application of John Kok-Hong Cheung for an Acupuncture License;
2. Directing John Kok-Hong Cheung to pay the Acupuncture Board of California the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring.
3. Taking such other and further action as deemed necessary and proper.

DATED: OCT 12 2010


JANELLE WEDGE
Executive Officer
Acupuncture Board
State of California
Complainant

LA2010503509