



August 15, 2023

## NOTICE OF CITATION

Sarkis Chaljian  
West Bev Vision  
237 N. Western Avenue  
Los Angeles, CA 90004

Re: Case No. 420 2023 000028

Dear Sarkis Chaljian:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Section 1576 and 1577. The practice of Optometry without a Board issued license is a violation of Business and Professions Code Sections 2540, 3040(a), 3110(a), and 3110(s).

Section 1576 of the California Code (Code) of Regulations authorizes the Executive Officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and/or administrative fines pursuant to Business and Professions Code (BPC) section 125.9 against an optometrist who has committed any acts or omissions which are in violation of the provisions of law. 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 appeal must be made within 30 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 to 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 Section 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 60 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 a decision will be sent to you. Unless an administrative hearing was requested in a timely manner, an informal conference decision, which affirms the Citation, 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,

A handwritten signature in cursive script that reads "Gregory Pruden".

Gregory Pruden  
Executive Officer

Enclosures



Name: Sarkis Chaljian  
Date Issued: August 15, 2023  
Complaint #: 420 2023 000028

## CITATION

### Findings of Fact

I

Section 1577 of Title 16, California Code of Regulations authorizes the Executive Officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and/or administrative fines pursuant to Business and Professions Code (B&P) section 125.9 for the unlicensed practice of optometry and for any acts or omissions which are in violation of the Optometry Licensure Act or any regulation adopted thereto.

II

The Board's records reflect that on December 3, 1987, Spectacle Lens Dispenser registration number (SLD) 357 was issued to Sarkis Chaljian.

On October 27, 2011, Sarkis Chaljian voluntarily surrendered SLD 357.

III

During an investigation conducted by the Board and the Division of Investigation, it was determined that on September 15, 2022, you performed an eye exam and provided the subsequent prescription to a Division of Investigation investigator. The prescription was written by you on the prescription pad of a licensed optometrist, and the licensed optometrist's name was fraudulently signed by you.

## Determination of Issues

### Cause of Action

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Violations exist pursuant to Business and Professions Code Sections:

- 2540 – No person other than a physician and surgeon or optometrist may measure the powers or range of human vision or determine the accommodative and

refractive status of the human eye or the scope of its functions in general or prescribe ophthalmic devices.

- 3040(a) – It is unlawful for a person to engage in the practice of optometry or to advertise or hold himself or herself out as an optometrist without a valid, unrevoked California optometrist license. The practice of optometry includes the performing or controlling of any acts set forth in Section 3041.
- 3110(a) – Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.
- 3110(s) – The practice of optometry without a valid, unrevoked, unexpired license.

A cause for action thereby exists.

### **Penalty**

In compliance with Business and Professions Code section 125.9 and California Code of Regulations section 1579, it is determined that:

I

Unless submitting a timely request for a conference or hearing, within 30 days of the issuance of this citation, you are required to pay an administrative fine in the amount of **\$2,500.00** for each violation of Business and Professions Code Sections 3040(a) and 3110(s). The total payment of **\$5,000.00** is due by **September 15, 2023.**

### **Order of Abatement**

The Board hereby orders you to comply with all statutes and regulations governing the practice of optometry. Further, you are ordered to cease and desist from violating Business and Professions Code sections 2540, 3040(a), 3110(a), and 3110(s).