



February 18, 2025

NOTICE OF CITATION

Eye Manager
Sae "Minnie" Pak
6771 Beach Blvd. Ste. B
Buena Park, CA 90621

Re: Case No. 420 2025 000062

Dear Ms. Pak:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Sections 1399.275, 1399.278, and 1576. Practicing optometry without first obtaining valid Optometry License constitutes violation of Business and Professions Code (BPC) Sections 2540, 3040(a), and 3110(s). Practicing opticianry without first obtaining the appropriate registration(s) constitutes violations of BPC Sections 2543(a), 2555.5(p), and 2556.5. Fitting and adjusting spectacle lenses without first obtaining a Registered Spectacle Lens Dispenser registration constitutes violation of BPC Section 2559.1(a). Fitting and adjusting contact lenses without first obtaining a Registered Contact Lens Dispenser registration constitutes violation of BPC Section 2560. Dispensing prescription lenses without first obtaining a Registered Dispensing Ophthalmic Business registration constitutes violations of BPC Sections 2564.90, and 2564.91(a).

Section 1399.275 and 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 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 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 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. If a cited person wishes to contest an affirmed or modified citation, the person shall, within thirty (30) days of his or her notification, file, in writing, a request for an administrative hearing to the Executive Officer regarding the acts charged in the affirmed or modified citation.

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: Sae "Minnie" Pak
Eye Manager
Date Issued: February 18, 2025
Complaint #: 420 2025 000062

CITATION

Findings of Fact

I

Sections 1399.275, 1399.277, and 1576 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 and optometrists who have committed any acts or omissions which are in violation of the Opticianry Practice Act and Optometry Practice Act, or any Regulation adopted thereto.

II

B&P Section 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. BPC Section 3110 defines the action the Board may take against or impose upon a licensee or an unlicensed optometrist who is guilty of unprofessional conduct.

III

The Board's records reflect that Sae Pak, or "Minnie" Pak, has not been issued nor holds a valid Registered Spectacle Lens Dispenser certificate to practice in California.

The Board's records reflect that Eye Manager has not been issued nor holds a valid Registered Dispensing Ophthalmic Business certificate to practice in California.

The Board's records reflect that Sae Pak, or "Minnie" Pak, has not been issued nor holds a valid Optometry license to practice in California.

On August 15, 2024, the Board received a complaint alleging that an employee of Eye Manager, located at 6771 Beach Blvd B, Buena Park, CA 90621, was performing unlicensed refractions, and providing the public with prescription spectacle lenses.

IV

The Board sent an order to cease and desist all unlicensed practice to Sae “Minnie” Pak, Eye Manager, located at 6771 Beach Blvd B, Buena Park, CA 90621, on August 18, 2024, and on September 16, 2024. However, to date, no reply has been received by the Board.

Further, the Eye Manager Yelp page advertises the optometry and opticianry services: Eye exams, eyewear fitting, eye testing and diagnosis, and retinal imaging; with hours of operation, and lists a phone number at her office located at 6771 Beach Blvd., Ste. B, Buena Park, CA 90621.

Determination of Issues

Cause of Action

I

Violations exist pursuant to Business and Professions Code Sections:

- 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 - The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
 - (s) The practice of optometry without a valid, unrevoked, unexpired license.
- 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.”
- 2543(a) “... 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”
- 2555.5(p) “The practice of functions defined in this chapter without a valid, unrevoked, unexpired registration.”
- 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.”

- 2559.1(a) “An individual shall not fit and adjust spectacle lenses unless that individual complies with the registration requirements 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.”
- 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.”
- 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 1576 and 1399.276, 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 amounts of **\$1,500.00** for each violation of BPC Section 3040(a) and 3110(s), **\$1,100** for violation of BPC Section 2559.1, and **\$900.00** for violation of BPC Section 2543(a). The total payment of **\$5,000.00** is due by **March 20, 2025**

Order of Abatement

The Board hereby orders you to cease and desist all unlicensed optometry as defined by Business and Professions Code Section 3041 until you obtain an optometry license.

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

The Board hereby orders you to cease and desist all unregistered ophthalmic good dispensing until a Registered Dispensing Ophthalmic Business registration is approved and issued to you by the Board.

The Board hereby orders you to cease and desist all unregistered fitting and adjusting of spectacle lenses until a Registered Spectacle Lens Dispenser registration is approved and issued to you by the Board.

Additionally, pursuant to Business and Professions Code section 2552.2(a) “A citation

issued for an order of abatement in accordance with Sections 1399.275 and 1399.277 of Title 16 of the California Code of Regulations shall be posted on the front of the place of business of the dispensing optician. The citation shall remain posted until the violation has been corrected. The dispensing optician must also prominently post and make available its notice on any internet website it maintains that provides information about its services.”

A copy of the Notice of Citation and the Findings of Fact must be posted in a conspicuous location in the Eye Manager business and on the Eye Manager Yelp profile. Provide the Board with a picture of the posted notice by **March 20, 2025**.

Per Business and Professions Code Section 149, the Board hereby orders you to (1) Cease all unlawful advertising, and (2) Notify the telephone company furnishing services to you to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising. Provide the Board proof of compliance by **March 20, 2025**.

Proof of compliance must be submitted to the Board's Enforcement Unit at CSBOEnforcement@dca.ca.gov by **March 20, 2025**.