



January 29, 2025

## NOTICE OF CITATION

Dr. Edward Soss, O.D.  
1533 Ocean Ave  
San Francisco, CA 94112

Re: Case No. 420 2025 000254

Dear Dr. Soss:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Sections 1399.275, 1399.278, and 1576. Practicing optometry without first obtaining valid Optometry License constitutes violation of Business and Professions Code (BPC) Sections 3040(a), and 3110(s). Practicing opticianry without first obtaining the appropriate registration(s) constitutes violations of BPC Sections 2543(a), 2555.5(p), and 2556.5. Fitting and adjusting spectacle lenses without first obtaining a Registered Spectacle Lens Dispenser registration constitutes violation of BPC Section 2559.1(a). Fitting and adjusting contact lenses without first obtaining a Registered Contact Lens Dispenser registration constitutes violation of BPC Section 2560. Dispensing prescription lenses without first obtaining a Registered Dispensing Ophthalmic Business registration constitutes violations of BPC Sections 2564.90, and 2564.91(a).

Section 1399.275 and 1576 of the California Code (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 BPC section 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 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 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 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 a decision will be sent to you. If a cited person wishes to contest an affirmed or modified citation, the person shall, within thirty (30) days of his or her notification, file, in writing, a request for an administrative hearing to the Executive Officer regarding the acts charged in the affirmed or modified citation.

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: Edward Soss  
Date Issued: January 29, 2025  
Complaint #: 420 2025 000254

## CITATION

### Findings of Fact

#### I

Sections 1399.275, 1399.278, and 1576 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 (BPC) section 125.9 for opticians and optometrists who have committed any acts or omissions which are in violation of the Opticianry Practice Act and Optometry Practice Act or any Regulation adopted thereto.

#### II

BPC Section 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. BPC Section 3110 defines the action the Board may take against or impose upon a licensee or an unlicensed optometrist who is guilty of unprofessional conduct.

#### III

The Board's records reflect that on September 14, 1967, Edward Soss was issued Optometry License Number 4847. On October 24, 2019, the Board filed an Accusation against said license for Insurance Fraud. On April 1, 2020, said license was placed on probation for three years, subject to certain terms and conditions. On August 31, 2022, the Board filed a Petition to Revoke Probation against said license for multiple probation violations. On April 28, 2023, the Board revoked said license for failure to comply with multiple probation terms.

On or about February 5, 2024, Edward Soss applied for registration as a Spectacle Lens Dispenser. On January 14, 2025, the application was denied.

On or about November 25, 2024, Edward Soss applied for registration as a Registered Dispensing Ophthalmic Business. On January 14, 2025, the application was denied.

#### IV

During an investigation conducted by the Board it was discovered that Edward Soss had practiced optometry after his optometry license was revoked. In addition, Edward Soss had dispensed prescription lenses, and fitted and adjusted spectacle and contact lenses without the required registrations.

Further, on his Facebook page, Edward Soss advertises his optometry practice's hours of operation, and lists a phone number and website to schedule optometry appointments at his office located at 1533 Ocean Avenue San Francisco, CA 94112.

## **Determination of Issues**

### **Cause of Action**

I

Violations exist pursuant to Business and Professions Code Sections:

- 3040(a) - It is unlawful for a person to engage in the practice of optometry or to advertise or hold himself or herself out as an optometrist without a valid, unrevoked California optometrist license. The practice of optometry includes the performing or controlling of any acts set forth in Section 3041.
- 3110 - The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
  - (s) The practice of optometry without a valid, unrevoked, unexpired license.
- 2543(a) – Except as provided in the Nonresident Ophthalmic Lens Dispenser Registration Act (Article 2.5 (commencing with Section 2564.70)), 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. This section shall not be construed to affect licensing requirements pursuant to Section 111615 of the Health and Safety Code.
- 2555.5 - 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:
  - (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.
- 2560 – An individual shall not fit and adjust contact lenses, including plano contact lenses, unless that individual complies with the registration requirement of Section 2564.90, and unless either of the following applies:
    - The individual is a duly registered contact lens dispenser as provided in Section 2561.
    - The individual is an unregistered individual who performs the fitting and adjusting under the direct responsibility and supervision of a duly registered contact lens dispenser who is then physically present on the registered premises. In no event shall a registered contact lens dispenser supervise more than three unregistered individuals.
  - 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 Business and Professions Code section 125.9 and California Code of Regulations section 1399.276, it is determined that:

I

Unless submitting a timely request for a conference or hearing, within 30 days of the issuance of this citation, you are required to pay an administrative fine in the amounts of **\$1,500.00** for each violation of BPC Section 3040(a) and 3110(s), **\$1,100** for violation of BPC Section 2559.1, and **\$900.00** for violation of BPC Section 2543(a). The total payment of **\$5,000.00** is due by **February 28, 2025.**

## Order of Abatement

The Board hereby orders you to cease and desist all unlicensed optometry as defined by Business and Professions Code Section 3041 until you obtain a reinstated optometry license.

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.

The Board hereby orders you to cease and desist all unregistered fitting and adjusting of contact lenses until a Registered Contact 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 the unlawful advertising.

Proof of compliance must be submitted to the Board by **February 28, 2025**.