



January 9, 2024

NOTICE OF CITATION

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

Re: Case No. 420 2022 000015

Dear Mr. Chernomordikov:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Section 1399.275 and 1399.276. Failure to maintain adequate and accurate records for three years after prescriptions were filled constitutes violation of Business and Professions Code (BPC) Sections 2555.5(a), (n), and CCR Section 1399.231.

Section 1399.275 of the CCR 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 BPC Section 125.9 against an optician 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 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, 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 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,



Gregory Pruden
Executive Officer

Enclosures



Name: Mark Chernov aka Mark Chernomordikov
Date Issued: January 9, 2024
Complaint #: 420 2022 000015

CITATION

Findings of Fact

I

Sections 1399.275 and 1399.276 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/or administrative fines pursuant to Business and Professions Code (BPC) 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

BPC Section 2555.5 defines the action the Board may take against or impose upon an optician 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 (RDO) or Spectacle Lens Dispenser registrations to practice in California. 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, but never obtained an RDO registration for the location.

IV

During an investigation conducted by the Board, it was revealed that you were the custodian of records for Site for Sore Eyes located at 901 Sunvalley Blvd., Suite 110, Concord, CA 94520.

On July 12, 2021, a customer, with the initials K.S., came into Site for Sore Eyes located at 901 Sunvalley Blvd., Suite 110, Concord, CA 94520 to fill a prescription and to purchase a pair of frames.

The Board requested K.S.'s records on June 29, 2023, and on August 31, 2023, and did not receive a response from you. On December 13, 2023, a Board representative spoke with you, and you stated that you did not have any records from your time owning Site for Sore Eyes located at 901 Sunvalley Blvd., Suite 110, Concord, CA 94520.

Determination of Issues

Cause of Action

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Violations exist pursuant to BPC Sections:

- BPC 2555.5 - (a) Violating, attempting to violate, conspiring to violate, or directly or indirectly assisting in or abetting the violation of any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.
- B&P 2555.5(n) - The failure to maintain adequate and accurate records relating to the provision of services to one's patients.

Violations exist pursuant to CCR Section:

- CCR 1399.231 - All written prescriptions or oral prescriptions which have been reduced to writing shall be retained for three years after the dates such prescriptions have been filed.

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:

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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 **\$1,000.00** for violation of CCR 1399.231. The total payment of **\$1,000.00** is due by **February 8, 2024**.

Order of Abatement

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