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

12 In the Matter of the Statement of Issues
Against:

13 **JOSEPH DANIEL LOPEZ**

14 **Contact Lens Dispenser Registration**
15 **Applicant**

16 **Spectacle Lens Dispenser Registration**
17 **Applicant**

18 Respondent.

Case No. 4202025000232

STATEMENT OF ISSUES

19
20 **PARTIES**

21 1. Gregory Pruden (Complainant) brings this Statement of Issues solely in his official
22 capacity as the Executive Officer of the California State Board of Optometry (Board),
23 Department of Consumer Affairs.

24 2. On or about December 16, 2024, the Board received applications for a Contact Lens
25 Dispenser Registration and Spectacle Lens Dispenser Registration from Joseph Daniel Lopez
26 (Respondent). On or about December 16, 2024, Joseph Daniel Lopez certified under penalty of
27 perjury to the truthfulness of all statements, answers, and representations in the applications. The
28 Board denied the applications on June 27, 2025.

JURISDICTION

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

4. Section 2555.5 of the Code states, in pertinent part:

The board may take action against any registrant who is charged with unprofessional conduct and may deny an application for a registration if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, all of the following:

...

(f) Any action or conduct that would have warranted the denial of a registration.

...

(k) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered dispensing optician, in which event the record of the conviction shall be conclusive evidence thereof.

...

5. Section 2559.2 of the Code states, in pertinent part:

(a) An individual shall apply for registration as a registered spectacle lens dispenser on forms prescribed by the board. The board shall register an individual as a registered spectacle lens dispenser upon satisfactory proof that the individual has passed the registry examination of the American Board of Opticianry or any successor agency to that board. In the event the board should determine, after hearing, that the registry examination is not appropriate to determine entry level competence as a spectacle lens dispenser or is not designed to measure specific job performance requirements, the board may thereafter prescribe or administer a written examination that meets those specifications. If an applicant for renewal has not engaged in the full-time or substantial part-time practice of fitting and adjusting spectacle lenses but has maintained their American Board of Opticianry and National Contact Lens Examiners registration or practiced within another state within the last three years then the board may require the applicant to take and pass the examination referred to in this section as a condition of registration. Any examination prescribed or administered by the board shall be given at least twice each year on dates publicly announced at least 90 days before the examination dates. The board is authorized to contract for administration of an examination.

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

...

6. Section 2561 of the Code states, in pertinent part:

An individual shall apply for registration as a registered contact lens dispenser on forms prescribed by the board. The board shall register an individual as a registered contact lens dispenser upon satisfactory proof that the individual has passed the contact lens

1 registry examination of the National Committee of Contact Lens Examiners or any
2 successor agency to that committee. In the event the board should ever find after hearing
3 that the registry examination is not appropriate to determine entry level competence as a
4 contact lens dispenser or is not designed to measure specific job performance requirements,
5 the board may thereafter from time to time prescribe or administer a written examination
6 that meets those specifications. If an applicant for renewal has not engaged in the full-time
7 or substantial part-time practice of fitting and adjusting contact lenses within the last five
8 years then the board may require the applicant to take and pass the examination referred to
9 in this section as a condition of registration. Any examination administered by the board
10 shall be given at least twice each year on dates publicly announced at least 90 days before
11 the examination dates. The board is authorized to contract with the National Committee of
12 Contact Lens Examiners or any successor agency to that committee to provide that the
13 registry examination is given at least twice each year on dates publicly announced at least
14 90 days before the examination dates.

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

17 . . .

18 7. Section 475 of the Code states, in pertinent part:

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

21

22 (2) Conviction of a crime.

23

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

26

27 8. Section 477 of the Code states:

28 As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department,"
"division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business
or profession regulated by this code.

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

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

(1) The applicant has been convicted of a crime within the preceding seven
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

1 and for which the applicant is presently incarcerated or for which the applicant was
2 released from incarceration within the preceding seven years from the date of
3 application.

4

5 10. Code section 493, subdivision (a) states:

6 Notwithstanding any other law, in a proceeding conducted by a board within the
7 department pursuant to law to deny an application for a license or to suspend or revoke a
8 license or otherwise take disciplinary action against a person who holds a license, upon the
9 ground that the applicant or the licensee has been convicted of a crime substantially related
10 to the qualifications, functions, and duties of the licensee in question, the record of
11 conviction of the crime shall be conclusive evidence of the fact that the conviction
12 occurred, but only of that fact.

13 **REGULATORY PROVISIONS**

14 11. California Code of Regulations, title 16, section 1399.270, subdivision (a) states:

15 For the purpose of denial, suspension, or revocation of the registration of a dispensing
16 optician pursuant to Section 141, Division 1.5 (commencing with Section 475), or Section
17 2555.1 of the code, a crime, professional misconduct, or act shall be considered
18 substantially related to the qualifications, functions, and duties of a dispensing optician if,
19 to a substantial degree, it evidences present or potential unfitness of a dispensing optician to
20 perform the functions authorized by the registration in a manner consistent with the public
21 health, safety, or welfare.

22 12. California Code of Regulations, title 16, section 1399.271 states:

23 (a) When considering the denial of a registration under Section 480 of the code on the
24 ground that the applicant has been convicted of a crime, the Board shall consider whether
25 the applicant has made a showing of rehabilitation if the applicant completed the criminal
26 sentence at issue without a violation of parole or probation. In making this determination,
27 the Board shall consider the following criteria:

28 (1) The circumstances, nature, and gravity of the crime(s).

(2) The length(s) of time that has elapsed since the criminal conduct and the
completion of probation.

(3) Whether the applicant is a repeat offender of the same or similar crime(s), and the
total criminal record.

(4) The terms or conditions of parole or probation and the extent to which they bear
on the applicant's rehabilitation.

(b) If the applicant has not completed the criminal sentence at issue without a
violation of parole or probation, the Board determines that the applicant did not make a
showing of rehabilitation based on the criteria in subdivision (a), the denial is based on
professional misconduct, or when considering a petition for reinstatement under Section
11522 of the code, the Board shall apply the following criteria in evaluating the applicant's
rehabilitation:

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1 (1) The nature and gravity of the act(s), professional misconduct, or crime(s) under
2 consideration as grounds for denial.

3 (2) Evidence of any act(s), professional misconduct, or crime(s) committed
4 subsequent to the act(s), professional misconduct, or crime(s) under consideration as
5 grounds for denial.

6 (3) The time that has elapsed since commission of the act(s), professional misconduct,
7 or crime(s) referred to in subdivision (b)(1) or (b)(2).

8 (4) The criteria in subdivision (a)(1) through (a)(4), as applicable.

9 (5) Evidence, if any, of rehabilitation submitted by the applicant.

10 **FIRST CAUSE FOR DENIAL OF APPLICATION**

11 **(March 13, 2025 Criminal Conviction – Obstructing / Resisting Executive Officer)**

12 13. Respondent's applications for a Contact Lens Dispenser Registration and Spectacle
13 Lens Dispenser Registration are subject to denial under Code sections 2555.5, subdivision (k),
14 2559.2, subdivision (b), 2561, 480, subdivision (a)(1), and 475, subdivision (a)(2), in conjunction
15 with California Code of Regulations, title 16, section 1399.270, subdivision (a), in that
16 Respondent was convicted of crimes substantially related to the qualifications, duties, and
17 functions of a registered spectacle lens dispenser and registered contact lens dispenser.
18 Specifically, on March 13, 2025, in a criminal proceeding entitled *People of the State of*
19 *California v. Joseph Daniel Lopez, II*, in Glenn County Superior Court, Case Number
20 23CR18321, Respondent was convicted on his plea of guilty to violating three counts of Penal
21 Code section 69, subdivision (a) [Obstructing / Resisting an Executive Officer], as misdemeanors.
22 Respondent was sentenced to one year of probation and ordered to pay various fines and fees.

23 14. The circumstances surrounding the conviction are as follows: On or about September
24 20, 2023, Respondent became upset after his mother S.L. would not buy him an exercise bicycle
25 that he wanted. Respondent, who had previously been sober for sixteen (16) months, started
26 drinking on September 21, 2023, and continued drinking through the night. In the morning on
27 September 22, 2023, Respondent grabbed a kitchen knife and told S.L. to "Slit his throat". S.L.
28 replied that she would not and attempted to talk with Respondent to get him help, which he
refused. When S.L. returned home on the evening September 22, 2023, she observed an empty
bottle of alcohol sitting on the kitchen counter. Respondent asked S.L. to go get alcohol or give

1 him whatever alcohol she had. S.L. advised that she did not have any because Respondent had
2 consumed it all. S.L. exited the residence and called 911. While standing in the driveway,
3 Respondent told S.L. that if she did not get him alcohol that he would destroy her car and that he
4 was going to create a scene. S.L. ended up giving Respondent a small bottle of wine. When S.L.
5 and Respondent re-entered the house, Respondent heard the sirens from responding officers and
6 grabbed a knife again. S.L. walked out of the residence to get away from Respondent. Officers
7 with the Glenn County Sheriff's Department responded to the location of the call spoke with S.L.
8 who was standing outside her residence. Respondent was observed standing inside the front door
9 holding a large, fixed bladed knife. As officer's attempted to speak with Respondent through a
10 glass portion of the front door, Respondent yelled profanities and told officers he wanted them to
11 kill him. After repeated requests by officers to drop the knife and come outside, Respondent
12 opened the door and stated, "Shoot me". Four bean bag rounds were deployed at Respondent
13 striking him in the chest and abdomen area. After being struck by the bean bag rounds,
14 Respondent was able to close the door and go back inside. Subsequent attempts by officers to
15 have Respondent come outside for treatment for his injuries were unsuccessful. When advised
16 that a K9 was going to be sent in, Respondent advised that if the dog went inside the house, the
17 dog would die. Respondent continued to challenge the deputies stating, "Let's go motherfucker".
18 After approximately twenty minutes, a Sergeant was able to successfully approach the front door
19 and Taser Respondent who was then transported to the hospital for medical attention.

20 **SECOND CAUSE FOR DENIAL OF APPLICATION**

21 **(Acts Warranting Denial of Licensure - Spectacle Lens Dispenser Registration)**

22 15. Respondent's application for a Registered Spectacle Lens Dispenser registration is
23 subject to denial under Code sections 2559.2, subdivision (b), 480, subdivision (a), and 475,
24 subdivision (a)(4), in that Respondent committed acts, which if done by a licentiate of the
25 business or profession in question, would be grounds for suspension or revocation of his license
26 as set forth in paragraphs 13 and 14 above.

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