



1           3.     On or about September 18, 2019, Myra Becerra certified under penalty of perjury to  
2 the truthfulness of all statements, answers, and representations in the application. The Board  
3 denied the application on April 9, 2020. On or about April 13, 2020, Respondent appealed the  
4 Board's denial of her application and requested a hearing.

5           4.     On or about March 3, 2021, an employee of the Department of Justice served  
6 Respondent by Certified and First Class Mail a copy of Statement of Issues No. 420 2020  
7 000172, Statement to Respondent, Notice of Defense, and Request for Discovery at Respondent's  
8 address on the application form, which was and is 11210 Howard Street Whittier, CA 90606. A  
9 copy of the Statement of Issues is attached as exhibit A, and is incorporated herein by reference.

10          5.     Service of the Statement of Issues was effective as a matter of law under the  
11 provisions of Government Code section 11505, subdivision (c).

12          6.     On or about July 11, 2021, Respondent withdrew her request for a hearing. The  
13 withdrawal of request for a hearing is attached as exhibit B.

14          7.     Government Code section 11506, subdivision (c), states, in pertinent part:

15                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
16 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
17 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
18 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
19 discretion may nevertheless grant a hearing.

20          8.     California Government Code section 11520, subdivision (a), states, in pertinent part:

21                   (a) If the respondent either fails to file a notice of defense . . . or to appear at  
22 the hearing, the agency may take action based upon the respondent's express  
23 admissions or upon other evidence and affidavits may be used as evidence without  
24 any notice to respondent . . . .

25          9.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing based upon the  
27 allegation set forth in the Statement of Issues and Respondent's failure to establish entitlement to  
28 issuance of a registration.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Myra Becerra has subjected her  
3 application for registration as a Registered Spectacle Lens Dispenser to denial.

4 2. Service of Statement of Issues No. 420 2020 000172 and related documents was  
5 proper and in accordance with the law.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The California State Board of Optometry is authorized to deny Respondent's  
8 application for registration based upon the following violations alleged in the Statement of Issues:

9 a. Conviction of a substantially related crime, to wit, one misdemeanor count of  
10 identity theft. (Bus. & Prof. Code, § 480, subd. (a)(1).)

11 b. Conviction of a substantially related crime, to wit, one misdemeanor count of  
12 petty theft. (Bus. & Prof. Code, § 480, subd. (a)(1).)

13 c. Acts warranting denial of registration. (Bus. & Prof. Code, § 480, subd. (a).)

14 **ORDER**

15 IT IS SO ORDERED that the application of Respondent Myra Becerra is hereby denied.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
17 written motion requesting that the Decision be vacated and stating the grounds relied on within  
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on \_\_\_\_\_

21 It is so ORDERED \_\_\_\_\_

22 \_\_\_\_\_  
23 FOR THE CALIFORNIA STATE BOARD OF  
24 OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS

25 DOJ docket number: LA2020602528  
26 64410689.DOCX

27 Attachments:  
28 Exhibit A: Statement of Issues No. 420 2020 000172  
Exhibit B: Withdrawal of Request for Hearing

Exhibit A

Statement of Issues No. 420 2020 000172

1 XAVIER BECERRA  
Attorney General of California  
2 CARL W. SONNE  
Senior Assistant Attorney General  
3 SHAWN P. COOK  
Supervising Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6291  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*

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

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

Case No. 420 2020 000172

**STATEMENT OF ISSUES**

13 **MYRA BECERRA**

14 **Registered Spectacle Lens Dispenser**  
15 **Applicant**

Respondent.

16  
17 **PARTIES**

18 1. Shara Murphy (Complainant) brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the Board of Optometry, Department of Consumer Affairs.

20 2. On or about September 18, 2019, the California State Board of Optometry (Board)  
21 received an application for a Registered Spectacle Lens Dispenser from Myra Becerra  
22 (Respondent). On or about September 18, 2019, Respondent certified under penalty of perjury to  
23 the truthfulness of all statements, answers, and representations in the application. The Board  
24 denied the application on April 9, 2020.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code (Code) unless  
4 otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 475 of the Code states:

7 (a) Notwithstanding any other provisions of this code, the provisions of this division  
8 shall govern the denial of licenses on the grounds of:

9 (1) Knowingly making a false statement of material fact, or knowingly omitting to  
10 state a material fact, in an application for a license.

11 (2) Conviction of a crime.

12 (3) Commission of any act involving dishonesty, fraud or deceit with the intent to  
13 substantially benefit himself or another, or substantially injure another.

14 (4) Commission of any act which, if done by a licensee of the business or profession  
15 in question, would be grounds for suspension or revocation of license.

16 (b) Notwithstanding any other provisions of this code, the provisions of this division  
17 shall govern the suspension and revocation of licenses on grounds specified in paragraphs  
18 (1) and (2) of subdivision (a).

19 (c) A license shall not be denied, suspended, or revoked on the grounds of a lack of  
20 good moral character or any similar ground relating to an applicant's character, reputation,  
21 personality, or habits.

22 5. Section 480 of the Code states, in pertinent part:

23 (a) Notwithstanding any other provision of this code, a board may deny a  
24 license regulated by this code on the grounds that the applicant has been convicted of  
25 a crime or has been subject to formal discipline only if either of the following  
26 conditions are met:

27 (1) The applicant has been convicted of a crime within the preceding seven  
28 years from the date of application that is substantially related to the qualifications,  
functions, or duties of the business or profession for which the application is made,  
regardless of whether the applicant was incarcerated for that crime, or the applicant  
has been convicted of a crime that is substantially related to the qualifications,  
functions, or duties of the business or profession for which the application is made  
and for which the applicant is presently incarcerated or for which the applicant was  
released from incarceration within the preceding seven years from the date of  
application. However, the preceding seven-year limitation shall not apply in either of  
the following situations:

1 (A) The applicant was convicted of a serious felony, as defined in Section  
2 1192.7 of the Penal Code or a crime for which registration is required pursuant to  
3 paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

4 (B) The applicant was convicted of a financial crime currently classified as a  
5 felony that is directly and adversely related to the fiduciary qualifications, functions,  
6 or duties of the business or profession for which the application is made, pursuant to  
7 regulations adopted by the board, and for which the applicant is seeking licensure  
8 under any of the following:

9 (i) Chapter 6 (commencing with Section 6500) of Division 3.

10 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

11 (iii) Chapter 11.3 (commencing with Section 7512) of Division 3.

12 (iv) Licensure as a funeral director or cemetery manager under Chapter 12  
13 (commencing with Section 7600) of Division 3.

14 (v) Division 4 (commencing with Section 10000).

15 (2) The applicant has been subjected to formal discipline by a licensing board in  
16 or outside California within the preceding seven years from the date of application  
17 based on professional misconduct that would have been cause for discipline before  
18 the board for which the present application is made and that is substantially related to  
19 the qualifications, functions, or duties of the business or profession for which the  
20 present application is made. However, prior disciplinary action by a licensing board  
21 within the preceding seven years shall not be the basis for denial of a license if the  
22 basis for that disciplinary action was a conviction that has been dismissed pursuant to  
23 Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a  
24 comparable dismissal or expungement.

25 (b) Notwithstanding any other provision of this code, a person shall not be  
26 denied a license on the basis that the person has been convicted of a crime, or on the  
27 basis of acts underlying a conviction for a crime, if that person has obtained a  
28 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of  
Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state  
or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be  
denied a license on the basis of any conviction, or on the basis of the acts underlying  
the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41,  
1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement.  
An applicant who has a conviction that has been dismissed pursuant to Section  
1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the  
dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a  
license on the basis of an arrest that resulted in a disposition other than a conviction,  
including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

6. Section 490 of the Code states, in pertinent part:

(a) In addition to any other action that a board is permitted to take against a  
licensee, a board may suspend or revoke a license on the ground that the licensee has

1 been convicted of a crime, if the crime is substantially related to the qualifications,  
2 functions, or duties of the business or profession for which the license was issued.

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

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

15 7. Section 493 of the Code states:

16 (a) Notwithstanding any other law, in a proceeding conducted by a board within  
17 the department pursuant to law to deny an application for a license or to suspend or  
18 revoke a license or otherwise take disciplinary action against a person who holds a  
19 license, upon the ground that the applicant or the licensee has been convicted of a  
20 crime substantially related to the qualifications, functions, and duties of the licensee  
21 in question, the record of conviction of the crime shall be conclusive evidence of the  
22 fact that the conviction occurred, but only of that fact.

23 (b) (1) Criteria for determining whether a crime is substantially related to the  
24 qualifications, functions, or duties of the business or profession the board regulates  
25 shall include all of the following:

26 (A) The nature and gravity of the offense.

27 (B) The number of years elapsed since the date of the offense.

28 (C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of  
conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit,"  
"authority," and "registration."

8. Section 2559.2, subdivision (b) states:

The board may deny registration where there are grounds for denial under the provisions of  
Division 1.5 (commencing with Section 475).

### REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1399.270 states, in pertinent part:

For the purpose of denial, suspension, or revocation of the registration of a dispensing  
optician pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall



1 be considered substantially related to the qualifications, functions, and duties of a dispensing  
2 optician if to a substantial degree it evidences present or potential unfitness of a dispensing  
3 optician to perform the functions authorized by his registration in a manner consistent with the  
4 public health, safety, or welfare.

5 10. California Code of Regulations, title 16, section 1399.271 states:

6 When considering the denial of a registration under Section 480 of the code, or a petition  
7 for reinstatement under Section 11522 of the code, the division in evaluating the rehabilitation of  
8 the applicant and his or her present eligibility for registration, shall consider the following  
9 criteria:

10 (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for  
11 denial.

12 (b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under  
13 consideration as grounds for denial which also could be considered as grounds for denial under  
14 Section 480 of the Business and Professions Code.

15 (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in  
16 subdivision (a) or (b).

17 (d) In the case of a denial or revocation based upon the conviction of a crime, the criteria set forth  
18 in Section 1399.272.

19 (e) Evidence, if any, of rehabilitation submitted by the applicant.

20 **FIRST CAUSE FOR DENIAL OF APPLICATION**

21 **(October 26, 2016 Criminal Conviction – Identity Theft on**

22 **March 29, 2016)**

23 11. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
24 that Respondent was convicted of a crime substantially related to the qualifications, functions, or  
25 duties of a dispensing optician. Specifically, on October 26, 2016, Respondent was convicted of  
26 violating one misdemeanor count of Penal Code section 530.5, subdivision (a) [identity theft] in  
27 the criminal proceeding entitled *The People of the State of California v. Myra Lorraine Becerra*  
28 (Super. Ct. L.A. County, 2016, No. 6BL07369). The court placed Respondent on 36 months of

1 probation, ordered her to pay fines and restitution, with terms and conditions. The circumstances  
2 surrounding the conviction are that on or about March 29, 2016, Respondent willfully and  
3 unlawfully obtained personal identifying information of M.G. and used that information for an  
4 unlawful purpose and to obtain, an attempt obtain credit, goods, services, real property, and  
5 medical information without the consent of M.G.

6 **SECOND CAUSE FOR DENIAL OF APPLICATION**

7 **(May 15, 2013 Criminal Conviction – Petty Theft on**  
8 **February 12, 2013)**

9 12. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
10 that Respondent was convicted of a crime substantially related to the qualifications, functions, or  
11 duties of a dispensing optician. Specifically, on May 15, 2013, Respondent was convicted of  
12 violating one misdemeanor count of Penal Code section 484, subdivision (a) [petty theft] in the  
13 criminal proceeding entitled *The People of the State of California v. Myra Lorraine Becerra*  
14 (Super. Ct. L.A. County, 2013, No. 3JB02709). The court sentenced Respondent to serve 1 day  
15 in jail and placed on 3 years of probation, with terms and conditions. The circumstances  
16 surrounding the conviction are that on or about February 12, 2013, Respondent unlawfully stole,  
17 took, and carried away the personal property of another, to wit: FRY'S.

18 **THIRD CAUSE FOR DENIAL OF APPLICATION**

19 **(Acts Warranting Denial of Licensure)**

20 13. Respondent's application is subject to denial under section 480, subdivision (a), in  
21 that Respondent committed acts which if done by a licentiate would be grounds for suspension or  
22 revocation of her license, as follows:

23 a. Respondent was convicted of a crime substantially related to the qualifications,  
24 functions, or duties of a dispensing optician which to a substantial degree evidences her present or  
25 potential unfitness to perform the functions authorized by her license in a manner consistent with  
26 the public health, safety, or welfare, in violation of section 490, in conjunction with California  
27 Code of Regulations, title 16, section 1399.270. Complainant, refers to, and by this reference

28 ///

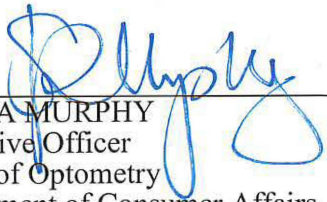
1 incorporates, the allegations set forth above in paragraphs 10 and 11, inclusive, as though set  
2 forth fully.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the California State Board of Optometry issue a decision:

- 6 1. Denying the application of Myra Becerra for a Registered Spectacle Lens Dispenser;  
7 and  
8 2. Taking such other and further action as deemed necessary and proper.

9  
10 DATED: 26 FEB 2021

11   
12 \_\_\_\_\_  
13 SHARA MURPHY  
14 Executive Officer  
15 Board of Optometry  
16 Department of Consumer Affairs  
17 State of California  
18 *Complainant*

19  
20  
21  
22  
23  
24 LA2020602528  
25 63730464.docx  
26 Jz(2/24/21)

Exhibit B

Respondent's Withdrawal of Request for a Hearing

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

In the Matter of the Statement of Issues  
Against:

**MYRA BECERRA**

Respondent.

Case No. 420 2020 000172

**RESPONDENT / APPLICANT'S NOTICE  
OF WITHDRAWAL OF REQUEST FOR  
HEARING**

In accordance with California Code of Regulation, title 1, section 1014(c), a party withdrawing a request for hearing, shall immediately notify the Office of Administrative Hearings and all parties. I understand that a hearing will be held upon the charges made in the Statement of Issues unless I notify the California State Board of Optometry that I do not want the hearing previously requested on the denial of my Registered Spectacle Lens Dispenser application.

IF YOU WISH TO WITHDRAW YOUR NOTICE OF DEFENSE OR REQUEST FOR A HEARING, PLEASE DO SO BY DATING AND SIGNING BELOW AND DELIVERING OR MAILING THIS FORM TO:

**Shawn P. Cook  
Supervising Deputy Attorney General  
Ronald Reagan Building  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013**

TO THE REGISTERED DISPENSING OPTICIAN PROGRAM:

I, the undersigned Respondent in this proceeding, hereby acknowledge receipt of a copy of the Statement of Issues; the Statement to Respondent; Respondent/Applicant's Notice of Designation of Counsel (2 copies); Respondent/Applicant's Notice of Withdrawal of Request for Hearing (2 copies); Request for Discovery; and Discovery Statutes.

I withdraw my Notice of Defense.

7/6/2021

Date



Signature

ROBERT M BEGGS, ESQ. ATTORNEY FOR MYRA BECERRA  
Print Name

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

In the Matter of the Statement of Issues  
Against:

**MYRA BECERRA**

Respondent.

Case No. 420 2020 000172

**RESPONDENT / APPLICANT'S NOTICE  
OF WITHDRAWAL OF REQUEST FOR  
HEARING**

In accordance with California Code of Regulation, title 1, section 1014(c), a party withdrawing a request for hearing, shall immediately notify the Office of Administrative Hearings and all parties. I understand that a hearing will be held upon the charges made in the Statement of Issues unless I notify the California State Board of Optometry that I do not want the hearing previously requested on the denial of my Registered Spectacle Lens Dispenser application.

**IF YOU WISH TO WITHDRAW YOUR NOTICE OF DEFENSE OR REQUEST FOR A HEARING, PLEASE DO SO BY DATING AND SIGNING BELOW AND DELIVERING OR MAILING THIS FORM TO:**

**Shawn P. Cook  
Supervising Deputy Attorney General  
Ronald Reagan Building  
300 South Spring Street, Suite 1702  
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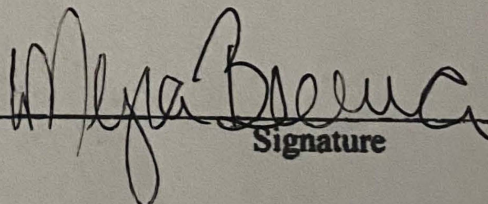
**TO THE REGISTERED DISPENSING OPTICIAN PROGRAM:**

I, the undersigned Respondent in this proceeding, hereby acknowledge receipt of a copy of the Statement of Issues; the Statement to Respondent; Respondent/Applicant's Notice of Designation of Counsel (2 copies); Respondent/Applicant's Notice of Withdrawal of Request for Hearing (2 copies); Request for Discovery; and Discovery Statutes.

I withdraw my Notice of Defense.

7/6/2021

Date



Signature

MYRA BECERRA

Print Name