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January 3, 2025

Robert Douglas Mione
147 S. Doheny Drive, #104
Los Angeles, CA 90048

Re: SETTLEMENT OF CITATION
In the Matter of the Citation Against:
ROBERT DOUGLAS MIONE
California State Board of Optometry Case No. 420-2023-000015

Dear Mr. Mione:

This letter will serve to confirm the agreement to settle the above-referenced citation. The conditions of the agreement upon which the Executive Officer of the Board of Optometry will settle are detailed below.

You agree to:

1. Withdraw your appeal of Citation No. 420-2023-000015.
2. Agree with the Order of Abatement, as follows:
 - a. The Board hereby orders you to comply with all statutes and regulations governing the practice of Opticianry.
 - b. You must apply for registration as a Registered Spectacle Lens Dispenser. Until such time that a valid registration is obtained, you must cease and desist from taking measurements and fitting any prescription orders.
 - c. You are ordered to remove all references to "OPT" on your business cards and refrain advising the public that you are an optician until such time a valid registration is obtained.
3. Pay the civil penalty imposed as set forth below; and
4. Not appeal the modified citation.

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The Executive Officer agrees to remove the matter from the calendar of the Office of Administrative Hearings and modify the citation as follows:

Item # 1.	Section Violation	:	2543(a)
	Description	:	Dispensing, selling, or furnishing prescription ophthalmic devices.
	Order of Correction	:	No modification
	Time to Correct	:	No modification
	Civil Penalty	:	Reduced to \$1,000
Item # 2.	Section Violation	:	2556.5
	Description	:	Holding self out as dispensing optician without valid certificate.
	Order of Correction	:	No modification
	Time to Correct	:	No modification
	Civil Penalty	:	Reduced to \$0
Item # 3.	Section Violation	:	2559.1(a)(1)
	Description	:	Shall not fit or adjust spectacle lenses unless registered as a spectacle lens dispenser.
	Order of Correction	:	No modification
	Time to Correct	:	No modification
	Civil Penalty	:	Reduced to \$0
Item # 4.	Section Violation	:	2564.90
	Description	:	Engaging in dispensing ophthalmic business without registering with the Board of Optometry
	Order of Correction	:	No modification
	Time to Correct	:	No modification
	Civil Penalty	:	Reduced to \$0
	Total Civil Penalty	:	\$1,000, payable in equal monthly payments over 10 months.

By entering into this settlement, Respondent gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement of Citation, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

This Settlement of Citation is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Settlement of Citation may not be altered, amended,

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modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

Your signature at the bottom of this letter indicates your full and complete agreement with the terms of the settlement. The Executive Officer will issue a modified citation with instructions for compliance and specifying the due dates for payments. Pursuant to Business and Professions Code section 125.9(b)(4), payment of any fine shall not constitute an admission of the violation charged.

Failure to comply with this agreement once entered into will subject your current license and possibly any future license to further and substantial discipline. Furthermore, failure to submit any payment per schedule in accordance with the modified citation will result in the AUTOMATIC IMPOSITION OF THE ORIGINAL ASSESSED CIVIL PENALTY AMOUNT, LESS ANY MONIES PAID.

Thank you for your cooperation in this matter.

Sincerely,

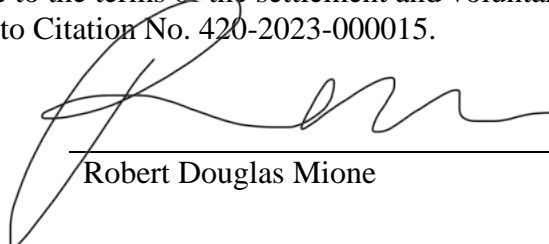


CHRISTINE J. LEE
Deputy Attorney General

For ROB BONTA
Attorney General

ACCEPTANCE BY RESPONDENT

I have carefully read and agree to the terms of the settlement and voluntarily, knowingly, and intelligently withdraw the appeal to Citation No. 420-2023-000015.



Robert Douglas Mione



Name: Robert Douglas Mione
Date Issued: January 7, 2025
Complaint #: 420 2023 000015

CITATION - MODIFIED

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 Robert Douglas Mione has not been issued nor holds a valid Registered Spectacle Lens Dispenser certificate to practice in California.

IV

During an investigation conducted by the Division of Investigation and the Board, it has been determined that, on or about July 12, 2022 to on or about May 26, 2023, subject engaged in the business of filling prescriptions of physician and surgeons or optometrists without having a registration, as required by California Law. Further, subject misrepresented himself as being able to practice opticianry in California.

On or about April 26, 2023, an undercover operation was performed and the undercover officer was able to provide a valid prescription for single-vision lenses. The subject used a ruler to take measurements of the investigator's face and eye placement. Subject then collected \$400.00 as a deposit for the order and provided a receipt and his business card that listed "Robert D. Mione, OPT" and his contact number.

During the visit the subject engaged in a conversation with the undercover officer. During the conversation, the subject stated that he was from New York and unable to practice optometry in California. He further stated that was why he is an "optician."

The lenses were measured, cut, and put into the frames by a lab offsite.

On or about May 5, 2023, the undercover officer picked up the single-vision glasses. Subject had the undercover officer try the glasses on, held up his hand and asked, "how many fingers?" The undercover officer responded "3" and the subject stated the prescription was correct. The subject instructed the undercover officer to wear the glasses and look into a mirror to confirm he approved of them. The undercover officer asked the subject if the glasses could be made tighter on his face. The undercover officer handed the glasses to the subject, he placed the glasses into a machine that heated the frames, allowing the subject to slightly bend the frames to fit tighter on the undercover officer's face. The undercover officer stated he was happy with the glasses and the subject advised that the balance was \$400.00.

After the undercover officer identified himself, the subject stated he was not acting or practicing as an optician.

Further, during the investigation, the name of an individual with a cancelled Registered Spectacle Lens Dispenser registration, identified as an EyeBar Beverly Hills' licensed contractor, was provided. It was confirmed that a duly registered spectacle lens dispenser was not working at the establishment at the time subject provided services to the undercover officer.

Determination of Issues

Cause of Action

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Violations exist pursuant to Business and Professions Code Sections:

- 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."
- 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”

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 amount of **\$1,000.00** for violation of Business and Professions Code section 2543(a). The first monthly payment of **\$100.00**, towards the total fine of \$1,000.00, is due by **February 6, 2025**.

Order of Abatement

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

You must apply for registration as a Registered Spectacle Lens Dispenser. Until such time that a valid registration is obtained, you must cease and desist from taking measurements and fitting any prescription orders.

Further, you are ordered to remove all references to “OPT” on your business cards and refrain advising the public that you are an optician until such time a valid registration is obtained. Proof of compliance must be submitted to the Board’s Enforcement Unit at CSBOEnforcement@dca.ca.gov by **February 6, 2025**.