



August 15, 2024

## NOTICE OF CITATION

Gor Vartanyan  
Blue Eye Optics  
1030 S Glendale Ave Ste 103  
Glendale, CA 91205

Re: Case No. 420 2022 000113, Blue Eye Optics

Dear Mr. Vartanyan:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations (CCR) Section 1399.275 and 1399.278 (for unlicensed practice). Engaging in the business of dispensing spectacle and contact lenses without a valid, unrevoked, unexpired Registered Ophthalmic Dispensing Business registration constitutes violation of Business and Professions Code (BPC) Sections 2543, 2555.5(p), 2556.5, 2564.90, and 2564.91(a). Fitting and adjusting spectacle lenses without a Spectacle Lens Dispenser registration constitutes a violation of BPC Section 2555.5(p), and 2559.1(a). Fitting and adjusting contact lenses without a Contact Lens Dispenser registration constitutes violation of BPC Sections 2555.5(p), 2560(a) and (b).

Section 1399.275 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 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 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 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: Gor Vartanyan  
Date Issued: August 15, 2024  
Complaint #: 420 2022 000113

## 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 a registered optician who is guilty of unprofessional conduct and against unregistered opticians who perform functions that require a registration, without first obtaining the appropriate registration(s).

III

The Board's records reflect that Gor Vartanyan does not currently hold a valid Registered Dispensing Ophthalmic Business, Spectacle Lens Dispenser, and/or Contact Lens Dispenser registrations to practice opticianry in California.

From June 22, 2004 through November 7, 2010, Gor Vartanyan held Spectacle Lens Dispenser registration number 5065 and Contact Lens Dispenser registration 1377. On November 7, 2010, both registrations were cancelled.

IV

During an investigation conducted by the Board it was discovered that you are operating two optical locations named Blue Eyes Optical, also known as Blue Eye Optics, where you are engaged in the business of filling the prescriptions of physicians and surgeons and optometrists at the following locations:

1. 121 1/2 West Wilson Avenue, Glendale CA 91203
2. 1030 South Glendale Avenue, Glendale, CA 91205

In addition to owning and operating these locations, you are fitting and adjusting spectacle and contact lenses for patients.

During the investigation, on November 5, 2022, you applied for a Registered Dispensing Ophthalmic Business registration for the 121 1/2 West Wilson Avenue, Glendale CA 91203 Blue Eye Optics location and for a Spectacle Lens Dispenser registration. The registration requirements were not met for either application, and on November 6, 2023, both applications expired.

On February 23, 2024, you submitted new Registered Dispensing Ophthalmic Dispensing Business and Spectacle Lens Dispenser registration applications to the Board. The application requirements have not yet been met despite multiple communications from the Board.

Further, you are operating illegally, maintaining both optical locations, and fitting and adjusting spectacle and contact lenses while not having registrations to do so.

## **Determination of Issues**

### **Cause of Action**

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Violations exist pursuant to Business and Professions Code Sections:

- 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(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.
- 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.

- 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:
  - (a) The individual is a duly registered contact lens dispenser as provided in Section 2561.
  - (b) 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.

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); **\$1,200.00** for violation of 2556.5; and **\$1,400.00** for each violation of 2559.1, and 2560. The total payment of **\$5,000.00** is due by **September 16, 2024.**

### **Order of Abatement**

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

Further, you are ordered to either cease and desist fitting and adjusting, and dispensing prescription spectacle and contact lenses at all of your dispensing locations; complete the application process for your Spectacle Lens Dispenser and Registered Ophthalmic Business Dispenser registrations; and apply for and obtain a Contact Lens Dispenser registration. Until such time that valid registrations are obtained, you must cease and

desist operating the dispensing locations at 121 1/2 West Wilson Avenue, Glendale CA 91203 and 1030 South Glendale Avenue, Glendale, CA 91205. Further, you must cease and desist fitting and adjusting of ophthalmic products until the proper registrations are obtained.

Proof of compliance must be submitted to the Board's Enforcement Unit at [CSBOEnforcement@dca.ca.gov](mailto:CSBOEnforcement@dca.ca.gov) by **September 16, 2024**.