

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

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**Richard Byoung Soo Kim, M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. A 107769** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 800-2014-009258**

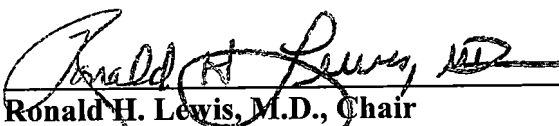
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on December 18, 2019.**

**IT IS SO ORDERED: November 18, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**Ronald H. Lewis, M.D., Chair**  
**Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 COLLEEN M. MCGURRIN  
Deputy Attorney General  
4 State Bar Number 147250  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 269-6546  
Facsimile: (916) 731-2117  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 RICHARD BYOUNG SOO KIM, M.D.  
14 3395 Michelson Drive, #2412  
Irvine, California 92612

15 Physician's and Surgeon's Certificate Number  
16 A 107769.

17 Respondent.

Case No. 800-2014-009258

OAH No. 2019040371

18  
19 **STIPULATED SETTLEMENT AND**  
20 **DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Colleen M.  
27 McGurrin, Deputy Attorney General.

28 2. Richard Byoung Soo Kim, M.D. (Respondent) is represented in this proceeding by  
attorney Carlo A. Spiga, Esq., whose address is: 655 North Central Avenue, Suite 1700,  
Glendale, California 91203-1439.





1 conditions.

2 1. ACTUAL SUSPENSION. As part of probation, Respondent is suspended from the  
3 practice of medicine for 45-days beginning the sixteenth (16th) day after the effective date of this  
4 decision.

5 2. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the  
6 effective date of this Decision, Respondent shall submit to the Board or its designee for prior  
7 approval a community service plan in which Respondent shall, within the first 2 years of  
8 probation, provide 120-hours of free services (e.g., medical or nonmedical) to a community or  
9 non-profit organization.

10 Prior to engaging in any community service, Respondent shall provide a true copy of the  
11 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief  
12 executive officer at every community or non-profit organization where Respondent provides  
13 community service and shall submit proof of compliance to the Board or its designee within 15  
14 calendar days. This condition shall also apply to any change(s) in community service.

15 Community service performed prior to the effective date of the Decision shall not be  
16 accepted in fulfillment of this condition.

17 3. EDUCATION COURSE – ANGER MANAGEMENT. Within 60 calendar days of  
18 the effective date of this Decision, Respondent shall submit to the Board or its designee for its  
19 prior approval educational program(s) or course(s) in anger management. The educational  
20 program(s) or course(s) shall be aimed at anger management. The educational program(s) or  
21 course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical  
22 Education (CME) requirements for renewal of licensure. Following the completion of the anger  
23 management course or program, the Board or its designee may administer an examination to test  
24 Respondent's knowledge of the course. Respondent shall provide proof of attendance of the  
25 anger management program(s) or course(s) to the Board or its designee in satisfaction of this  
26 condition.

27 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
28 the effective date of this Decision, Respondent shall enroll in a professionalism program, that

1 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
2 Respondent shall participate in and successfully complete that program. Respondent shall  
3 provide any information and documents that the program may deem pertinent. Respondent shall  
4 successfully complete the classroom component of the program not later than six (6) months after  
5 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
6 time specified by the program, but no later than one (1) year after attending the classroom  
7 component. The professionalism program shall be at Respondent's expense and shall be in  
8 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

9 A professionalism program taken after the acts that gave rise to the charges in the  
10 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
11 or its designee, be accepted towards the fulfillment of this condition if the program would have  
12 been approved by the Board or its designee had the program been taken after the effective date of  
13 this Decision.

14 Respondent shall submit a certification of successful completion to the Board or its  
15 designee not later than 15 calendar days after successfully completing the program or not later  
16 than 15 calendar days after the effective date of the Decision, whichever is later.

17 5. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of  
18 this Decision, and on whatever periodic basis thereafter may be required by the Board or its  
19 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological  
20 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall  
21 consider any information provided by the Board or designee and any other information the  
22 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
23 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
24 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
25 psychiatric evaluations and psychological testing.

26 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
27 psychiatrist within 15 calendar days after being notified by the Board or its designee.

28 /, / /

1           6.    PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,  
2 Respondent shall submit to the Board or its designee for prior approval the name and  
3 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
4 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
5 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
6 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
7 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

8           The psychotherapist shall consider any information provided by the Board or its designee  
9 and any other information the psychotherapist deems relevant and shall furnish a written  
10 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
11 psychotherapist with any information and documents that the psychotherapist may deem  
12 pertinent.

13           Respondent shall have the treating psychotherapist submit quarterly status reports to the  
14 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
15 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
16 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
17 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
18 period of probation shall be extended until the Board determines that Respondent is mentally fit  
19 to resume the practice of medicine without restrictions.

20           Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

21           7.    NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
22 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
23 Chief Executive Officer at every hospital where privileges or membership are extended to  
24 Respondent, at any other facility where Respondent engages in the practice of medicine,  
25 including all physician and locum tenens registries or other similar agencies, and to the Chief  
26 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
27 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
28 calendar days.

1 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

2 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE

3 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
4 advanced practice nurses.

5 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
6 governing the practice of medicine in California and remain in full compliance with any court  
7 ordered criminal probation, payments, and other orders.

8 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
9 under penalty of perjury on forms provided by the Board, stating whether there has been  
10 compliance with all the conditions of probation.

11 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
12 of the preceding quarter.

13 11. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

15 Respondent shall comply with the Board's probation unit.

16 Address Changes

17 Respondent shall, at all times, keep the Board informed of Respondent's business and  
18 residence addresses, email address (if available), and telephone number. Changes of such  
19 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
20 circumstances shall a post office box serve as an address of record, except as allowed by Business  
21 and Professions Code section 2021(b).

22 Place of Practice

23 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
24 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
25 facility.

26 License Renewal

27 Respondent shall maintain a current and renewed California physician's and surgeon's  
28 license.



1           Travel or Residence Outside California

2           Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
4 (30) calendar days.

5           In the event Respondent should leave the State of California to reside or to practice  
6 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
7 departure and return.

8           12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
9 available in person upon request for interviews either at Respondent's place of business or at the  
10 probation unit office, with or without prior notice throughout the term of probation.

11           13: NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
14 defined as any period of time Respondent is not practicing medicine as defined in Business and  
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
17 Respondent resides in California and is considered to be in non-practice, Respondent shall  
18 comply with all terms and conditions of probation. All time spent in an intensive training  
19 program which has been approved by the Board or its designee shall not be considered non-  
20 practice and does not relieve Respondent from complying with all the terms and conditions of  
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
22 on probation with the medical licensing authority of that state or jurisdiction shall not be  
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
24 period of non-practice.

25           In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
26 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

1 Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

2 Respondent’s period of non-practice while on probation shall not exceed two (2) years.

3 Periods of non-practice will not apply to the reduction of the probationary term.

4 Periods of non-practice for a Respondent residing outside of California will relieve  
5 Respondent of the responsibility to comply with the probationary terms and conditions with the  
6 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
7 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
8 Controlled Substances; and Biological Fluid Testing..

9 14. COMPLETION OF PROBATION. Respondent shall comply with all financial  
10 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
11 completion of probation. Upon successful completion of probation, Respondent’s certificate shall  
12 be fully restored.

13 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
14 of probation is a violation of probation. If Respondent violates probation in any respect, the  
15 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
16 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
17 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
18 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
19 the matter is final.

20 16. LICENSE SURRENDER. Following the effective date of this Decision, if  
21 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
22 the terms and conditions of probation, Respondent may request to surrender his or her license.  
23 The Board reserves the right to evaluate Respondent’s request and to exercise its discretion in  
24 determining whether or not to grant the request, or to take any other action deemed appropriate  
25 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
26 shall within 15 calendar days deliver Respondent’s wallet and wall certificate to the Board or its  
27 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
28 to the terms and conditions of probation. If Respondent re-applies for a medical license, the

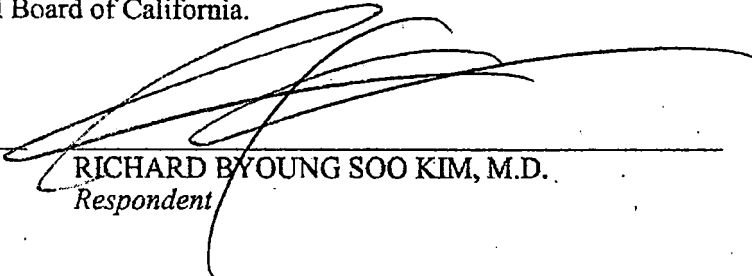
1 application shall be treated as a petition for reinstatement of a revoked certificate.

2 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
3 with probation monitoring each and every year of probation, as designated by the Board, which  
4 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
5 California and delivered to the Board or its designee no later than January 31 of each calendar  
6 year.

7 ACCEPTANCE

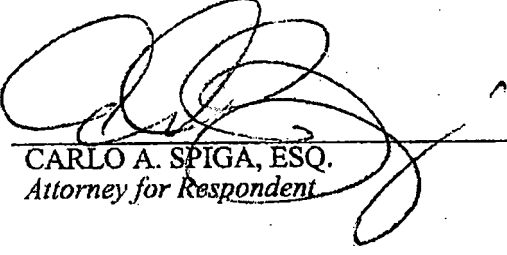
8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, Carlo A. Spiga, Esq. I understand the stipulation and the effect it  
10 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
11 Disciplinary Order freely, voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Medical Board of California.

13  
14 DATED: 9/17/19

  
15 RICHARD BYOUNG SOO KIM, M.D.  
16 Respondent  
17

18 I have read and fully discussed with Respondent Richard Byoung Soo Kim, M.D. the terms  
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
20 Order. I approve its form and content.

21  
22 DATED: 9/13/19

  
23 CARLO A. SPIGA, ESQ.  
24 Attorney for Respondent  
25

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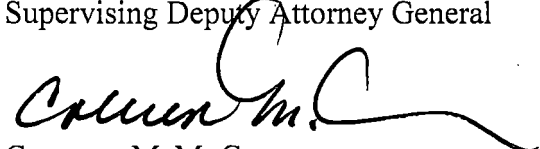
**ENDORSEMENT**

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

DATED: 9/18/19

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General



COLLEEN M. MCGURRIN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2014-009258**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 State Bar No. 155307  
California Department of Justice  
4 300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 269-6453  
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6 E-mail: Judith.Alvarado@doj.ca.gov  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO December 11, 2018  
BY: [Signature] ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2014-009258

12 Richard Byoung Soo Kim, M.D.  
13 3395 Michelson Drive, #2412  
14 Irvine, California 92612

ACCUSATION

15 Physician's and Surgeon's Certificate  
No. A 107769,

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about May 15, 2009, the Board issued Physician's and Surgeon's Certificate  
24 Number A 107769 to Richard Byoung Soo Kim, M.D. (Respondent). That license was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
26 2019, unless renewed.

27 ///

28 ///



1           6.     Section 2234 of the Code states:

2           “The board shall take action against any licensee who is charged with unprofessional  
3 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
4 limited to, the following:

5           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
6 violation of, or conspiring to violate any provision of this chapter.

7           “...”

8           7.     Section 2236 of the Code states:

9           “(a) The conviction of any offense substantially related to the qualifications, functions, or  
10 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
11 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive  
12 evidence only of the fact that the conviction occurred.

13           “(b) The district attorney, city attorney, or other prosecuting agency shall notify the  
14 Division of Medical Quality<sup>1</sup> of the pendency of an action against a licensee charging a felony or  
15 misdemeanor immediately upon obtaining information that the defendant is a licensee. The  
16 notice shall identify the licensee and describe the crimes charged and the facts alleged. The  
17 prosecuting agency shall also notify the clerk of the court in which the action is pending that the  
18 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds  
19 a license as a physician and surgeon.

20           “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
21 after the conviction, transmit a certified copy of the record of conviction to the board. The  
22 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
23 the degree of discipline or to determine if the conviction is of an offense substantially related to  
24 the qualifications, functions, or duties of a physician and surgeon.

25           ///

26           <sup>1</sup> California Business and Professions Code Section 2002, as amended and effective January 1,  
27 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical  
28 Practice Act (Cal. Bus. & Prof. Code §§§§ 2000, et seq.) means the “Medical Board of California” and  
references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other  
provision of law shall be deemed to refer to the Board.



1           “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to  
2 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
3 shall be conclusive evidence of the fact that the conviction occurred.”

4           8.     Section 490 of the Code states:

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

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

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

19           “(d) The Legislature hereby finds and declares that the application of this section has been  
20 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th  
21 554, and that the holding in that case has placed a significant number of statutes and regulations  
22 in question, resulting in potential harm to the consumers of California from licensees who have  
23 been convicted of crimes. Therefore, the Legislature finds and declares that this section  
24 establishes an independent basis for a board to impose discipline upon a licensee, and that the  
25 amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change  
26 to, but rather are declaratory of, existing law.”

27     ///

28     ///



1 422, subdivision (a) of the Penal Code, a felony. Count Two charged the Respondent with  
2 willfully and unlawfully discharging a firearm in a grossly negligent manner, which could result  
3 in injury and death to a person, as set forth in Count Two, in violation of Section 246.3,  
4 subdivision (a) of the Penal Code, a felony. The circumstances related to the filing of these  
5 criminal charges against Respondent are as follows:

6 A. On or about October 19, 2014, law enforcement officers with the Los Angeles Police  
7 Department (LAPD) were contacted by the Respondent's wife, S.K.,<sup>3</sup> who reported that  
8 Respondent had fired a shotgun at a tree in their front yard earlier that morning. S.K. requested  
9 that LAPD officers be dispatched to her residence in order to confiscate and recover the shotgun  
10 that Respondent had used that morning. S.K. indicated that the Respondent's shotgun was placed  
11 under her nanny's bed inside of her residence, and that Respondent was asleep at their home.  
12 Moreover, S.K. reported that she had been receiving threats to her life from Respondent because  
13 he believed that S.K. was cheating on him. During her interview with LAPD officers, S.K.  
14 disclosed that she had been married to Respondent for approximately eight years and that they  
15 had two children together. S.K. reported that Respondent had become increasingly insecure  
16 lately and that he had started to accuse S.K. of having an extramarital affair.

17 B. According to S.K., she decided to spend the night at the home of a male friend, S.F.,  
18 on or about October 17, 2014. The following morning, Respondent exchanged text messages  
19 with S.K. in which he had threatened to beat up S.F. Although S.K. tried to calm him down,  
20 Respondent indicated that he would strangle S.F. and threatened to destroy S.K.'s property.  
21 Based upon these threatening text messages, S.K. decided not to return home because she was  
22 fearful of Respondent. S.K. decided to stay another evening with S.F. On or about October 19,  
23 2014, Respondent communicated to S.K. that he intended to murder S.F. with his shotgun. Later  
24 that morning, Respondent texted S.K. that he had fired his shotgun at a tree in their front yard.  
25 S.K. worried that Respondent would kill her and S.F. and she reported the matter to LAPD.

26 C. Before going to the LAPD station to file a report, S.K. had also received an alarming  
27 text message from her nanny on October 19, 2014. The nanny also told S.K. that Respondent had

28 <sup>3</sup> The Respondent's wife is referred to by her initials in order to protect her privacy.

1 gone outside to the front yard and shot a tree with his shotgun. The nanny advised that  
2 Respondent had been drinking heavily the night before and that he had passed out on his bed.  
3 The nanny had taken the shotgun away from Respondent and hid it under her bed. The nanny  
4 then took the Respondent's two children to her family's residence in Bakersfield, California. She  
5 was fearful of what the Respondent might do next. S.K. relayed all of this information to the  
6 LAPD officers during her interview.

7 D. LAPD officers responded to the Respondent's residence based upon S.K.'s report.  
8 Respondent was contacted at the front door of the residence and immediately taken into custody.  
9 LAPD officers quickly observed numerous loose shotgun shells on the living room coffee table,  
10 as well as two spent shotgun shells on the floor of the Respondent's bedroom. The shotgun was  
11 located under the nanny's bed and seized by the LAPD officers. Lastly, the LAPD officers  
12 located two loaded 9 mm handgun magazines and three cases of 12 gauge shotgun ammunition.

13 E. While detained by the LAPD officers, Respondent spontaneously admitted to being  
14 responsible for the radio calls that were generated earlier that day concerning the gunshot at a tree  
15 in his front yard. Respondent explained that he did not hurt anyone, but rather threatened S.F.  
16 Respondent was subsequently transported to the jail.

17 F. LAPD officers also interviewed S.F. regarding the events that had transpired over the  
18 previous few days. S.F. provided copies of threatening text messages that he had received from  
19 Respondent. S.F. acknowledged that he was upset and afraid of Respondent's violent tone when  
20 reading the text messages. In fact, S.F. was visibly upset and shaken when interviewed by the  
21 LAPD officers. S.F. stated that he believed that Respondent would carry out his threats of  
22 violence.

23 12. On September 28, 2016, in the case entitled the *People of the State of California v.*  
24 *Richard Byoung Kim*, case number BA431297, in the Superior Court of California, County of Los  
25 Angeles, Respondent was found guilty of the crime of making criminal threats upon S.F. as  
26 outlined in Count One of the Felony Complaint, in violation of Section 422, subdivision (a) of the  
27 Penal Code, a felony, after the conclusion of a jury trial. Similarly, Respondent was found guilty  
28 of the crime of discharge of a firearm with gross negligence as outlined in Count Two of the

1 Felony Complaint, in violation of Section 246.3, subdivision (a) of the Penal Code, a felony, after  
2 the conclusion of a jury trial.

3 13. On January 3, 2017, in the case entitled the *People of the State of California v.*  
4 *Richard Byoung Kim*, case number BA431297, in the Superior Court of California, County of Los  
5 Angeles, Respondent was convicted and sentenced on Count One and Count Two in the Felony  
6 Complaint pursuant to the jury verdicts returned in September 2016. Respondent was placed on  
7 five years of formal probation with the following terms and conditions:

8 A. Cooperate with the probation officer in a plan for psychological counseling including  
9 dual diagnosis, as directed by the probation officer, for a period deemed appropriate by the  
10 probation officer.

11 B. Do not own, use, or possess any dangerous or deadly weapons including any firearms,  
12 knives, or other concealable weapons.

13 C. Not use force or violence on the victims or any witnesses in this case.

14 D. Do not harass, molest, annoy, or communicate with the victims or witnesses in this  
15 case and stay away from these persons, their residences, or places of employment.

16 E. Obey all laws and orders of the Superior Court.

17 F. Standard terms and conditions of felony probation.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of a Substantially Related Crime)**

20 14. By reason of the facts set forth in paragraphs 11 through 13 above, Respondent is  
21 subject to disciplinary action under Section 2236, subdivision (a), and Section 490 of the Code, as  
22 well as California Code of Regulations, title 16, Section 1360, in that Respondent has been  
23 convicted of a crime substantially related to the qualifications, function or duties of a physician  
24 and surgeon.

25 15. Respondent's acts and/or omissions as set forth in paragraphs 11 through 13 above,  
26 whether proven individually, jointly, or in any combination thereof, constitutes the conviction of  
27 a crime substantially related to the qualifications, function or duties of a physician and surgeon,

28 ///

1 pursuant to Section 2236, subdivision (a), and Section 490 of the Code, as well as California  
2 Code of Regulations, title 16, Section 1360.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 16. By reason of the facts set forth in paragraph 11 through 13 above, Respondent is  
6 subject to disciplinary action under Section 2234, subdivision (a) of the Code in that Respondent  
7 has been convicted of a crime substantially related to the qualifications, functions, or duties of a  
8 physician and surgeon.

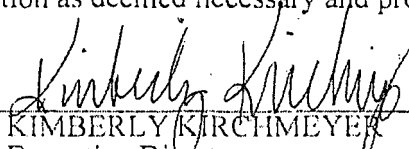
9 17. Respondent's acts and/or omissions as set forth in paragraphs 11 through 13 above,  
10 whether proven individually, jointly, or in any combination thereof, constitutes the conviction of  
11 a crime substantially related to the qualifications, functions, or duties of a physician and surgeon,  
12 pursuant to Section 2234, subdivision (a) of the Code.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing the Medical Board of California issue a decision:

- 16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 107769,  
17 issued to Richard Byoung Soo Kim, M.D.;
- 18 2. Revoking, suspending or denying approval of his authority to supervise physician  
19 assistants pursuant to Section 3527 of the Code, and advanced practice nurses;
- 20 3. If placed on probation, ordering Richard Byoung Soo Kim, M.D. to pay the Board the  
21 costs of probation monitoring; and
- 22 4. Taking such other and further action as deemed necessary and proper.

23 DATED:  
24 December 11, 2018

  
25 KIMBERLY KIRCHMEYER  
26 Executive Director  
27 Medical Board of California  
28 Department of Consumer Affairs  
State of California  
Complainant

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