



September 10, 2025

NOTICE OF CITATION

Az & Link Enterprises Pte Ltd
C/O: Misaki Cosmetics
4001 Ang Mo Kio Industrial Park 1 #01-11
Singapore 569622
Singapore

Re: Case No. 420 2025 000142

Dear Misaki Cosmetics:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Section (§) 1399.278. On the website, Misakicon.com, you are advertised as Misaki Cosmetics. Through the website, customers have the ability to purchase prescription contact lenses and have them dispensed to addresses located in the state of California. Dispensing contact lenses to California residents without a Nonresident Ophthalmic Lens Dispenser Registration issued by the California State Board of Optometry constitutes violation of Business and Professions Code (BPC) §§ 2543, 2555.5(p), 2555.5(u), 2564.71(a), 2564.74(a), and 3042.

CCR §1399.278 authorizes the Executive Officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which registration as an optician is required under Chapters 5.4 and 5.5 of Division 2 of the Business and Professions Code. Where appropriate, the citation may contain an order of abatement fixing a reasonable time for abatement of the violation. The sanctions authorized under this section shall be separate from and in addition to any civil or criminal remedies.

Enclosed is a copy of a Citation issued by the Executive Officer of the Board, which is hereby served upon you. All orders of abatement and assessments of administrative fines are to be complied with in accordance with the time specified in the Citation.

You have a right, by law, to request either an informal conference before the Executive Officer or a formal administrative hearing before an administrative law judge or both, to contest the findings of a violation. A request for an informal conference must be made within 10 days of service of this Citation. A request for a formal administrative hearing must be made within 30 days of the issuance of the Citation. You may be, but do not

need not be, represented by legal counsel. If you wish to be represented by legal counsel, you are advised to contact your attorney immediately so that you may be properly represented in all proceedings. The Citation will be deemed a final order 30 days after the date of issuance unless appealed.

If you request a formal administrative hearing, your request will be referred to the Office of the Attorney General and a Deputy Attorney General will be assigned to the case. You will then be scheduled for a hearing, which may take up to six months to one year depending on the hearing calendar. The hearing will be held pursuant to Chapter 5 (commencing with § 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The Board may, by majority vote, adopt, reduce or revise the administrative law judge's proposed decision.

If you request an informal conference, a conference will be held by phone to review the acts charged in the Citation and your efforts toward full compliance. The informal conference is a more expeditious process and will be scheduled within 30 days from receipt of your request. At the conclusion of the conference, the Executive Officer may affirm, modify or dismiss the Citation, including any fine levied or order of abatement. A copy of the Executive Officer's findings and decision will be sent to you. Unless an administrative hearing was requested within thirty days of the citation being issued, a decision to affirm the citation following the informal conference will be final.

Enclosed are the forms for your use to request an informal conference and/or a formal administrative hearing. If you do not return the enclosed form(s) within the times specified above, you waive the right to contest this Citation. If you do not appeal the Citation within the specified time, the Citation shall be deemed a final order of the Board and shall not be subject to further administrative review. If you have any questions or need further clarification, please submit all inquiries in writing.

Sincerely,

- Signature on File -

Gregory Pruden
Executive Officer

Enclosures



Name: Misaki Cosmetics
Date Issued: September 10, 2025
Complaint #: 420 2025 000142

CITATION

Findings of Fact

I

Section (§) 1399.278 of Title 16, California Code of Regulations (CCR) authorizes the Executive Officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which registration as an optician is required under Chapters 5.4 and 5.5 of Division 2 of the Code. Each citation issued shall contain an order of abatement. Where appropriate the chief of licensing shall levy a fine for such unlicensed activity in accordance with subdivision (b) (3) of §125.9 of the code. The provisions of §§ 1399.275 and 1399.277 shall apply to the issuance of citations for unlicensed activity under this subsection. The sanctions authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

II

BPC § 2555.5 defines the action the Board may take against or impose upon a registrant or an unregistered optician who is guilty of unprofessional conduct. Pursuant to subsection (p) of BPC § 2555.5, it is unprofessional conduct to perform the functions of a Nonresident Ophthalmic Lens Dispenser (NOLD) without a valid, unrevoked, and unexpired registration.

III

The Board's records reflect that on October 22, 2024, November 26, 2024, and March 27, 2025, Misaki Cosmetics, was sent notification via United States Postal Mail and electronic mail to cease and desist selling prescription and nonprescription contact lenses to customers in the state of California without first applying for and obtaining a NOLD Registration from the Board. In addition, to legally dispense contact lenses in California, a prescription is required, even for plano lenses. Misaki Cosmetics does not require customers to provide a prescription when purchasing contact lenses.

IV

As of September 10, 2025, the Board has not received a response nor a NOLD application for Misaki Cosmetics. By failing to obtain a NOLD registration from the Board and continue to operate Misakicon.com, Misaki Cosmetics is misrepresenting the registration status of Misaki Cosmetics.

Determination of Issues

Cause of Action

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Violations exist pursuant to CCR § 1399.278 and BPC §§:

- 2543(a) – Except as provided in the Nonresident Ophthalmic Lens Dispenser Registration Act (Article 2.5 (commencing with Section 2564.70)), the right to dispense, sell, or furnish prescription ophthalmic devices at retail or to the person named in a prescription is limited exclusively to licensed physicians and surgeons, licensed optometrists, and registered dispensing opticians as provided in this division. This section shall not be construed to affect licensing requirements pursuant to Section 111615 of the Health and Safety Code.
- (b) It shall be considered a deceptive marketing practice for:
 - (1) Any physician and surgeon, optometrist, or registered dispensing optician to publish or cause to be published any advertisement or sales presentation relating to contact lenses that represents that contact lenses may be obtained without confirmation of a valid prescription.
 - (2) Any individual or entity who offers for sale plano contact lenses, as defined in subdivision (c) of Section 2541, to represent by any means that those lenses may be lawfully obtained without an eye examination or confirmation of a valid prescription, or may be dispensed or furnished to a purchaser without complying with the requirements of Section 2562, except as provided in Article 2.5 (commencing with Section 2564.70).
- 2555.5(p) - The practice of functions defined in this chapter without a valid, unrevoked, unexpired registration.
- 2555.5(u) – Dispensing ophthalmic lenses without a current prescription.
- 2564.71(a) - A person located outside California shall not ship, mail, furnish, or deliver in any manner, ophthalmic lenses at retail to a patient at a California address unless the person is registered with the California State Board of Optometry.
- 2564.74(a) - Application for registration as a nonresident ophthalmic lens dispenser shall be made on forms prescribed by the board, accompanied by the fee prescribed by this article, and shall bear the signature of the individual, or individuals if a copartnership, or the president or secretary if a corporation, and shall contain the name or fictitious or assumed name, if applicable, under which the person proposes to do business, location of the business, registration number issued by the board, if applicable, and the designation of an agent for service of process in California.
- 3042 - ...It is unlawful for a person to dispense, replace, or duplicate an ophthalmic lens without a prescription or order from a licensed physician and surgeon or

optometrist.

A cause for action thereby exists.

Penalty

In compliance with BPC § 125.9, and CCR § 1399.278, it is determined that:

I

Unless submitting a timely request for a conference (10 days) or hearing (30 days), within the specified timeframe from the issuance of this citation, you are required to pay an administrative fine in the amount of **\$4,000.00** pursuant to CCR § 1399.278 and **\$1,000.00** for violation of BPC § 2543. The total payment of **\$5,000.00** is due by **October 10, 2025.**

Order of Abatement

The Board hereby orders you to comply with all statutes and regulations governing the practice of Opticianry.

Cease and desist violation of BPC §§ 2543, 2555.5(p), 2555.5(u), 2564.71(a), 2564.74(a), and 3042 until you are issued a Nonresident Ophthalmic Lens Dispenser registration from the California State Board of Optometry. To apply for a license, please access this website: www.breeze.ca.gov.

Proof of compliance must be submitted to the Board's Enforcement Unit at CSBOEnforcement@dca.ca.gov by **October 10, 2025.**