



July 7, 2025

NOTICE OF CITATION

Prime Optical
Mariano Salcedo, Jr.
660 W. Valley Blvd.
Colton, CA 92324

Re: Case No. 420 2024 000174

Dear Mr. Salcedo:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Section (§) 1399.278. The fitting and adjusting of spectacle lenses without a valid, unrevoked, and unexpired Spectacle Lens Dispenser registration and operating a spectacle lens dispensary without a current and valid Registered Dispensing Optician registration with the California State Board of Optometry constitutes violations of Business and Professions Code (BPC) §§ 2543(a), 2555.5(a), 2555.5(p), 2556.5, 2564.90, and 2564.91(a). Misrepresenting yourself as authorized to fit and adjust spectacle lenses constitutes a violation of BPC §§ 2555.5(e) and 2559.1(a)(1).

CCR § 1399.275 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 § 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 be, but do not

need not 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 § 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,

- Signature on File -

Gregory Pruden
Executive Officer

Enclosures



Name: Mariano Salcedo, Jr.; Prime Optical
Date Issued: July 7, 2025
Complaint #: 420 2024 000174

CITATION

Findings of Fact

I

Sections (§§) 1399.275 and 1399.277 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) § 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 § 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.

III

The Board's records reflect that Mariano Salcedo, Jr. has not been issued nor holds a valid Registered Spectacle Lens Dispenser certificate to practice in California.

IV

The Board's records reflect that Prime Optical located at the 660 W. Valley Blvd., Colton, CA 92324, has not been issued nor holds a valid Registered Dispensing Ophthalmic Business certificate to fill lens prescriptions written by physicians and surgeons, or optometrists licensed to practice in California.

VI

During an investigation conducted by the Board on March 13, 2025, Mariano Salcedo, Jr. confirmed being the sole owner of Prime Optical since May of 2022, denied holding any registration through the State of California, admitted to fitting and adjusting prescription glasses, and to dispensing ophthalmic goods to the public without the proper registration.

Determination of Issues

Cause of Action

Violations exist pursuant to BPC §§:

- 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(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."
- 2555.5(e) "The commission of fraud, misrepresentation, or any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a registered optician."
- 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.
 - (2) The individual is an unregistered individual who performs the fitting and adjusting under the direct responsibility and supervision of a duly registered spectacle lens dispenser whose certificate of registration is then conspicuously and prominently displayed on the premises."
- 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 BPC § 125.9 and CCR § 1399.276, it is determined that:

I

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 § 2543(a) and **\$2,000.00** for each violation of Business and Professions Code §§ 2556.5 and 2559.1. The total payment of **\$5,000.00** is due by **August 6, 2025.**

Order of Abatement

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.

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 unlawful advertising. Provide the Board proof of compliance by **August 6, 2025.**

Proof of compliance must be submitted to the Board's Enforcement Unit at CSBOEnforcement@dca.ca.gov by **August 6, 2025.**