



July 20, 2023

NOTICE OF CITATION

Marina Sarnova
199 La Colina Drive
Alamo, CA 94507

Re: Case No. 420 2024 000014
Site for Sore Eyes

Dear Maria Sarnova:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Section 1399.275. The fitting and adjusting of spectacle lenses without valid, unrevoked, and unexpired Spectacle Lens Dispenser registration constitutes violations of B&P Section 2555.5(p) and 2559.1(a). Holding yourself out as a “dispensing optician” or “registered dispensing optician” or using any other term or letters indicating or implying that you are registered and hold a certificate without having at the time of so doing a valid, unrevoked registration constitutes a violation of B&P Section 2556.5.

Section 1399.275 of the CCR authorizes the Board’s 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) section 125.9 against a registrant 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 appeal 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 to 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 decision will be sent to you. Unless an administrative hearing was requested in a timely manner, an informal conference decision, which affirms the Citation, 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,

A handwritten signature in cursive script that reads "Gregory Pruden".

Gregory Pruden
Executive Officer

Enclosures



Name: Maria Sarnova
Date Issued: July 20, 2023
Complaint #: 420 2024 000014

CITATION

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 Maria Sarnova has not been issued nor holds valid Spectacle Lens Dispenser registration to fit and adjust spectacle lenses in California.

IV

During an investigation conducted by the Division of Investigation and the Board, it has been determined that from about October 2014 to about October 2021, you fit and adjusted spectacle lenses at Site for Sore Eyes, located at 901 Sunvalley Blvd. Ste. 110, Concord, CA 94520, without having first obtaining a Spectacle Lens Dispenser registration, as required by law.

Determination of Issues

Cause of Action

I

Violations exist pursuant to Business and Professions Code Sections:

- 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 requirement 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.

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 **\$250.00** for each violation of Business and Professions Code sections 2555.5(p), 2556.5, and 2559.1(a). The total payment of **\$750.00** is due by **August 21, 2023**.

Order of Abatement

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