



July 20, 2023

NOTICE OF CITATION

Mark L. Chernomordik aka Mark Chernomordikov
199 La Colina Drive
Alamo, CA 94403

Re: Case No. 420 2022 000055
Site for Sore Eyes

Dear Mark Chernomordik:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Section 1399.275. Procuring a registrant registration by fraud, misrepresentation, or mistake constitutes a violation of Business and Professions Code (B&P) Section 2555.5(i). The dispensing of prescriptions lenses and fitting and adjusting spectacle lenses without valid, unrevoked, an unexpired Registered Dispensing Optician registration and a Spectacle Lens Dispenser registration constitutes violations of B&P Section 2555.5(p). Holding yourself out as a “dispensing optician” or “registered dispensing optician” or using any other term or letters indicating or implying that you are registered and hold a certificate without having at the time of so doing a valid, unrevoked registration constitutes a violation of B&P Section 2556.5. Engaging in the business of filling prescriptions of licensed physicians and surgeons and of licensed optometrists while not having a registration issued by the Board constitutes violations of B&P Sections 2564.90 and 2564.91.

Section 1399.275 of the CCR authorizes the Board’s 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 a registrant 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 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: Mark Chernov aka Mark Chernomordikov
Date Issued: July 20, 2023
Complaint #: 420 2022 000055

CITATION

Findings of Fact

I

Sections 1399.275 and 1399.277 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 opticians who have committed any acts or omissions which are in violation of the Opticianry Practice Act or any Regulation adopted thereto.

II

B&P Section 2555.5 defines the action the Board may take against or impose upon an unregistered opticianry who is guilty of unprofessional conduct.

III

The Board's records reflect that Mark Chernov has not been issued nor holds valid Registered Ophthalmic Dispensing Business or Spectacle Lens Dispenser registrations to practice in California.

IV

During an investigation conducted by the Division of Investigation and the Board, it has been determined that, around October 2014 to around October 2021, you purchased and were the owner of Site for Sore Eyes located at 901 Sunvalley Blvd. Ste. 110, Concord, CA 94520. During the time you owned the practice, you continued renewing Registered Dispensing Ophthalmic Business registration (RDO) number 7056. RDO 7056 was owned by, Rabih Kantar. At no point in time did you obtain a registration with you listed as the owner, as required by California law.

As a result, you engaged in the business of filling prescriptions of physician and surgeons or optometrists without having a lawful registration, as required by California Law.

Further, you fit and adjusted spectacle lenses without having first obtained a Spectacle Lens Dispenser registration, as required by California law.

Determination of Issues

Cause of Action

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Violations exist pursuant to Business and Professions Code Sections:

- B&P 2543 - (a) Except as provided in the Nonresident Ophthalmic Lens Dispenser Registration Act ... 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.
- B&P 2555.5(i) - Procuring the registrant's registration by fraud, misrepresentation, or mistake.
- B&P 2555.5(p) - The practice of functions defined in this chapter without a valid, unrevoked, unexpired registration.
- B&P 2556.5 – Any person who holds himself out as a “dispensing optician” or “registered dispensing optician” or who uses any other term or letters indicating or implying that he is registered and holds a certificate under the terms of this law without having at the time of so doing a valid, unrevoked certificate, as provided in this chapter, is guilty of a misdemeanor.
- B&P 2559.1(a) - An individual shall not fit and adjust spectacle lenses unless that individual complies with the registration requirement of Section 2564.90, and unless either of the following applies:
 - (1) The individual is a duly registered spectacle lens dispenser as provided in Section 2559.2.
- B&P 2564.90 - Individuals, corporations, and firms engaged in the business of filling prescriptions of physicians and surgeons licensed by the Medical Board of California or the Osteopathic Medical Board of California, or optometrists licensed by the California State Board of Optometry for prescription lenses and kindred products shall be known as dispensing ophthalmic businesses and shall not engage in that business unless registered with the California State Board of Optometry.
- B&P 2564.91(a) - Individuals, corporations, and firms shall make application for registration and shall not engage in that business defined in Section 2564.90 before being issued a certificate of registration.

A cause for action thereby exists.

Penalty

In compliance with Business and Professions Code section 125.9 and California Code of Regulations section 1399.276, 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 total amount of **\$5,000.00** for violation of Business and Professions Code sections 2543(a) (**1,000.00**), 2555.5(i) (**\$500.00**), 2555.5(p) (**\$500.00**), 2556.5 (**\$500.00**), 2559(a)(1) (**\$500.00**), 2564.90 (**\$1,000.00**), and 2564.91(a) (**\$1,000.00**). The total payment of **\$5,000.00** is due by **August 21, 2023**.

Order of Abatement

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