

FILED

2015 JUL 16 PM 4:14

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OHUN KWON,

Defendant.

CR No. **CR15-0390**

I N F O R M A T I O N

[18 U.S.C. § 1349: Conspiracy to
Commit Health Care Fraud]

The United States Attorney charges:

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this information:

Defendant and E.K. Medical Management

1. Defendant OHUN KWON ("defendant KWON") was a resident of Fullerton, California, within the Central District of California.

2. Beginning in or about December 2006 and continuing through in or about January 2014, defendant KWON owned and operated E.K. Medical Management, Inc. ("E.K. Medical"), a California corporation, which was located at various sites in Los Angeles and Orange Counties, within the Central District of California.

1 Co-Conspirators

2 3. Co-conspirator Marlon Songco was the president of Company
3 A, a California corporation, which was located at various sites in
4 Los Angeles and Orange Counties, within the Central District of
5 California.

6 4. Co-conspirators A and B owned and controlled Company A,
7 Company B, and Company C (the "Companies"). Company B and Company C
8 also were California corporations, which were located at various
9 sites in Los Angeles and Orange Counties, within the Central District
10 of California.

11 5. A bank account for Company A was maintained at J.P. Morgan
12 Chase Bank, N.A., with a company account ending in number 5060
13 ("Company A Bank Account").

14 6. A bank account for Company B was maintained at J.P. Morgan
15 Chase Bank, N.A., with a company account ending in number 5234
16 ("Company B Bank Account").

17 7. A bank account for Company C was maintained at J.P. Morgan
18 Chase Bank, N.A., with a company account ending in number 9966
19 ("Company C Bank Account").

20 The Medicare Program

21 8. Medicare was a federal health care benefit program,
22 affecting commerce, which provided benefits to individuals who were
23 over the age of 65 or disabled. Medicare was administered by the
24 Centers for Medicare and Medicaid Services ("CMS"), a federal agency
25 under the United States Department of Health and Human Services
26 ("HHS").

27 9. Individuals who qualified for Medicare benefits were
28 referred to as Medicare "beneficiaries." Each Medicare beneficiary

1 was given a Health Identification Card containing a unique
2 identification number ("HICN").

3 10. Health care providers who provided medical services that
4 were reimbursed by Medicare were referred to as Medicare "providers."

5 11. CMS contracted with private companies to certify providers
6 for participation in the Medicare program and monitor their
7 compliance with Medicare standards, to process and pay claims, and to
8 perform program safeguard functions, such as identifying and
9 reviewing suspect claims.

10 12. To obtain reimbursement from Medicare, a provider had to
11 apply for and obtain a provider number. By signing the provider
12 application, the provider agreed to (a) abide by Medicare rules and
13 regulations, and (b) not submit claims to Medicare knowing they were
14 false or fraudulent or with deliberate ignorance or reckless
15 disregard of their truth or falsity.

16 13. If Medicare approved a provider's application, Medicare
17 assigned the provider a Medicare provider number, which enabled the
18 provider to submit claims to Medicare for services rendered to
19 Medicare beneficiaries.

20 14. Medicare reimbursed providers only for services, including
21 physical therapy, that (a) were medically necessary to the treatment
22 of a beneficiary's illness or injury, (b) were prescribed by a
23 beneficiary's physician or a qualified physician's assistant acting
24 under the supervision of a physician, and (c) were provided in
25 accordance with Medicare regulations and guidelines that governed
26 whether a particular service or product would be reimbursed by
27 Medicare.

28

1 **B. THE OBJECT OF THE CONSPIRACY**

2 15. Beginning in or about July 2009 and continuing until at
3 least in or about June 2010, and then beginning again in or about
4 July 2011 and continuing until at least in or about January 2014, in
5 Los Angeles and Orange Counties, within the Central District of
6 California, and elsewhere, defendant KWON, together with co-
7 conspirators Marlon Songco, A, and B; and others known and unknown to
8 the United States Attorney, knowingly combined, conspired, and agreed
9 to commit the following offense against the United States: health
10 care fraud, in violation of Title 18, United States Code, Section
11 1347.

12 **C. MANNER AND MEANS OF THE CONSPIRACY**

13 16. The object of the conspiracy was carried out, and to be
14 carried out, in substance, as follows:

15 a. Co-conspirators Marlon Songco, A, and B would pay E.K.
16 Medical for defendant KWON's referral of Medicare beneficiaries to
17 the Companies.

18 b. Defendant KWON recruited the Medicare beneficiaries to
19 E.K. Medical. The Medicare beneficiaries would supply their Medicare
20 cards, HICNs, and patient information to E.K. Medical, and defendant
21 KWON subsequently would provide this information to co-conspirators
22 Marlon Songco, A, and B at the Companies.

23 c. As defendant KWON then well knew, co-conspirators
24 Marlon Songco, A, and B would hire licensed physical therapists
25 ("PTs"), many of whom worked full-time elsewhere, to perform only
26 patient evaluations, without any follow-up treatment, for Medicare
27 beneficiaries at E.K. Medical. Those PTs would evaluate some, but
28 not all, of the beneficiaries and create plans of physical therapy

1 treatment for these beneficiaries, even though, as defendant KWON
2 then well knew and intended, many of these beneficiaries never
3 received any physical therapy services.

4 d. While at E.K. Medical, beneficiaries would often
5 receive only massages and acupuncture (services defendant KWON then
6 well knew were not covered by Medicare) from individuals not licensed
7 to perform physical therapy.

8 e. As defendant KWON then well knew, co-conspirators
9 Marlon Songco, A, and B would use Accubill Medical Billing Services
10 ("Accubill") to submit claims to Medicare for reimbursement for
11 physical therapy services.

12 f. Defendant KWON and co-conspirators Marlon Songco, A,
13 and B would provide information to Accubill, including the names,
14 HICNs, and other patient information of the Medicare beneficiaries,
15 as well as falsified records that made it appear as though the
16 beneficiaries had received physical therapy treatments from specific
17 PTs hired by the Companies, knowing and intending that Accubill would
18 use this falsified information to submit false and fraudulent claims
19 to Medicare for physical therapy.

20 g. The Companies would receive payment from Medicare for
21 those false and fraudulent claims, and the payments would be
22 deposited into the Company A Bank Account, the Company B Bank
23 Account, and the Company C Bank Account (collectively, the "Chase
24 Company Bank Accounts"), to which co-conspirators Marlon Songco, A,
25 and B had joint access and control.

26 h. Defendant KWON would receive approximately 55 percent
27 of the Medicare payments deposited into the Chase Company Bank
28 Accounts by co-conspirators Marlon Songco, A, and B as payment for

1 the beneficiaries who defendant KWON had recruited to E.K. Medical
2 and for the submission of fraudulent and improper claims to Medicare
3 for physical therapy.

4 i. Between in or about July 2009 and continuing until at
5 least in or about June 2010, and then beginning again in or about
6 July 2011 and continuing until at least in or about January 2014, the
7 Companies obtained and received from Medicare, deposited into the
8 Chase Company Bank Accounts, approximately \$653,467.47 from
9 fraudulent and improper claims submitted to Medicare, primarily for
10 physical therapy, on behalf of beneficiaries at E.K. Medical
11 recruited by defendant KWON. Defendant KWON, through E.K. Medical,
12 received approximately \$359,407.11 from co-conspirators Marlon
13 Songco, A, and B and from the Companies for defendant KWON's
14 participation in the conspiracy and for providing the fraudulent and
15 improper claim information to co-conspirators Marlon Songco, A, and B
16 and to the Companies to be submitted to Medicare.

17 D. OVERT ACTS

18 17. In furtherance of the conspiracy and to accomplish its
19 object, defendant KWON, together with co-conspirators Marlon Songco,
20 A, and B, and others known and unknown to the United States Attorney,
21 committed and willfully caused others to commit, the following overt
22 acts, among others, in the Central District of California and
23 elsewhere:

24 Overt Act No. 1: On or about October 27, 2009, defendant KWON
25 received and deposited a check from co-conspirator Marlon Songco
26 payable to E.K. Medical for \$6,431.18, drawn on the Company A Bank
27 Account, paid for defendant KWON's referral of Medicare beneficiaries
28 to Company A.

1 Overt Act No. 2: On or about March 16, 2012, defendant KWON
2 received and deposited a check from co-conspirator A payable to E.K.
3 Medical for \$4,456.46, drawn on the Company B Bank Account, paid for
4 defendant KWON's referral of Medicare beneficiaries to Company B.

5 Overt Act No. 3: On or about November 29, 2012, co-
6 conspirators Marlon Songco, A, and B caused to be submitted to
7 Medicare, false and fraudulent claims for physical therapy services
8 allegedly provided at E.K. Medical to 19 Medicare beneficiaries, for
9 dates of service between on or about October 15, 2012, and on or
10 about November 27, 2012.

11 Overt Act No. 4: On or about December 13, 2012, defendant
12 KWON received and deposited a check from co-conspirator B payable to
13 E.K. Medical for \$2,596.69, drawn on the Company C Bank Account, paid
14 for defendant KWON's referral of Medicare beneficiaries to Company C.

15 Overt Act No. 5: On or about April 30, 2013, defendant KWON
16 received and deposited a check from co-conspirator B payable to E.K.
17 Medical for \$5,507.79, drawn on the Company C Bank Account, paid for
18 defendant KWON's referral of Medicare beneficiaries to Company C.

19 Overt Act No. 6: On or about July 30, 2013, co-conspirators
20 Marlon Songco, A, and B caused to be submitted to Medicare, false and
21 fraudulent claims for physical therapy services allegedly provided at
22 E.K. Medical to 17 Medicare beneficiaries, for dates of service
23 between on or about July 31, 2012, and on or about July 30, 2013.

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**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No. CR 15-0390-DOC

Defendant OHUN KWON

Social Security No.
(Last 4 digits)

akas: Kwon, Oh; Kwon, Samuel Ohun; Kwan, Samuel

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
10	17	2016

COUNSEL	David Dart Queen, Retained <small>(Name of Counsel)</small>
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PLEA	<input checked="" type="checkbox"/> GUILTY, and the court being satisfied that there is a factual basis for the plea. <input type="checkbox"/> NOLO CONTENDERE <input type="checkbox"/> NOT GUILTY
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FINDING	There being a finding/verdict of GUILTY, defendant has been convicted as charged of the offense(s) of: Count 1, 18 U.S.C. § 1349: Conspiracy to Commit Health Care Fraud of the Single Count Information.
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JUDGMENT AND PROB/COMM ORDER	The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:
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It is ordered that the defendant shall pay to the United States a special assessment of \$100, which is due immediately. Any unpaid balance shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.

It is ordered that the defendant shall pay restitution in the total amount of \$653,467.47 pursuant to 18 U.S.C. § 3663A.

The amount of restitution ordered shall be paid as follows:

<u>Victim</u>	<u>Amount</u>
Centers for Medicare and Medicaid Services	\$653,467.47

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least 10 percent of defendant's gross monthly income but not less than \$1,000, whichever is greater, shall be made during the period of supervised release and shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the Court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

The defendant shall be held jointly and severally liable with co-participants, Joseff Sales, Danniell Goyena (Docket No. CR-15-576) and Marlon Songco (Docket No. CR-15-49) for the amount of restitution ordered in this judgment. The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victims receive full restitution.

Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The defendant shall comply with General Order No. 01-05.

All fines are waived as it is found that the defendant does not have the ability to pay a fine in addition to restitution.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Ohun Kwon, is hereby committed on Count 1 of the Information to the custody of the Bureau of Prisons for a term of 27 months.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02.
2. The defendant shall reside for a period of 8 months in a residential reentry center (community corrections component), as directed by the Probation Officer, and shall observe the rules of that facility.
3. During the period of community supervision, the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment.
4. The defendant shall apply all monies received from income tax refunds to the outstanding court-ordered financial obligation. In addition, the defendant shall apply all monies received from lottery winnings, inheritance, judgments and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
5. The defendant shall not be employed by, affiliated with, own, control, volunteer for, or otherwise participate, directly or indirectly, in any business involving federally funded or state funded health insurance or entitlement programs without the express written approval of the Probation Officer prior to engaging in such employment. Further, the defendant shall provide the Probation Officer with access to any and all business records, client lists, and other records pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Officer.

6. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state or federal agency without prior approval of the Probation Officer.
7. The defendant shall notify the California Board of Chiropractic Examiners of his conviction within 30 days after the commencement of supervision.
8. The defendant shall cooperate in the collection of a DNA sample from the defendant.
9. The defendant shall submit person and property to search and seizure at any time of the day or night by any law enforcement officer with or without a warrant and with or without reasonable or probable cause.
10. The defendant shall report to the United States Probation Office within 72 hours of his release from custody.
11. The defendant shall report in person directly to the Court within 21 days of release from custody, at a date and time to be set by the United States Probation Office, and thereafter report in person to the Court no more than eight times during his first year of supervised release.
12. The defendant shall not possess, have under his control, or have access to any firearm, explosive device, or other dangerous weapon, as defined by federal, state, or local law.

The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons at or before 12 noon, on January 9, 2017. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at the United States Court House, 411 West Fourth Street, Santa Ana, California 92701-4516.

Defendant advised of right to appeal.

USA vs. OHUN KOWNDocket No.: CR 15-0390-DOC

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

October 17, 2016

Date

David O. Carter

DAVID O. CARTER, U. S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

October 17, 2016

Filed Date

By Deborah Goltz

Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

USA vs. OHUN KOWNDocket No.: CR 15-0390-DOC

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence (pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid):
 - Non-federal victims (individual and corporate),
 - Providers of compensation to non-federal victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

USA vs. OHUN KOWN

Docket No.: CR 15-0390-DOC

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

_____ Date

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____

_____ Filed Date

Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant

_____ Date

_____ U. S. Probation Officer/Designated Witness

_____ Date

NOTICE PARTY SERVICE LIST

Case No. _____ Case Title _____

Title of Document _____

ADR
BAP (Bankruptcy Appellate Panel)
BOP (Bureau of Prisons)
CA State Public Defender
CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
Case Assignment Administrator
Chief Deputy – Administration
Chief Deputy – Case Processing
Chief Deputy – Judicial Services
CJA Supervising Attorney
Clerk of Court
Death Penalty H/C (Law Clerks)
Deputy-in-Charge Eastern Division
Deputy-in-Charge Southern Division
Federal Public Defender
Fiscal Section
Intake Section, Criminal LA
Intake Section, Criminal SA
Intake Supervisor, Civil
Managing Attorney, Legal Services Unit
MDL Panel
Ninth Circuit Court of Appeal
PIA Clerk - Los Angeles (PIALA)
PIA Clerk - Riverside (PIAED)
PIA Clerk - Santa Ana (PIASA)
PSA - Los Angeles (PSALA)
PSA - Riverside (PSAED)
PSA - Santa Ana (PSASA)
Statistics Clerk

US Attorney's Office - Civil Division -L.A.
US Attorney's Office - Civil Division - S.A.
US Attorney's Office - Criminal Division -L.A.
US Attorney's Office - Criminal Division -S.A.
US Bankruptcy Court
US Marshals Service - Los Angeles (USMLA)
US Marshals Service - Riverside (USMED)
US Marshals Service - Santa Ana (USMSA)
US Probation Office (USPO)
US Trustee's Office
Warden, San Quentin State Prison, CA
Warden, Central California Women's Facility

ADD NEW NOTICE PARTY (if sending by fax, mailing address must also be provided)

Name: _____

Firm: _____

Address (include suite or floor): _____

*E-mail: _____

*Fax No.: _____

* For CIVIL cases only

JUDGE / MAGISTRATE JUDGE (list below):

Initials of Deputy Clerk _____

SOUTHERN,CLOSED,PASPRT,RELATED-G

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:15-cr-00390-DOC-1**

Case title: USA v. Kwon
Other court case number: 2:15-cr-49 DOC

Date Filed: 07/16/2015
Date Terminated: 10/17/2016

Assigned to: Judge David O. Carter

Defendant (1)

Ohun Kwon
TERMINATED: 10/17/2016

represented by **David Dart Queen**
Law Office of David D Queen
225 South Lake Avenue Suite 300
Pasadena, CA 91101
626-689-2213
Fax: 626-682-3966
Email: ddqueen@queenlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1349: Conspiracy to Commit Health
Care Fraud
(1)

Disposition

27 months imprisonment on Count 1 of the Information. Pay \$100 special assessment. Pay total restitution of \$653,467.47. The defendant shall be held jointly and severally liable with co-participants, Joseff Sales, Danniell Goyena (Docket No. CR-15-576) and Marlon Songco (Docket No. CR-15-49) for the amount of restitution ordered in this judgment. Interest on restitution ordered waived. All fines are waived. 3 years supervised release under terms and conditions of US Probation Office and General Orders 05-02 and 01-05.

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Byron J McLain**
 AUSA - Office of the US Attorney
 Major Frauds Section
 312 North Spring Street 11th Floor
 Los Angeles, CA 90012
 213-894-0637
 Fax: 213-894-6269
 Email: byron.mclain@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
07/16/2015	<u>1</u>	INFORMATION filed as to Ohun Kwon (1) count(s) 1. Offense occurred in LA. (mhe) (Entered: 07/28/2015)
07/16/2015	<u>2</u>	CASE SUMMARY filed by AUSA Byron J McLain as to Defendant Ohun Kwon; defendants Year of Birth: 1966 (mhe) (Entered: 07/28/2015)
07/16/2015	<u>3</u>	NOTICE of Related Case(s) filed by Plaintiff USA as to Defendant Ohun Kwon Related Case(s): CR15-49 (mhe) (Entered: 07/28/2015)
07/16/2015	<u>7</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Ohun Kwon. This criminal action, being filed on 7/16/15, was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters and was pending before Judge Andre Birotte Jr.(mhe) (Entered: 07/28/2015)
07/16/2015	<u>8</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Ohun Kwon. Re Magistrate Judge Jacqueline Chooljian, Magistrate Judge Patrick J. Walsh, Magistrate Judge Sheri Pym, Magistrate Judge Michael Wilner, Magistrate Judge Jean Rosenbluth, Magistrate Judge Alka Sagar, Magistrate Judge Douglas McCormick (mhe) (Entered: 07/28/2015)
07/21/2015	<u>9</u>	SEALED DOCUMENT - PLEA AGREEMENT for Defendant Ohun Kwon (ja) (Entered: 07/29/2015)
07/21/2015	<u>10</u>	

		SEALED DOCUMENT - EX PARTE APPLICATION TO SEAL DOCUMENT; DECLARATION OF BYRON J MCLAIN (ja) (Entered: 07/29/2015)
07/21/2015	<u>11</u>	SEALED DOCUMENT - ORDER RE: SEALING OF DOCUMENT (ja) (Entered: 07/29/2015)
08/04/2015	<u>13</u>	MINUTES OF INFORMATION HEARING held before Magistrate Judge Carla Woehrle as to Defendant Ohun Kwon. Defendant states true name as charged. Attorney: David Dart Queen, Retained, present. Court orders bail set as: Ohun Kwon (1) \$25,000 Appearance Bond, SEE ATTACHED BOND FOR TERMS AND CONDITIONS. Court Reporter: Marea Woolrich. (ja) (Entered: 08/07/2015)
08/04/2015	<u>14</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Ohun Kwon (ja) (Entered: 08/07/2015)
08/04/2015	<u>15</u>	WAIVER OF INDICTMENT by Defendant Ohun Kwon before Magistrate Judge Carla Woehrle (ja) (Entered: 08/07/2015)
08/04/2015	<u>16</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Carla Woehrle as to Defendant Ohun Kwon (1) Count 1. Defendant arraigned, states true name: As charged. Attorney: David Queen, Retained present. Case assigned to Judge Manuel L. Real. Counsel are ordered to contact the court clerk regarding the setting of dates for the guilty plea and all further proceedings. Court Reporter: Marea Woolrich. (tba) (Entered: 08/07/2015)
08/04/2015	<u>19</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Ohun Kwon. USA passport was received on 8/4/15. Re: Bond and Conditions (CR-1) <u>18</u> . (ja) (Entered: 08/13/2015)
08/04/2015	<u>20</u>	DECLARATION RE: PASSPORT filed by Defendant Ohun Kwon, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I will surrender any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case. RE: Bond and Conditions (CR-1) <u>18</u> . (ja) (Entered: 08/13/2015)
08/06/2015	<u>12</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 14-03 Related Case filed. Related Case No: CR15-49 DDP. Case, as to Defendant Ohun Kwon, transferred from Judge Manuel L. Real to Judge Dean D. Pregerson for all further proceedings. The case number will now reflect the initials of the transferee Judge CR15-00390 DDP. Signed by Judge Dean D. Pregerson. (mg) (Entered: 08/06/2015)
08/07/2015	<u>17</u>	MINUTES OF IN CHAMBERS ORDER by Judge Dean D. Pregerson: as to Defendant Ohun Kwon, COUNSEL ARE NOTIFIED that a HEARING RE: ACCEPTANCE OF A GUILTY PLEA is hereby set for August 31, 2015 at 1:30 p.m. (lc) (Entered: 08/10/2015)
08/11/2015	<u>18</u>	

		BOND AND CONDITIONS OF RELEASE filed as to Defendant Ohun Kwon conditions of release: \$25,000 Appearance Bond approved by Magistrate Judge Alicia G. Rosenberg. (ja) (Entered: 08/13/2015)
08/11/2015	<u>21</u>	REDACTED AFFIDAVIT OF SURETIES (No Justification - Pursuant to Local Criminal Rule 46-5.2.8) in the amount of \$25,000.00 by surety: Esther Han for Bond and Conditions (CR-1) <u>18</u> . Filed by Defendant Ohun Kwon (ja) (Entered: 08/13/2015)
08/11/2015	<u>22</u>	UNREDACTED Affidavit of Surety filed by Defendant Ohun Kwon re: Affidavit of Surety (No Justification)(CR-4) <u>21</u> (ja) (Entered: 08/13/2015)
08/14/2015	<u>23</u>	Mail Returned Undeliverable addressed to David Dart Queen re: ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 14-03 Related Case filed. Related Case No: CR15-49 DDP. Case, as to Defendant Ohun Kwon, transferred from Judge Manuel L. Real to Judge Dean D. Pregerson for all further proceedings. The case number will now reflect the initials of the transferee Judge CR15-00390 DDP. Signed by Judge Dean D. Pregerson. (mg) <u>12</u> , as to Defendant Ohun Kwon (shb) (Entered: 08/18/2015)
08/21/2015	<u>24</u>	SEALED DOCUMENT-First STIPULATION for Modification of Conditions of Release (SEALED DOCUMENT-Attachments: # <u>1</u> SEALED DOCUMENT Proposed Order) Modified on 8/31/2015 (lc). Modified on 8/31/2015 (lc). (Entered: 08/21/2015)
08/30/2015	<u>25</u>	SEALED DOCUMENT- STIPULATION for Modification of Conditions of Release. SEALED DOCUMENT # <u>1</u> SEALED DOCUMENT- Proposed Order) Modified on 8/31/2015 (lc). Modified on 8/31/2015 (lc). (Entered: 08/30/2015)
08/31/2015	<u>26</u>	MINUTES OF IN CHAMBERS ORDER by Judge Dean D. Pregerson: as to Defendant Ohun Kwon. COUNSEL ARE HEREBY NOTIFIED the FIRST STIPULATION FOR MODIFICATION OF CONDITIONS OF RELEASE (DOCKET NUMBER 24) and the STIPULATION FOR MODIFICATION OF CONDITIONS OF RELEASE (DOCKET NUMBER 25) are ordered placed Under Seal. (lc) (Entered: 08/31/2015)
08/31/2015	<u>27</u>	MINUTES OF PLEA held before Judge Dean D. Pregerson: Defendant moves to plea Guilty to the Information. Defendant now enters a plea of Guilty to the Single Count Information. The Court questions the defendant regarding the plea of Guilty and finds a factual and legal basis for the plea; waivers of constitutional rights are freely, voluntarily and intelligently made; plea is provident; plea is accepted and entered. The Court refers the defendant to the Probation Office for the preparation of a presentence report and continues the matter to 4/18/2016 at 1:30 PM. Court Reporter: Maria Bustillos. (vv) (Entered: 08/31/2015)
09/04/2015	<u>28</u>	ORDER MODIFYING CONDITIONS OF PRETRIAL RELEASE by Judge Dean D. Pregerson as to Defendant Ohun Kwon (1):Condition of release no. 8 is AMENDED to read as follows:Defendant is not to be involved in any billing or in performing services that will be billed to Medicare, Medi-Cal, or any other public health insurance program. (lc) (Entered: 09/04/2015)
01/28/2016	<u>29</u>	

		MINUTES IN CHAMBERS ORDER by Judge Dean D. Pregerson as to Defendant Ohun Kwon. At the request of counsel, the SENTENCING is hereby continued from April 18, 2016 to August 15, 2016 at 1:30 p.m. (lc) (Entered: 01/28/2016)
06/21/2016	<u>30</u>	ORDER OF THE CHIEF JUDGE (#16-062) approved by Judge George H. King. IT IS ORDERED, with the concurrence of the Case Management and Assignment Committee, that this case be reassigned from the calendar of Judge Dean D. Pregerson to the calendar of Judge David O. Carter. The case number will now reflect the initials of the transferee Judge 2:15-cr-00390 DOC. (rn) (Entered: 06/21/2016)
07/05/2016	<u>33</u>	STIPULATION to Continue Sentencing from August 15, 2016 to October 17, 2016 filed by Plaintiff USA as to Defendant Ohun Kwon (Attachments: # <u>1</u> Proposed Order)(McLain, Byron) (Entered: 07/05/2016)
07/07/2016	<u>34</u>	ORDER TO CONTINUE Sentencing by Judge David O. Carter as to Defendant Ohun Kwon. FOR GOOD CAUSE SHOWN, the Court GRANTS the Application and ORDERS that the sentencing hearing for defendant Ohun Kwon ("defendant"), will take place at 1:30 p.m. on October 17, 2016. Defendant's currently scheduled sentencing hearing on August 15, 2016 is vacated. (mba) (Entered: 07/07/2016)
09/30/2016	<u>35</u>	NOTICE of Manual Filing of Under Seal Documents filed by Plaintiff USA as to Defendant Ohun Kwon (McLain, Byron) (Entered: 09/30/2016)
10/03/2016	<u>36</u>	SEALED DOCUMENT RE EX PARTE APPLICATION TO SEAL. (dv) (Entered: 10/03/2016)
10/03/2016	<u>37</u>	SEALED DOCUMENT RE ORDER SEALING DOCUMENT. (dv) (Entered: 10/03/2016)
10/03/2016	<u>38</u>	SEALED DOCUMENT RE DOCUMENT FILED UNDER SEAL. (dv) (attachment(s) : # <u>1</u> EXHIBIT A, # <u>2</u> EXHIBIT B (dv). (Entered: 10/03/2016)
10/14/2016	<u>42</u>	SEALED DOCUMENT RE ORDER FILED UNDER SEAL. (dv) (Entered: 10/14/2016)
10/17/2016	<u>43</u>	MINUTES OF SENTENCING Hearing held before Judge David O. Carter as to Defendant Ohun Kwon. Defendant Ohun Kwon (1), Count(s) 1, 27 months imprisonment on Count 1 of the Information. Pay \$100 special assessment. Pay total restitution of \$653,467.47. The defendant shall be held jointly and severally liable with co-participants, Joseff Sales, Danniell Goyena (Docket No. CR-15-576) and Marlon Songco (Docket No. CR-15-49) for the amount of restitution ordered in this judgment. Interest on restitution ordered waived. All fines are waived. 3 years supervised release under terms and conditions of US Probation Office and General Orders 05-02 and 01-05. Defendant to surrender at or before 12 noon, on 1/9/2017. Defendant advised of right to appeal. Court Smart: CourtSmart. (mt) (Entered: 10/18/2016)
10/17/2016	<u>44</u>	JUDGMENT AND COMMITMENT by Judge David O. Carter as to Defendant Ohun Kwon (1), Count(s) 1, 27 months imprisonment on Count 1 of the Information. Pay \$100 special assessment. Pay total restitution of \$653,467.47.

	<p>The defendant shall be held jointly and severally liable with co-participants, Joseff Sales, Danniell Goyena (Docket No. CR-15-576) and Marlon Songco (Docket No. CR-15-49) for the amount of restitution ordered in this judgment. Interest on restitution ordered waived. All fines are waived. 3 years supervised release under terms and conditions of US Probation Office and General Orders 05-02 and 01-05. (mt) (Entered: 10/18/2016)</p>
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Transaction Receipt			
06/26/2018 16:14:18			
PACER Login:	Odlegal94612:2536794:0	Client Code:	AFU
Description:	Docket Report	Search Criteria:	2:15-cr-00390-DOC End date: 6/26/2018
Billable Pages:	5	Cost:	0.50



State of California—Health and Human Services Agency
Department of Health Care Services



ARNOLD SCHWARZENEGGER
Governor

MAR 06 2008

Ohun Kwon
19123 Bloomfield Ave.
Cerritos, CA 90703

**Re: Ohun Kwon, License No. 25014;
Ohun Kwon Chiropractic, Inc., Corporation License No. 2531.**

Dear Mr. Kwon:

The Director of the State Department of Health Care Services has been notified of your December 4, 2006, felony conviction in the Superior Court, Los Angeles County (*People v. Ohun Kwon*, Case No. BA292424) for violation of Penal Code sections 550, subdivision (a)(1) and 182, subdivision (a), crimes determined by the Board of Chiropractic Examiners to be substantially related to the qualifications, functions or duties of a chiropractor. You are on record as being the owner of Ohun Kwon Chiropractic, Inc. Pursuant to Welfare and Institutions Code section 14123, subdivision (a), the Director is required to suspend a provider of service for conviction of any felony or any misdemeanor involving fraud, abuse of the Medi-Cal program or any patient, or otherwise substantially related to the qualifications, functions, or duties of a provider of service. If the provider of service is a clinic, group, corporation, or other association, conviction of any officer, director, or shareholder in that organization of such a crime shall result in the suspension of that organization and the individual convicted if the director believes that suspension would be in the best interest of the Medi-Cal program.

Therefore, pursuant to the authority delegated to me by the Director of the Department of Health Care Services, you and Ohun Kwon Chiropractic, Inc. are hereby prohibited from participating in the Medi-Cal program for an indefinite period of time, effective twenty days from the date of this letter. Your names will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of suspension, no person or entity, including an employer, can submit any claims to the Medi-Cal program for items or services rendered by you or Ohun Kwon Chiropractic, Inc. Additionally, no provider number may be issued to you or Ohun Kwon Chiropractic, Inc., or to any person, entity, or employer on behalf of you or Ohun Kwon Chiropractic, Inc., prior to reinstatement by this Department to the Medi-Cal program. Any involvement by you or Ohun Kwon Chiropractic, Inc., directly or indirectly, will result in nonpayment of the Medi-Cal claim submitted. Any person who presents or causes to

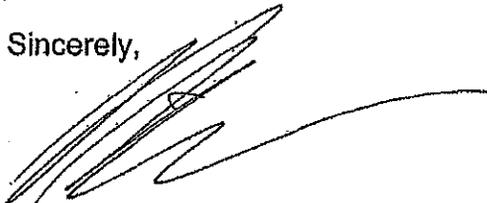
Ohun Kwon
Page 2

MAR 06 2008

be presented a claim for equipment or services rendered by a person or entity suspended from participation in the Medi-Cal program shall be subject to suspension from participation in the Medi-Cal program, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code of Regs., tit. 22, §§ 51458.1, 51484, and 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies rendered by you or Ohun Kwon Chiropractic, Inc. during the period of suspension.

If you have any questions about this action, please submit your concerns, in writing, to Marylyn Willis, Legal Assistant, at the above address.

Sincerely,



Vince J. Blackburn
Senior Counsel

cc: See next page.

Jan Krueger MS 4718
Third Party Liability & Recovery
Department of Health Care Services
1500 Capitol Avenue, Suite 353
Sacramento, CA 95814

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Executive Director
Bureau of Medi-Cal Fraud and Elder Abuse
Department of Justice,
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Department of Health Care Services
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Sacramento, CA 95899-7419

Nancy Black MS 8306
Primary Care and Family Health
Department of Public Health
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Sacramento, CA 95899-7419

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

Case No. AC 2006-512

OHUN KWON, D.C.
2595 Rimcrest Rd.
Brea, CA 92821

Chiropractor License No. DC 25014

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of
Chiropractic Examiners, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 24, 2017.

It is so ORDERED July 25, 2017.


FOR THE BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9431
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke 12 Probation Against:	Case No. AC 2006-512
13 OHUN KWON, D.C. 14 2595 Rimcrest Rd. Brea, CA 92821	STIPULATED SURRENDER OF LICENSE AND ORDER
15 Chiropractor License No. DC 25014	
16 Respondent,	

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

20 **PARTIES**

21 1. Robert Puleo (Complainant) is the Executive Officer of the Board of Chiropractic
22 Examiners (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Xavier Becerra, Attorney General of the State of California, by Gregory J. Salute,
24 Supervising Deputy Attorney General.

25 2. Dr. Ohun Kwon, D.C. (Respondent) is representing himself in this proceeding and
26 has chosen not to exercise his right to be represented by counsel.

27 ///
28 ///

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Petition to
3 Revoke Probation No. AC 2006-512, agrees that cause exists for discipline and hereby surrenders
4 his Chiropractor License No. DC 25014 for the Board's formal acceptance.

5 10. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Chiropractor License without further process.

7 **CONTINGENCY**

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

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
19 thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Surrender of License and Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
24 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
25 executed by an authorized representative of each of the parties.

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

28 ///

1 ORDER

2 IT IS HEREBY ORDERED that Chiropractor License No. DC 25014, issued to Respondent
3 Dr. Ohun Kwon, D.C., is surrendered and accepted by the Board of Chiropractic Examiners.

4 1. Respondent shall lose all rights and privileges as a chiropractor in California as of the
5 effective date of the Board's Decision and Order,

6 2. Respondent shall cause to be delivered to the Board his pocket license and, if one was
7 issued, his wall certificate on or before the effective date of the Decision and Order.

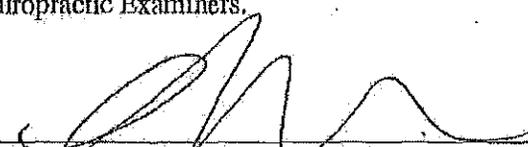
8 3. If Respondent files an application for licensure or a petition for reinstatement in the
9 State of California, the Board shall treat it as a petition for reinstatement. Respondent must
10 comply with all the laws, regulations and procedures for reinstatement of a surrendered or
11 revoked license in effect at the time the petition is filed, and all of the charges and allegations
12 contained in Petition to Revoke Probation No. AC 2006-512 shall be deemed to be true, correct
13 and admitted by Respondent when the Board determines whether to grant or deny the petition.

14 4. Respondent shall not petition for reinstatement for two (2) years from the effective
15 date of the Board's Decision and Order.

16 ACCEPTANCE

17 I have carefully read the Stipulated Surrender of License and Order. I understand the
18 stipulation and the effect it will have on my Chiropractor License. I enter into this Stipulated
19 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
20 by the Decision and Order of the Board of Chiropractic Examiners.

21
22 DATED: 6-22-17


23 DR. OHUN KWON, D.C.
24 Respondent

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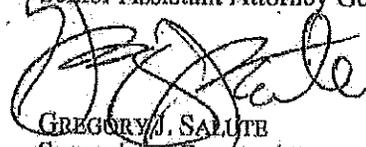
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Chiropractic Examiners of the Department of Consumer Affairs.

Dated: 6-30-17

Respectfully submitted,

XAVIER BERRA
Attorney General of California
DINDA K. SCHNEIDER
Senior Assistant Attorney General



GREGORY J. SALUTE
Supervising Deputy Attorney General
Attorneys for Complainant

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7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. AC 2006-512

13 **OHUN KWON, D.C.**
14 **5831 Beach Blvd.**
Buena Park, CA 90621

PETITION TO REVOKE PROBATION

15 **Chiropractor License No. DC 25014**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Robert Puleo (Complainant) brings this Petition to Revoke Probation solely in his
21 official capacity as the Executive Officer of the Board of Chiropractic Examiners (Board),
22 Department of Consumer Affairs.

23 2. On or about August 22, 1987, the Board issued Chiropractor License Number DC
24 25014 to Ohun Kwon (Respondent). The Chiropractor License expired on February 28, 2017,
25 and has not been renewed.

26 3. In a disciplinary action entitled "In the Matter of Accusation Against Ohun Kwon,
27 D.C., and Ohun Kwon Chiropractic, Inc.," in Case No. 2006-512, the Board issued a decision,
28 effective September 24, 2007, in which Respondent's Chiropractor License and Chiropractic

1 Corporation License were revoked. However, the revocation was stayed and Respondent's
2 Chiropractor License and Chiropractic Corporation License were placed on probation for a period
3 of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit
4 A and is incorporated by reference.

5 4. In a subsequent disciplinary action entitled "In the Matter of the Petition to Revoke
6 Probation Against Ohun Kwon, D.C.," in Case No. AC 2006-512, the Board issued a decision,
7 effective March 10, 2013, in which Respondent's Chiropractor License was revoked. However,
8 the revocation was stayed and Respondent's Chiropractor License was placed on probation for a
9 period of five (5) years with certain terms and conditions. A copy of that decision is attached as
10 Exhibit B and is incorporated by reference.

11 JURISDICTION

12 5. This Petition to Revoke Probation is brought before the Board under the authority of
13 the following sections of the Chiropractor Act (Act).¹

14 6. Section 10 of the Act states, in pertinent part, that the Board may suspend or revoke a
15 license to practice chiropractic or may place the license on probation for violations of the rules
16 and regulations adopted by the Board or for any cause specified in the Chiropractic Initiative Act.

17 7. California Code of Regulations, title 16, section 355.1 states:

18 The suspension, expiration, or forfeiture by operation of law of a license issued
19 by the board, or its suspension, or forfeiture by order of the board or by order of a
20 court of law, or its surrender without the written consent of the board shall not, during
21 any period in which it may be renewed, restored, reissued, or reinstated, deprive the
22 board of its authority to institute or continue a disciplinary proceeding against the
23 licensee upon any ground provided by law or to enter an order suspending or
24 revoking the license or otherwise taking disciplinary action against the licensee on
25 any such ground.

26 8. Condition 9 of the Decision and Order states:

27 **Violation of Probation.** If Respondent violates probation in any respect, the
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke
probation and carry out the disciplinary order that was stayed. If an Accusation or
Petition to Revoke Probation is filed against Respondent during probation, the Board

¹ The Chiropractic Act, an initiative measure approved by the electors on November 7,
1922, while not included in the Business and Professions Code by the legislature, is set out in
West's Annotated California Codes as sections 1000-1 to 1000-19, and is included in Deering's
California Codes as Appendix I, for convenient reference.

1 shall have continuing jurisdiction until the matter is final, and the period of probation
2 shall be extended until the matter is final. If Respondent has not complied with any
3 term or condition of probation, the Board shall have continuing jurisdiction over
4 Respondent, and probation shall automatically be extended until all terms and
5 conditions have been met or the Board has taken other action as deemed appropriate
6 to treat the failure to comply as a violation of probation, to terminate probation, and
7 to impose the penalty which was stayed.

8 **FIRST CAUSE TO REVOKE PROBATION**

9 **(Quarterly Reports)**

10 9. At all times after the effective date of Respondent's probation, Condition 2 stated:

11 Respondent shall submit quarterly reports under penalty of perjury on a form
12 entitled "Quarterly Probation Report" (No. QPR100 (Rev. 7/04)), certifying and
13 documenting whether there has been compliance with all conditions of probation. If
14 the final probation report is not made as directed, probation shall be extended
15 automatically until such time as the final report is made.

16 10. Respondent's probation is subject to revocation because he failed to comply with
17 Probation Condition 2, referenced above, in that he failed to file Quarterly Probation Reports for
18 the periods of October – December 2016 (4th quarter), and January – March 2017 (1st quarter).

19 **SECOND CAUSE TO REVOKE PROBATION**

20 **(Probation Monitoring)**

21 11. At all times after the effective date of Respondent's probation, Condition 3 stated:

22 Respondent shall comply with the Board's probation compliance monitoring
23 program. Failure to comply with probation monitoring shall be considered a violation
24 of probation.

25 12. Respondent's probation is subject to revocation because he failed to comply with
26 Probation Condition 3, referenced above, in that he was non-compliant with the terms of his
27 probation program, as described in paragraphs 9 and 10 above, and paragraphs 13-16, below,
28 which are incorporated herein by reference.

THIRD CAUSE TO REVOKE PROBATION

(Notification of Employment)

13. At all times after the effective date of Respondent's probation, Condition 10 stated:

Within ten (10) days of a change in employment – either leaving or
commencing employment – Respondent shall so notify the Board in writing,
including the address of the new employer.

1 14. Respondent's probation is subject to revocation because he failed to comply with
2 Probation Condition 10, referenced above. Respondent closed his chiropractic business in 2016,
3 and failed to notify the Board. The probation monitor attempted to contact Respondent at his
4 business address on or about April 20, 2017, and was told he no longer works there. E-mail
5 correspondence sent to Respondent was not answered.

6 **FOURTH CAUSE TO REVOKE PROBATION**

7 **(Auditing of Billing Practice)**

8 15. At all times after the effective date of Respondent's probation, Condition 16 stated:

9 Within sixty (60) days of the effective date of this Decision, Respondent shall
10 submit to the Board, for its prior approval, the name and qualifications of a licensed
11 certified public accountant (CPA) in this state, and a plan by which such certified
12 public accountant (CPA) would monitor Respondent's billing practices. The CPA
13 shall be independent, with no present or prior business, professional, or personal
14 financial relationship with Respondent. The CPA approved by the Board shall submit
15 written reports to the Board on a quarterly basis verifying that monitoring has taken
16 place as required. It shall be Respondent's responsibility to ensure that the required
17 reports are filed in a timely fashion.

18 Respondent shall give the CPA access to Respondent's fiscal records.
19 Monitoring shall consist of at least four (4) hours per quarter of review of fiscal.
20 After two quarters, if the CPA determines that less time is sufficient for compliance,
21 the Respondent may request Board approval of a reduction of the number of hours of
22 review. If ever the CPA prepares a quarterly report to the Board which finds
23 substantial errors or omissions in, or questionable billing practices, monitoring may
24 be increased at the discretion of the Board and shall comply therewith. All costs of
25 monitoring shall be borne by Respondent.

26 If at any time during the period of probation, the CPA quits or is otherwise
27 unavailable to perform his monitoring duties, within thirty (30) days of the same,
28 Respondent shall submit to the Board, for its prior approval, the name and
qualifications of a licensed CPA in this state and a plan by which such CPA would
monitor Respondent's billing practices.

22 16. Respondent's probation is subject to revocation because he failed to comply with
23 Probation Condition 16, referenced above. Respondent failed to submit a quarterly CPA report
24 for the period of October - December 2016, which was due no later than January 10, 2017.
25 Respondent's probation monitor learned that Respondent had terminated the services of the
26 accounting firm hired to monitor Respondent's billing practices on or about January 6, 2017, and
27 he had not submitted to the Board the name and qualifications of a licensed CPA as a replacement
28 billing monitor.

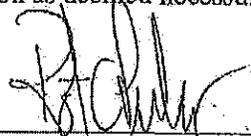
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PRAYER

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

1. Revoking the probation that was granted by the Board of Chiropractic Examiners in Case No. 2006-512 and imposing the disciplinary order that was stayed thereby revoking Chiropractor License No. DC 25014 issued to Ohun Kwori, D.C.;
2. Revoking or suspending Chiropractor License No. DC 25014, issued to Ohun Kwon, D.C.;
3. Taking such other and further action as deemed necessary and proper.

DATED: 05/15/17



ROBERT PULEO
Executive Officer
Board of Chiropractic Examiners
Department of Consumer Affairs
State of California
Complainant

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FILED
MAY 15 2017
CLERK OF SUPERIOR COURT
SAN FRANCISCO
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