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**BEFORE THE
CALIFORNIA STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against: **CRYSTAL RODRIGUEZ AKA CRYSTAL DIANGELO** Respondent.	Case No. 420 2025 000224 **STATEMENT OF ISSUES**

PARTIES

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

2. On November 7, 2024, the Board received an application for a Spectacle Lens Dispenser (SLD) Registration from Crystal Rodriguez (Respondent), also known as Crystal DiAngelo. Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application.[1]

3. On May 8, 2025, the Board denied the application.

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[1] On February 11, 2011, the Board issued SLD Registration No. SLD 6362 to Respondent, which expired on February 28, 2015, and was cancelled. The prior registration is not eligible for reinstatement or renewal because Respondent failed to renew it within three years of expiration. (Bus. & Prof. Code § 2553.7, subd. (b).)

JURISDICTION

4. 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 unless otherwise indicated.

5. Section 3010.1 provides that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions.

6. Section 3010.5 enabled and created the Board under the Optometry Practice Act (Bus. & Prof. Code § 3000 *et seq.*) vesting the Board with authority to enforce the Optometry Practice Act.

7. Section 3021 states:

> The board shall have rulemaking authority with respect to Chapter 5.5 (commencing with Section 2550) in accordance with Section 3025. Regulations adopted pursuant to Chapter 5.5 (commencing with Section 2550) by the Medical Board of California prior to the effective date of this section shall continue to be valid, except that any reference to the board or division contained therein shall be construed to mean the California State Board of Optometry, unless the context determines otherwise.

8. Sections 2559.1 to 2559.4 (Article 1.5) govern SLD registrants and are within Division 2, Chapter 5.5 of the Business and Professions Code applicable to Registered Dispensing Opticians.

9. Section 2550, subdivision (b), defines "Board" as the Board for purposes of the Sections governing SLD registrants.

10. Section 2550, subdivision (c)(1), defines "spectacle lens dispenser" as an individual who is registered with the Board under Article 1.5 (commencing with Section 2559.1).

11. Section 2559.2, subdivision (b), states "The board may deny registration where there are grounds for denial under the provisions of Division 1.5 (commencing with Section 475)."

STATUTORY PROVISIONS

12. Section 475, subdivision (a)(2), provides the Board may deny a license on the grounds that the applicant was convicted of a crime.

13. Section 477, subdivision (b), defines "license" to include "registration."

14. Section 480 states:

(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 . . . 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 and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

15. Section 493 states:

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

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

16. Section 2555.5 states:

The board . . . 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:

(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.

. . .

(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.

(l) Administering to oneself any controlled substance or using any of the dangerous drugs specified in Section 4022, or using alcoholic beverages to the extent, or in a manner, as to be dangerous or injurious to the person applying for a license or holding a registration under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a license to conduct with safety to the public the practice authorized by the license, or the conviction of a misdemeanor or felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof.

. . . .

REGULATORY PROVISIONS

17. California Code of Regulations, title 16, section 1399.270, states:

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

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the Board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the registration type sought or held by the person.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

. . .

(3) Any violation of the provisions of Chapter 5.5, Division 2, of the code.

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

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

(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:

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

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

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

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

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

FACTUAL ALLEGATIONS

19. On March 20, 2022, Respondent drove recklessly with alcohol in her system and hit a parked car in Coronado, California. Respondent's Blood Alcohol Content (BAC) was 0.131 %, and the blood sample she provided detected the presence of benzodiazepines in her system.

20. On May 24, 2022, in a criminal proceeding entitled *People v. Crystal DiAngelo* (Super. Ct. San Diego County, 2022, No. S322249), Respondent pled guilty and the court convicted her of violating Vehicle Code section 23103, subdivision (a) (reckless driving). Respondent admitted, "I was driving a motor vehicle recklessly with alcohol in my system." The court sentenced Respondent to summary probation for one year. The Court ordered Respondent to complete a three-month First Conviction Program, attend a DUI Victim Impact Panel, and pay fines and fees, among other things.

21. On May 15, 2023, Respondent drove under the influence of alcohol with her two children, ages 4 and 6, in Chula Vista, California. Respondent's BAC was 0.154%.

22. On August 10, 2023, in a criminal proceeding entitled *People v. Crystal DiAngelo* (Super. Ct. San Diego County, 2023, No. CS326551), Respondent pled guilty and the court convicted her of felony violation of Penal Code section 273a, subdivision (a) (child abuse) and misdemeanor violation of Vehicle Code section 23152, subdivision (a) (DUI). The court sentenced Respondent to formal probation for four years. The court also ordered Respondent to complete a Multiple Conviction Alcohol Program, attend a DUI Victim Impact Panel, and attend counseling programs as directed by her probation officer, and pay fines and fees, among other things.

FIRST CAUSE FOR DENIAL

(Substantially Related Convictions)

23. Complainant incorporates paragraphs 19-22 by reference as if set forth in full herein.

24. Respondent's application is subject to denial under Sections 475, subdivision (a)(2); 480, subdivision (a)(1), or 2555.5, subdivision (k), because Respondent was convicted of crimes that are substantially related to the qualifications, functions, and duties of a registered SLD.

SECOND CAUSE FOR DENIAL

(Unprofessional Conduct - Dangerous Use of Alcohol)

25. Complainant incorporates paragraphs 19-22 by reference as if set forth in full herein.

26. Respondent's application is subject to denial under Section 2555.5, subdivision (l), because Respondent used alcohol to an extent or in a manner dangerous or injurious to herself and others to the extent that her use impairs her ability to conduct with safety to the public the practice of an SLD.

THIRD CAUSE FOR DENIAL

(Unprofessional Conduct - Violation of Statutes)

27. Complainant incorporates paragraphs 19-22 by reference as if set forth in full herein.

28. Respondent's application is subject to denial under Section 2555.5, subdivision (a), because Respondent engaged in unprofessional conduct by violating provisions of Division 2, Chapter 5.5, of the Business and Professions Code. Specifically, Section 2555.5, subdivisions (k), or (l).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California State Board of Optometry issue a decision:

1. Denying the application of Respondent Crystal Rodriguez, also known as Crystal DiAngelo, for a Spectacle Lens Dispenser Registration; and,

2. Taking such other and further action as deemed necessary and proper.

DATED: August 11, 2025

- Signature on File –

GREGORY PRUDEN
Executive Officer
California State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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