



Memo

2450 Del Paso Road, Suite 105
 Sacramento, CA 95834
 (916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 3, 2017

From: Cheree Kimball **Telephone:** (916) 575-7173
 Enforcement Lead and Probation Monitor

Subject: **Agenda Item 3 – Petition for Reinstatement of Optometrist License**

Petition for Reinstatement of Revoked License for:

Larry Franklin Thornton (OPT 6369)

Dr. Larry Franklin Thornton, Petitioner, was issued Optometrist License Number 6369 by the Board on October 3, 1977. On December 31, 2002, the Board filed an Accusation against Petitioner charging him with violations of laws and regulations based on disciplinary action taken against Petitioner by the Kentucky Board of Optometric Examiners. Petitioner did not file a Notice of Defense and his license was revoked by a Default Decision on July 14, 2003.

Petitioner's first Petition for Reinstatement was filed on October 12, 2006. On February 17, 2007, the Board denied his Petition for Reinstatement after a hearing before the Board on November 16, 2006. The denial was based upon the Board's finding that Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

The second Petition for Reinstatement was filed on July 28, 2008. On October 10, 2008, the Board denied his Petition for Reinstatement after a hearing before the Board on September 3, 2008. The denial was based upon the Board's finding that Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

The third Petition for Reinstatement was filed on December 11, 2011. On July 10, 2012, the Board denied his Petition for Reinstatement after a hearing before the Board on May 18, 2012. The denial was based upon the Board's finding that Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

The fourth Petition for Reinstatement was filed on August 12, 2013. On November 12, 2013, the Board denied his Petition for Reinstatement after a hearing before the Board on September 13, 2013. The denial was based upon the Board's finding that Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

This fifth Petition for Reinstatement was filed on December 4, 2014. On April 29, 2015, the Board denied his Petition for Reinstatement after a scheduled hearing on January 23, 2015. The denial was based upon the Petitioner failing to appear. On or about April 20, 2015, Petitioner requested the Board reconsider the Decision to deny his Petition for Reinstatement. On April 27, 2015, the

Board granted the reconsideration. On October 30, 2015, the Board denied his Petition for Reconsideration after a hearing before the Board on August 28, 2015. The denial was based on the Board's finding that Petitioner failed to establish good cause to set aside the Board's previous decision denying Petitioner's reinstatement.

This is Petitioner's sixth Petition for Reinstatement.

The Petitioner is requesting the Board to grant his Petition for Reinstatement.

Attached are the following documents submitted for the Board's consideration in the above referenced matter:

1. Petition for Reinstatement
2. Copies of Decisions and Orders, Default Decision and Accusation



STATE BOARD OF OPTOMETRY
 2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
 P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



PETITION FOR REINSTATEMENT

A person whose certificate of registration has been revoked or suspended for more than one year may petition the Board to reinstate the certificate of registration after a period of not less than one year has elapsed from the date of the revocation or suspension. In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the Board may investigate and consider all activities of the petitioner since the disciplinary action was taken, the offense for which discipline was imposed, activity during the time the certificate of registration was in good standing and the petitioner's general reputation for truth, professional ability and good character.

PLEASE TYPE OR PRINT LEGIBLY

1. NAME (FIRST) (MIDDLE) (LAST)			CERTIFICATE OF REGISTRATION NO.		
LARRY FRANKLIN THORNTON			# 6369		
2. ADDRESS (NUMBER) (STREET)			BIRTH		
1041 S. WEST LAKE Los Angeles CA					
(STATE) (ZIP CODE)			TELEPHONE		
A part new + 308			()		
3. PHYSICAL DESCRIPTION		(HEIGHT)	(WEIGHT)	(EYE COLOR)	(HAIR COLOR)
		5'10	170	Brown	Brown
4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGES) OF OPTOMETRY ATTENDED					
NAME OF SCHOOL					
INDIANA UNIVERSITY AT WATER DRIVE					
ADDRESS (NUMBER) (STREET)					
Bloomington, Indiana 47401					
(CITY) (STATE) (ZIP CODE)					
5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? <input checked="" type="radio"/> YES <input type="radio"/> NO					
STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS	
Kentucky	860 NT	JAN-1977		UN ACTIVE	

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
N/A			N/A

7. Are you or have you ever been addicted to the use of narcotics or alcohol? YES NO
8. Are you or have you ever suffered from a contagious disease? YES NO
9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? YES NO
10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? You must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) YES NO
11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) YES NO
12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? INFORMATION ENCLOSED YES NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACH A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

- * Application for reinstatement presented - NINE OTHER TIMES - ON FILE
13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.
- * 14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced. INFORMATION ENCLOSED
15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations. RETIRED SENIOR CITIZEN 65 YEARS old IN PENNSYLVANIA AND IRA RETIREMENT FOR LIVING EXPENSES
16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition. INFO: ENCLOSED
17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined. MANY COURSES MANY JOURNALS IN YOUR FILES
18. List all optometric literature you have studied during the last year. OPTOMETRIC JOURNALS I RECEIVE ANNUALLY
19. List all continuing education courses you have completed since your license was disciplined. INFO ALL READY IN YOUR FILES IN ABUNDANCE
20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date 7-19-2017 Signature D. Jay Franklin, State of

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.3 of the Civil Code.

* I BEGAN COLLEGE AT AGE 15, BEGAN OPTOMETRIC PROFESSIONAL STUDIES AGE 18 - DOCTORATE OBTAINED AT AGE 22 YEARS old

State Board of Optometry

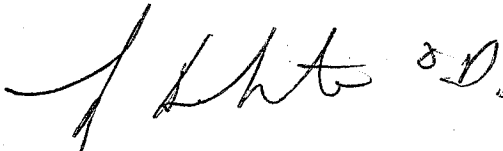
2450 Del Paso Rd.

Sacramento, Ca. 95834

RE: Petition for Reinstatement of Revoked License of **Larry Franklin Thornton, OPT# 6369,**
Case# CC2014-141

I am resubmitting my previous petition to your board, mainly because it was a lot for you to digest comfortably the first time. The purpose of submitting my initial petition was to dispute the fact of never receiving an official notice regarding my license, whereby my request for registration was revoked by your board. Clearly, this was an error made by your office of administration. After completing all of the required Continuing Education requirements, my request was denied. I am still having difficulties in understand the reasoning behind your refusal. Your explanation just doesn't make sense.....to me. All the requirements had been fulfilled, yet I still received an unfavorable response. License #6369 still stands in limbo, even though, my petition was factual and presented with the utmost integrity. There is nothing else that could be included to make my petition more informative. It has now been 16 years since license #6369 has been legally registered. Once again, I humbly request that you honor my petition to reinstate my license for proper registration. → 19 YEARS
NOW.

I Remain,



Larry Thornton

State Board of Optometry

2450 Del Paso Rd.

Sacramento, Ca. 95834

RE: Petition for Reinstatement of Revoked License of **Larry Franklin Thornton, OPT# 6369,**
Case# CC2014-141

As you should be aware of me violating an optometry code - Examining patients within an optical store - is one year penalty that has lasted over thirteen years. I have presented several types of petitions for License Reinstatement, which includes imperative, philosophical, and theological. The correspondence this time will be interrogative (the information presented will be in a question format).

→ 19 yrs
now

Did I take the California State Board in 1978 score in the nineties on the written exam? Are you aware that approximately 350 Optometrist took the state board exams and as few as 200 passed? Would I appreciate the present board to be a breath of fresh air? Is it true that when I took the board exams in 1978, the California State Board was breath of very, very fresh air? Why was it? Was it because the president of the state board was Dr. Will Kelly, an African-American? Will this present board not take it personal because you the majority new members did not prime my feelings? Are my feelings primed from the past board members who have possibly been unseated from the board or not seated for one reason or another; where all the Board of Petition meetings never commented on the real penalty (working within in Optical store)? Members only spoke of me leaving an office, and the mountains (Jackson, Kentucky), without patients getting their prescription eyewear. Were you informed during my last board meeting that I had an old warrant there in Jackson, Ky because Tylenol III was dispensed to me before my D.E.A. license was received; but received 2 days later after the conviction? Did the Rite Aid Pharmacist encourage me to purchase because that had temporary vouchers for Doctors if D.E.A. applications were in process?

Is it true that while riding my bicycle with a tail light out during the night, I was stopped and detained because of that outstanding warrant? Did the L.A. County Judge release me on the basis that they're a secular society with Klan organization and the warrant was too old? Did the L.A. County Judge have his staff inquire about the information by contacting the judicial system in that small town? Was everyone not "bad apples"? Did my Caucasian Attorney recommend? I leave that county if I wanted to continue to see the sun rise? Did I take his advice? Am I sorry

for those who did not receive their prescription eyewear? Am I or was I, disenchanted about the occurrence? Is this not my Christian way of life? But am I not sorry that I saved my life? Should that be null and void and were the board members (who are not seated) qualify and support what that uni-secular society with Klan organization did to me and in the long run punished me twice? California State Board punished me again even though I had satisfied the penalty with the Kentucky board. "Judge not yet you be judged....." Am I judging the board who is judging me? Is the highest power judging all of us? ~~AT THAT YOU BE NOT JUDGE~~

Was I denied reinstatement because I was a danger to the public; or in essence was the Klan in danger of me??? Was my ~~life's work~~ ^{LICENSE} denied reinstatement on two separate occasions due to California State Board Administrative errors????? Did the previous Board of optometry Secretary tell me about 19 years ago that we want to be sure you are punished well? Was she out of order? Is that like the Court Reporter telling me the same which is totally out of order? Did that secretary who said those words not include my continuing education and my petition was abruptly rejected for reinstatement? Did Jessica, the present secretary, present my application without me receiving an official notice of the time and date of the meeting? Was petition abruptly denied?

Is it true, according to the Theory of Negative Multiplicity, my license should have been reinstated the 3rd and 5th time my petition was presented? Was the Theory of Negative Multiplicity violated? Are you familiar with a negative times a negative is a positive; but I received a negative the 3rd presentation? And is it true that the last time I applied to present my petition I was rejected without having an opportunity to present my petition? My petition should have been reinstated promptly without any negative bureaucratic phraseology written to qualify justifiably not reinstate license #6369, because this was the 2nd time administrative error resulted in a denial for reinstatement. How do you feel about President Obama granting modified Green Cards to millions of illegal immigrants as long as they do not have criminal concerns and are attending school? Why can't this one African-American have his Green Card (i.e...license)?

Do you know boards make over sights many times? Inmates incarcerated for 10-20 years and later found innocent because of evidence, D.N.A., etc? Did the parole board conclude many times they were not rehabilitated and rejected their release? And all the time they were innocent and rehabilitation was not an issue at all. What about the integrity of the parole board? Do you think this is a very good question? What about rehabilitation efforts? What rehabilitation is proper to assist one with Klan aggression? Nothing is in your way if you can see it. Rehabilitation is not in my way because I can see it. What is your opinion about two gay optometrist showing intimate affection in a professional setting? Can you ask he/she to be rehabilitated and not to do that? Does the judicial system acknowledge gay society? No one can

demand rehabilitation. Are you knowledgeable that the same acknowledgements of the gay society trickles down to other "sociological concerns"? *

May I collaborate on the term Rightful Justice? Did an unknown Author state justice is a reflection of our prejudice? Did president Obama have a warmer definition of justice? Did he report "justice is not an abstract principle but a living and breathing entity, "when it lies in our power to do.....it lies in our power not to do" (Aristotle). Are you familiar of the Billion Dollar Appropriation Bill which provided minorities financial and acceptance support? Did you know this came under the Jimmy Carter administration and was for the recruitment and retention of minorities? Female Caucasians were included in the minority group and received equal benefits defined as for minorities as well. Do you realize how many minorities were rejected for academic, cultural and/or financial reasons, could not attend health care professional schools. Is it true from my position having a 1 year penalty stretched to almost 14 years is excessive? I think this kind of challenge to reinstate from such a minor violation (working within optical shop/moon lighting) you can see why Jimmy Carter's program was necessary!!!!!! There is and was no real concern about minorities within the health care professional arena. Did the Carter administration want those billions of dollars spent for minorities out of the field looking into it but for them to be active within the field?

now 19 years

Blessed are those who give without remembering and take without forgetting. Was it forgotten that something of mine was taken and not returned, over an unjust period of time?

Please bring my soul^{out} of prison (revoked license over 13 years for a 1 year penalty) so that I may continue my career

now 19 years

"Do not withhold good from those to whom it is due, when it is in the power of your hands to do so"

Proverbs 3:27

Dr. Larry Thornton
Optometrist





104) S. WEST LAKE
Apt 308
LOS ANGELES CA.
90006

STATE BOARD
OF OPTOMETRY
2450 DEL PASO ROAD
SUITE 105
SACRAMENTO, CA.

~~95384~~
95834

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

In the Matter of the Petition for Reinstatement
of Revoked License of:

LARRY FRANKLIN THORNTON

Petitioner.

Case No. CC 2014-141

DECISION AFTER RECONSIDERATION

The California State Board of Optometry (Board) issued a default decision denying Petitioner Larry Franklin Thornton's (hereinafter 'Petitioner') Petition for Reinstatement of a Revoked License on March 30, 2015, with the decision to become effective on April 29, 2015. Prior to the effective date of the decision, Petitioner timely filed a Petition for Reconsideration and alleged that he did not receive any correspondence informing him of the date, time and location that his petition for reinstatement was to be heard before the Board. On April 27, 2015, the Board issued an order granting reconsideration of its previous decision and fixed the date for submission of written argument. In its order, the Board instructed both Petitioner and the Attorney General's Office that it was particularly interested in any argument as to whether good cause existed to set aside the Board's previous decision and cautioned that the merits of the underlying petition for reinstatement not be addressed in any argument submitted.

The Board received argument from both Petitioner and the Attorney General Office on this matter. On August 28, 2015, in Sacramento, California, the Board met in closed session to consider the arguments submitted and the administrative record in this matter. In his argument, Petitioner did not address the issue of allegedly insufficient notice but instead provided the Board with a personal and historical narrative of the events both preceding and following the revocation of his license and his previous reinstatement efforts. The Attorney General's argument addressed the notice issue and advocated that the Board staff had made legally sufficient efforts to inform Petitioner of the upcoming hearing and that Petitioner had constructive if not actual notice of the hearing. The Board found the latter argument more persuasive.

Accordingly, after considering the arguments submitted and reviewing the administrative record, the Board finds that good cause does not exist to set aside its previous decision denying Petitioner's reinstatement, and the Board makes and enters the following decision in this matter:

The Board's March 2015 decision (which is attached) denying the Petition for Reinstatement is hereby adopted as its final decision.

This decision shall be effective on October 30, 2015.

IT IS SO ORDERED on this 30th day of September 2015.



FOR THE STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Petition for Reinstatement
of Revoked License of:

LARRY FRANKLIN THORNTON

Petitioner.

Case No. CC 2014-141

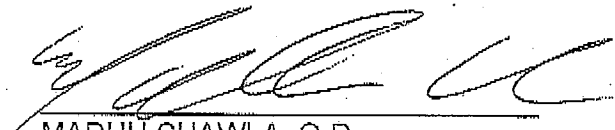
**ORDER GRANTING RECONSIDERATION AND
FIXING DATE FOR SUBMISSION OF ARGUMENT AND DOCUMENTARY EVIDENCE**

On or about December 24, 2014, Petitioner filed the present Petition for Reinstatement of Revoked License. The State Board of Optometry ("Board") denied the Petition on March 30, 2015, with an effective date of April 29, 2015. Following the entry of the denial, Petitioner Larry Franklin Thornton timely filed a Petition for Reconsideration. Having reviewed the matter, the Board makes the following Orders:

1. The Petition for Reconsideration is hereby GRANTED. The Decision and Order of March 30, 2015, effective April 29, 2015, is hereby STAYED.

2. The parties are hereby notified, in accordance with Section 11521 of the Government Code, that any written argument and documentary evidence they may wish to submit pursuant to this Order shall be filed with the State Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834, and shall be served on all parties on or before 5:00 pm on July 28, 2015. The Board will decide the matter upon the administrative record, including such written argument and documentary evidence as the parties may wish to submit.
3. Written argument and documentary evidence should focus only on whether good cause exists to set aside the denial of Petitioner's Petition for Reinstatement, including, but not limited to, the Board's service of its Revised Notice of Hearing on Respondent. Arguments and evidence should not be offered regarding the merits of Petitioner's underlying Petition for Reinstatement.

IT IS SO ORDERED this 27 day of April, 2015.


MADHU CHAWLA, O.D.
VICE PRESIDENT

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

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In the Matter of the Petition for
Reinstatement of Revoked License of:

Case No. CC 2014-141

LARRY FRANKLIN THORNTON

DECISION AND ORDER

Petitioner.

FINDINGS OF FACT

- 1. On or about October 3, 1977, Larry Franklin Thornton ("Petitioner") was granted Optometrist Certificate of Registration Number 6369.
- 2. On or about December 31, 2002, Complainant Karen Ollinger, in her official capacity as the Executive Officer of the State Board of Optometry, Department of Consumer Affairs, filed Accusation, Case No. 2001-142 against Petitioner.
- 3. On or about July 14, 2003, the Board adopted a Default Decision and Order revoking Petitioner's license to practice optometry. The Board's Decision became effective on or about July 14, 2003.
- 4. On or about October 12, 2006, Petitioner filed a Petition for Reinstatement of Revoked License which the Board denied by Decision and Order effective February 17, 2007.
- 5. On or about July 28, 2008, Petitioner filed a Petition for Reinstatement of Revoked License which the Board denied by Decision and Order effective October 10, 2008.

1 6. On or about December 11, 2011, Petitioner filed a Petition for Reinstatement
2 of Revoked License which the Board denied by Decision and Order effective
3 July 10, 2012.

4 7. On or about August 12, 2013, Petitioner filed a Petition for Reinstatement of
5 Revoked License which the Board denied by Decision and Order effective
6 December 11, 2013.

7 8. On or about December 4, 2014, Petitioner filed a Petition for Reinstatement of
8 Revoked License. A copy of the Petition is attached as exhibit A, and is incorporated
9 herein by reference.

10 9. On or about December 24, 2014, a Notice of Hearing was sent by Certified
11 mail to the address of record on said Petition which was and is: 1041 South West Lake,
12 #308, Los Angeles, CA, 90006. The Notice of Hearing informed Petitioner that an
13 administrative hearing in this matter was scheduled for January 23, 2015 at 320 West
14 Fourth Street, 7th Floor, Conference Room, Los Angeles, CA 90013. Said Certified mail
15 was returned to the Board on or about January 12, 2015.

16 10. On or about January 12, 2015, a Revised Notice of Hearing was sent by
17 Certified mail to the address of record on said Petition which was and is: 1041 South
18 West Lake, #308, Los Angeles, CA, 90006. The Revised Notice of Hearing informed
19 Petitioner that an administrative hearing in this matter was scheduled for
20 January 23, 2015 at Van Nuys State Building, Auditorium, 6150 Van Nuys Blvd, Van
21 Nuys, CA 91411.

22 11. On or about January 13, 2015, the above Revised Notice of Hearing was sent
23 by Overnight mail to the address of record on said Petition which was and is: 1041 South
24 West Lake, #308, Los Angeles, CA, 90006. The Revised Notice of Hearing informed
25 Petitioner that an administrative hearing in this matter was scheduled for
26 January 23, 2015 at Van Nuys State Building, Auditorium, 6150 Van Nuys Blvd, Van
27 Nuys, CA 91411.

28 12. At the hearing held on January 23, 2015, Respondent failed to appear.

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DETERMINATION OF ISSUES

- 1. Based on the foregoing findings of fact, Petitioner Larry Franklin Thornton has subjected his Petition for Reinstatement of Revoked License to denial.
- 2. Service of the Notice of Hearing and the Revised Notice of Hearing was proper and in accordance with the law.
- 3. The agency has jurisdiction to adjudicate this case by default.
- 4. The State Board of Optometry is authorized to deny Petitioner's Petition for Reinstatement of Revoked License because Petitioner has not met his burden of proof.

ORDER

IT IS SO ORDERED that the Petition for Reinstatement of Revoked License of Petitioner Larry Franklin Thornton is hereby denied.

This Decision shall become effective on April 29, 2015, 2015.

IT IS SO ORDERED this 30th day of March, 2015.



ALEJANDRO ARREDONDO, O.D.
PRESIDENT

STATE BOARD OF OPTOMETRY
1115 EAST 10TH AVENUE, SUITE 100
DENVER, COLORADO 80202

Attachment: Exhibit A: Petition

Exhibit A

Petition for Reinstatement of Revoked License, Case No. CC 2014-141



STATE BOARD OF OPTOMETRY
 2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
 P. (916) 575-7170 F. (916) 575-7292 www.optometry.ca.gov



CALIFORNIA STATE BOARD OF
OPTOMETRY

PETITION FOR REINSTATEMENT

A person whose certificate of registration has been revoked or suspended for more than one year may petition the Board to reinstate the certificate of registration after a period of not less than one year has elapsed from the date of the revocation or suspension. In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the Board may investigate and consider all activities of the petitioner since the disciplinary action was taken, the offense for which discipline was imposed, activity during the time the certificate of registration was in good standing and the petitioner's general reputation for truth, professional ability and good character.

PLEASE TYPE OR PRINT LEGIBLY

1. NAME (FIRST) (MIDDLE) (LAST)	LARRY FRANKLIN THORNTON	CERTIFICATE OF REGISTRATION NO.	6369	
2. ADDRESS (NUMBER) (STREET)	1041 South West Lake #308 Apt.	BIRTH		
(STATE) (ZIP CODE)	Los Angeles, CA 90006	TELEPHONE	()	
3. PHYSICAL DESCRIPTION (HEIGHT) (WEIGHT) (EYE COLOR) (HAIR COLOR)	5'10" 170 Brown DARK BROWN			
4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGES OF OPTOMETRY ATTENDED				
NAME OF SCHOOL				
INDIANA UNIVERSITY School of optometry				
ADDRESS (NUMBER) (STREET)				
AT WATER AVE				
(CITY) (STATE) (ZIP CODE)				
Bloomington, IN 47401				
5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? YES NO				
STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS
Kentucky	860 DT	11/29/77		UNACTIVE

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
SAN BERNARDINO, CA	1999-2001	2001	INLAND EMPIRE OPTOMETRY GENERAL PRACTICE
Los Angeles, CA	2001	2002	MONTE VISTO GENERAL PRACTICE

- 7. Are you or have you ever been addicted to the use of narcotics alcohol? YES NO
- 8. Are you or have you ever suffered from a contagious disease? YES NO
- 9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? YES NO
- 10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? You must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) YES NO
- 11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) YES NO
- 12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? YES NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACH A STATEMENT OF EXPLANATION GIVING FULL DETAILS. *Full details already acknowledged out of the 2 sets of license revocation applications that have been presented.*

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

- 13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action. *2002 LICENSE REVOKED because of working within an optical unit side by side*
- 14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced. *punished 12 mos for a 1 year penalty is quite an overkill*
- 15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations. *GENERAL RETAIL through state programs - selling case out designed frames*
- 16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition. *not working at all OPTOMETRICALLY until license is reinstated and intense study of ophthalmology*
- 17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined. *All ready on file with last two petitions presented*
- 18. List all optometric literature you have studied during the last year. *That is on file as well same as #17*
- 19. List all continuing education courses you have completed since your license was disciplined. *That is on file as well same as #17 & 18*
- 20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition. *has been on file since 2002*

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date 12-4-2014 Signature [Signature] *on #6369*

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California; 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.3 of the Civil Code.

IT IS REDUNDANT
FOR ME TO
PRODUCE INFORMATION
THAT HAS ALREADY
BEEN PRODUCED
SEVERAL TIMES &
IS ALREADY ON
FILE - ESPECIALLY
WITH NO POSITIVE RESULTS
FOR ME FOR 12 YEARS.
L. FRANKLIN
THORNTON

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

In the Matter of the Petition for the
Reinstatement of:

LARRY FRANKLIN THORNTON,

Petitioner.

Case No. CC 2013-46

OAH No. 2013080610

DECISION

On September 13, 2013, in Pomona, California, a quorum of the California Board of Optometry (Board), Department of Consumer Affairs, State of California, heard and decided the Petition for Reinstatement of the Revoked License of Larry Franklin Thornton.

Administrative Law Judge Chris Ruiz, Office of Administrative Hearings, State of California, conducted the administrative proceeding.

Deputy Attorney General Sydney Mehringer appeared on behalf of the Office of the Attorney General, State of California pursuant to Government Code 11522. Jessica Sieferman, the Board's Enforcement staff, was also present during the proceedings.

Larry Franklin Thornton (Petitioner) appeared and represented himself at the hearing.

The Board received documentary evidence submitted with the Petition for Reinstatement and also considered Petitioner's testimony. Thereafter, the matter was submitted and decided by the Board in Executive Session.

FACTUAL FINDINGS

1. On or about October 3, 1977, the Board issued Optometry License number OPT 6369 to Petitioner.

2. On December 31, 2002, an accusation was filed by the Board against Petitioner. The accusation alleged unprofessional conduct, in connection with discipline that had been imposed by the Kentucky Board of Optometric Examiners in March 2000 against Petitioner's Kentucky optometrist license, based on the Kentucky Board's findings that

Petitioner took money from clients "and did nothing to improve or care for their vision," and that his "failure to provide paid-for services ... handicapped the clients in the conduct of their daily activities, deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. [Petitioner] took the money from too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. . . . [Petitioner] simply abandoned those patients who depended upon him."

3. Petitioner did not file a notice of defense within 15 days after service on him of the accusation. Accordingly, on June 14, 2003, the Board issued a default decision and order, which became effective July 14, 2003, in which, pursuant to Government Code section 11520, the Board found Petitioner in default, deemed Petitioner's default to constitute express admissions of the accusation's allegations, and revoked Petitioner's license.

4. Petitioner has filed three prior Petitions for Reinstatement dated October 12, 2006, July 28, 2008, and December 11, 2011. All three of these prior petitions have been denied. The effective date of the Decision regarding Petitioner's most recent petition for reinstatement was July 10, 2012.

5. In its most recent July 2012 Decision, which denied Petitioner's third petition for reinstatement, the Board stated specific reasons as the basis for denial of the petition. One of the reasons given by the Board in its Decision was that Petitioner had failed to undergo psychological testing and drug testing before again applying for reinstatement. In his instant petition (Petitioner's fourth petition), Petitioner stated that obtaining a psychological evaluation "was impossible to fulfill." Petitioner did submit some evidence of drug testing, and while the results were negative, the testing was only performed on one day, namely September 9, 2013:

6. This is Petitioner's fourth petition for reinstatement. The Decision denying his third petition specifically stated what the Board required before it would be willing to consider granting any future petition brought by Petitioner. Nonetheless, knowing the Board wanted Petitioner to obtain a psychological evaluation, he failed to do so. Further, Petitioner did not offer any testimony as to attempts he made to use public services, such as Los Angeles County mental health facilities, in an attempt to obtain an evaluation.

7. After reviewing the Petition and considering all the documentary evidence and witness testimony, it was established that Petitioner did not carry his burden to establish that his petition should be granted. Petitioner's testimony at hearing appeared disorganized and he did not directly address the Board's previously stated, and continuing, concerns.

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LEGAL CONCLUSIONS AND DISCUSSION

1. In a proceeding to restore a revoked license, the burden rests on the petitioner to prove that he has rehabilitated himself and that he is entitled to have his license restored. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) An individual seeking reinstatement must present strong proof of rehabilitation which must be sufficient to overcome the former adverse determination. The standard of proof is clear and convincing evidence. (*Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d. 308, 315-316.)

2. Government Code section 11520 provides in pertinent part:

“A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.”

3. California Code of Regulations, title 16, section 1516, provides in pertinent part:

“(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).”

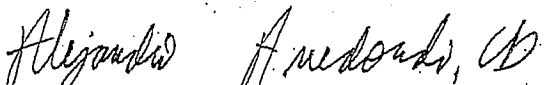
4. Based on Factual Findings 1 through 7 and Legal Conclusions 1 through 3, cause was not established under the applicable burden and standard of proof to grant the petition to reinstate Petitioner’s license. In particular, Petitioner’s failure to obtain a psychological evaluation when he was previously specifically instructed to do so, shows he does not understand the great responsibility and duty the Board has to confirm an applicant’s qualifications before reinstating a license. Petitioner’s testimony and submitted documents were insufficient to meet Petitioner’s burden of proof by clear and convincing evidence that his license should be reinstated.

ORDER

Petitioner Larry Franklin Thornton’s Petition for the Reinstatement of Revoked Optometry License number OPT 6369 is denied.

Ordered: November 12, 2013

Effective: December 11, 2013


ALEJANDRO ARREDONDO, O.D., President
California Board of Optometry
Department of Consumer Affairs
State of California

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

In the Matter of the Petition for the
Reinstatement of the Revoked License of:

Case No. CC 2011-165

OAH No. 2012030109

LARRY FRANKLIN THORNTON,

Petitioner.

DECISION

This matter was heard before a quorum of the Board of Optometry (Board) on May 18, 2012, in Sacramento, California. The members of the Board present were: Lee A. Goldstein, O.D., President, presiding; Alejandro Arredondo, O.D., Vice President; Donna Burke; Fred J. Naranjo; Alexander Kim; Edward Rendon; and Kenneth Lawenda, O.D. Administrative Law Judge Danette C. Brown, Office of Administrative Hearings, State of California, sat with the Board.

Larry Franklin Thornton (petitioner) was present and represented himself.

Anahita Crawford, Deputy Attorney General, appeared on behalf of the Department of Justice, State of California.

Evidence was received, the record was closed, and the matter was submitted for decision on May 18, 2012.

FACTUAL FINDINGS

1. On or about October 3, 1977, the Board issued a Certificate of Registration to Practice Optometry No. 6369 to petitioner. The Board revoked petitioner's Certificate of Registration, effective July 14, 2003, as a result of disciplinary action taken by the Board in Case No. CC 2001-142.

Accusation against Petitioner, December 31, 2002, Board Case No. CC 2001 142

2. An accusation was filed against petitioner on December 31, 2002. The accusation alleged unprofessional conduct in connection with discipline that had been imposed by the Kentucky Board of Optometric Examiners in March 2000 against petitioner's Kentucky optometrist's license, based on the Kentucky Board's findings that petitioner took money from clients "and did nothing to improve or care for their vision," and that his "failure to provide paid-for services . . . handicapped the clients in the conduct of their daily activities, deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. [Petitioner] took the money from too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. . . . [Petitioner] simply abandoned those patients who depended upon him."

3. The Board issued a Default Decision and Order effective July 14, 2003, as a result of petitioner's failure to file a Notice of Defense within 15 days after service on him of the accusation. Pursuant to Government Code section 11520, the Board found petitioner in default, deemed petitioner's default to constitute express admissions of the accusation's allegations, and revoked petitioner's license.

Petition for Reinstatement, October 12, 2006, OAH No. L2006100659

4. On October 12, 2006, petitioner filed with the Board a Petition for Reinstatement (2006 petition). On November 16, 2006, a quorum of the Board convened to hear the 2006 petition. The Deputy Attorney General appeared on behalf of the Department of Justice. Petitioner failed to appear. The Board heard the matter and denied the 2006 petition. The Board concluded that cause was not established under the applicable burden and standard of proof to grant the petition to reinstate petitioner's license. In particular, petitioner's response to Question 9 of the 2006 petition that he had not been under observation or treatment for mental disorders, alcoholism, or narcotic addiction was inconsistent with the reference in his handwritten statement to drug and alcohol rehabilitative efforts. Ultimately, the 2006 petition raised important questions as to petitioner's suitability for reinstatement. The Board concluded that letters of reference submitted on petitioner's behalf and the other documents submitted with the 2006 petition were insufficient to meet petitioner's burden of proof by clear and convincing evidence that his license should be reinstated.

Petition for Reinstatement, July 28, 2008, OAH No. 2018080180

5. On July 28, 2008, petitioner filed with the Board a second Petition for Reinstatement (2008 petition). On September 3, 2008, a quorum of the Board convened to hear the 2008 petition. Petitioner asserted that it was appropriate to reinstate his license because he had sufficiently rehabilitated from the Kentucky action. The Deputy Attorney General asserted that the public would be unsafe if petitioner's license was reinstated. The Board concluded that petitioner failed to meet the requisite burden of proof to warrant

reinstatement of the license. Petitioner's lack of genuine remorse, his lack of forthrightness with the Board regarding drugs and rehabilitation programs, and his admission of unlicensed practice of optometry in California resulted in the Board's decision to deny reinstatement. The Board suggested steps petitioner should take in preparation for future petitions to reinstate, including psychological evaluations, drug testing, and 100 hours of continuing education.

Present Petition for Reinstatement, December 11, 2011; OAH No. 2012030109

6. On December 11, 2011, petitioner filed with the Board a third Petition for Reinstatement (petition). A quorum of the Board was convened on May 18, 2012, to hear the petition. In support of his petition, petitioner submitted a letter of explanation, a newspaper clipping announcing his 1976 graduation from optometry school, and proof of continuing education coursework in the field of optometry. In his letter of explanation, petitioner stated that, at an unspecified point in the past, he was the victim of a hit-and-run accident which resulted in medical bills amounting to \$70,000. Petitioner asserted that his financial circumstances necessitated the reinstatement of his license in order to pay back his medical bills. Petitioner further asserted that he has met the Board's demands, but failed to state what those demands were. Neither the letter nor the newspaper clipping showed any progress on the part of petitioner toward rehabilitation. As a result, little weight was given to either.

7. Petitioner requested that the Board certify his purported completion of 100 hours of continuing education credits. Petitioner submitted certificates of completion for the courses taken. Petitioner accumulated continuing education credits over a span of 17 years at various optometric colleges. The majority of certificates show completion dates in 2004 and 2005. At his 2008 petition hearing, the Board recommended that petitioner complete 100 hours two years prior to submitting a new petition for reinstatement. Petitioner applied for reinstatement in December 2011. Petitioner completed the following courses, which meet the Board's recommended timeline:

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Date	Course	Optometric Institution	Hours
08/03/2009	Seizing Profits in the Treatment and Management of Ocular Allergy	Pennsylvania College of Optometry	1
02/14/2010	Celebration of Lifetime Achievement of Dr. Michael Rouse CE Program	Southern California College of Optometry (SCCO)	7
04/18/2010	Cornea & Cataract CE Program and Optometric Boot Camp	SCCO	7
08/22/2010	Potpourri of CE with a Focus on Primary Care	SCCO	7
08/24/2010	Providing Optimal Optics	University of Alabama, School of Optometry	1
11/14/2010	Fall Optometry Update	SCCO	7
		Total Hours	30

The courses listed above amount to 30 hours of credits, far short of the 100 hours recommended by the Board. Petitioner's prior coursework was taken too far in the past to be relevant with respect to petitioner's current rehabilitative efforts. Petitioner failed to comply with the Board's recommendation that he complete 100 hours of continuing education during a two-year period prior to the present petition.

8. Question 10 of the petition asked that petitioner disclose if he had ever been arrested. Petitioner answered "NO." Petitioner's answer was false in that he admitted at hearing that he had been arrested and jailed several times when he practiced in Kentucky. Petitioner testified that the policemen were "pinpointing and picking at [him]," forcing him to "pull himself out of the financial situation to the point I had no money..." In addition, Question 12 asked if petitioner's license had ever been subject to disciplinary action. Petitioner answered "NO." Petitioner's answer was false in that the Kentucky Board suspended his optometry license in that state. Petitioner showed repeated dishonesty on his petition.

9. At hearing, the Deputy Attorney General asked petitioner what assurances he could give the Board that the action taken in Kentucky would not recur in California. Petitioner responded:

You can't compare California and Kentucky. It's A to Z different in Kentucky... It's ok for Caucasians, it's ok for Chinese, but it's not the thing to do... You can't equate

Kentucky and California... It's hard to answer the question. It's like Asia and here... I don't think that policemen will pull me over and demand funds to get me out of jail.

Additionally, Petitioner offered to give a "sample of [his] aptitude for psychological testing." Petitioner stated:

As optometrists we know that light goes from left to right... from physics. We also know that the world turns from left to right. We all love life and we try to live. We know that there is good and evil... But more importantly, we love life and live... But if we take that same positive phrase... and we spell it in reverse, it's just like Satan. We get evil. But it's beautiful. It's love, life, and live. In reverse, it's 'evil.' Just a sample of my psychological aptitude.

Petitioner's bizarre, rambling responses were unrelated to the Deputy Attorney General's question. Petitioner failed to provide any assurances that he will not repeat the instances of misconduct that occurred in Kentucky.

10. When asked by the Board whether he felt remorse for the Kentucky incident, petitioner was evasive and non-responsive. He stated:

When you are incarcerated for ten years, you are sorry anyways. You can say "Dr. Goldstein, do that." He knows... It's so understood as a person. It's there, but maybe you can't see that through my person.

At several points, the Deputy Attorney General and the Board asked if petitioner would ever take money from clients should financial stress occur in the future. Petitioner replied:

Once you pass away, you can't do anything. I am dead in jail... And then all my customers were asking "When will I get my glasses?" And I started getting threats. It was nerve-wracking. What would you do? I had to love myself.

Petitioner did not take responsibility for the choices he made, nor did he apologize for his actions in Kentucky. Petitioner's unintelligible and convoluted responses indicated a lack of remorse.

11. Petitioner indicated an unwillingness to undergo psychological evaluation and drug testing. Petitioner has testified that he has not undergone psychological evaluation or drug testing, as suggested by the Board at the 2008 petition hearing. With regard to both conditions, petitioner stated:

It was no problem, but I wanted to qualify it. I don't mind once, but I want to rest. If I don't have to go there, I don't want to go there. And with regard to psychological testing, I don't want to go there... It's just all these added demands...

Petitioner's refusal to undergo psychological evaluation and drug testing indicate petitioner's unwillingness to abide by the Board's recommendations and a failure to recognize the need for such evaluation and testing.

12. The Board asked petitioner about his 2006 citation for practicing without a license in an office on Pico Boulevard in West Los Angeles. Petitioner acknowledged that his license was not active in California at the time. Petitioner's acquaintance, an optician, asked Petitioner to "fill in" for a sick optometrist in order to make some extra money. When petitioner noted that his license was not active, the optician told him "Just get your money and get your license and figure it out..." Petitioner further testified:

If [the optician] wasn't so ruthless to the patient, it wouldn't have come to light... 15 minutes with the patient and he would say "Thornton, he's got to go." The patient didn't like that and that's how the complaint came up.

Petitioner was aware that he should not have been practicing without his license, but chose to do so anyway, and may have gotten away with doing so if the patient had not complained to the Board. This awareness was indicative of petitioner's willingness to dishonestly circumvent the law in times of financial stress.

13. Petitioner asserted that he is now eligible to apply for reinstatement of his Kentucky license but has chosen not to do so for both financial reasons and because he does not wish to return to Kentucky.

LEGAL CONCLUSIONS

1. Government Code section 11522 provides, in pertinent part:

A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that

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the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

2. In a proceeding to restore a revoked license, petitioner bears the burden to prove by clear and convincing evidence to a reasonable certainty that the Board should grant the reinstatement. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

3. Based on Findings 6 through 13, petitioner failed to meet his burden of proof. Evidence provided by petitioner showed little, if any, effort to rehabilitate himself since his last hearing. Findings 6 and 7 show that the documentary evidence submitted by petitioner added very little substance. Cause was not established by clear and convincing evidence to reinstate petitioner's license to practice.

4. Petitioner's dishonesty on his application and his conduct in practicing without a license (Findings 8 and 13) show that the safety of the public cannot be ensured if petitioner is reinstated.

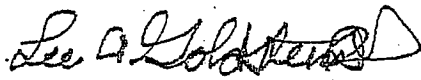
5. Petitioner failed to express remorse or regret regarding the incident in Kentucky. Petitioner's responses to questions were confusing and he was unable to focus on the issue of rehabilitation. Petitioner's ability to effectively administer optometric care to patients is severely in doubt. It is recommended that petitioner undergo psychological evaluation and drug testing before he applies for reinstatement in the future.

6. When all the evidence is weighed and balanced, in order to protect the public, reinstatement is not warranted at this time.

ORDER

Petitioner Larry Franklin Thornton's Petition for the Reinstatement of Revoked Optometry License No. OPT 6369 is DENIED.

DATED: July 10, 2012



LEE GOLDSTEIN, O.D., President
California Board of Optometry
Department of Consumer Affairs
State of California

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

In the Matter of the Petition
for Reinstatement Regarding:

OAH No. L2008080180

LARRY FRANKLIN THORNTON,

Optometrist License No. OPT 6369,

Petitioner.

DECISION

A quorum of the Board of Optometry (the California Board) heard this matter on September 3, 2008, in Pomona, California. The members of the Board present were Lee A. Goldstein, O.D., President; Susy Yu, O.D., Vice President; Alex M. Arredondo, O.D.; Fred Naranjo; Richard K. Simonds, O.D.; Monica Johnson; Ken Lawenda, O.D.; Martha Burnett-Collins, O.D.; and Katrina Semmes.

Margie McGavin, the Board's Enforcement Manager, was also present during the proceedings.

Daniel Juárez, Administrative Law Judge with the Office of Administrative Hearings was present at the hearing and during the consideration of the case, in accordance with Government Code section 11517.

Larry Franklin Thornton (Petitioner) represented himself.

Char Sachson, Deputy Attorney General, represented the Attorney General of the State of California, pursuant to Government Code Section 11522.

The parties submitted the matter for decision, and the Board decided the case in executive session on September 3, 2008.

FACTUAL FINDINGS

1. On July 28, 2008, Petitioner filed the Petition for Reinstatement, his second such petition (Factual Finding 5 describes the first petition). Petitioner seeks the reinstatement of his revoked optometrist license; he contends it is appropriate to reinstate his license because he is sufficiently rehabilitated from earlier transgressions he committed in another state.

2. The California Attorney General contends the public would be unsafe if the Board were to reinstate Petitioner's license.

3. The California Board licensed Petitioner (optometrist license number OPT 6369) on October 3, 1977. At the time of his original licensure by the California Board, Petitioner already possessed an optometrist license, issued by the Kentucky Board of Optometric Examiners (the Kentucky Board), in February 1977.

4(a). On or about January 15, 2003, the California Board's then-Executive Officer filed an Accusation against Petitioner, alleging cause to revoke or otherwise discipline Petitioner's California optometrist license (*In the Matter of the Accusation Against Larry, Franklin Thornton, O.D.*, case number CC 2001 142). The Complainant in that case alleged that Petitioner was subject to disciplinary action because, in March 2000, the Kentucky Board had suspended Petitioner's Kentucky optometrist license for six years.¹ The Kentucky Board took disciplinary action against Petitioner because it concluded that Petitioner had violated Kentucky statutes and administrative regulations, committing the following acts: "grossly unprofessional or dishonorable conduct;" "obtaining fees by fraud or misrepresentation;" "conduct likely to deceive or defraud the public;" receipt of fees for services not rendered;" "knowingly making a false statement regarding a prescription;" "presenting a prescription for a controlled substance in violation of the law;" "failing to give visual care to patients who sought care, paid for that care, and had every expectation of receiving that care;" and "associated or shared an office or fees with a person engaged in the unauthorized practice of optometry."

4(b) The Kentucky Board's findings were generally described in the underlying (California) Accusation as follows:

[Petitioner's] clients came to him expecting to receive professional and fair treatment with resulting proper vision care. Instead [Petitioner] took their money and did nothing to improve or care for their vision . . . The failure to provide paid-for services deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. [Petitioner] took the money from

¹ Despite the six-year suspension ending in March 2006, Petitioner still does not have his Kentucky optometrist license reinstated; he believes he will be eligible for reinstatement in that state sometime in 2009.

too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. [¶] [¶] ... [Petitioner] simply abandoned those patients who depended upon him.

4(c). Based on the Kentucky Board's conclusions and ultimate suspension, the Complainant in the California Board's underlying Accusation cited Business and Professions Code sections 3090, subdivision (b) and 141, subdivision (a) (unprofessional conduct and disciplinary action by another state) as the bases to discipline Petitioner's California optometrist license.

4(d). Petitioner failed to file a notice of defense within 15 days after service of the Accusation, and thus waived his right to a hearing on the merits. The Board issued a Default Decision and Order, effective July 14, 2003, revoking Petitioner's optometrist license.

5. On October 12, 2006, Petitioner filed an earlier Petition for Reinstatement (*In the Matter of the Petition for the Reinstatement of the Revoked License of Larry Franklin Thornton*, case number CC 2005 117). On November 16, 2006, a quorum of the Board convened to hear Petitioner's case. The Deputy Attorney General in the instant matter represented the Office of the Attorney General in the first petition for reinstatement. Neither Petitioner nor anyone representing Petitioner appeared at the hearing. Nevertheless, the Board heard the matter and denied the petition. Among other things, the Board noted a significant inconsistency in Petitioner's assertions. The Board cited Petitioner's denial of any drug or alcohol problems, on the one hand, but noted Petitioner's reference to having taken steps toward drug and alcohol rehabilitation, on the other hand. Additionally, the Board found that, in September 2006, Petitioner had been cited for practicing optometry without a license.

6. At the instant hearing, in response to a direct question from the Board, Petitioner asserted he did not have a drug or alcohol addiction or problem. However, as part of the Petition for Reinstatement, Petitioner submitted an informational document regarding the Crenshaw Christian Center Alcohol and Drug Abuse Program. He initially told the Board that he attended the program solely to attend a bible study component that is offered as a part of the rehabilitation program. However, upon further questioning by the Board, Petitioner admitted that he attends and intends on continuing to participate in the drug rehabilitation program and that he has taken drugs before.

7. In his Petition for Reinstatement, Petitioner described his optometric work as consisting of a solo practice from March 2001 to April 2002, and a group practice between June 2003 and approximately April 2004. He also admitted that since losing his license, he practiced optometry without a license for approximately one year (though the evidence did not conclusively establish the time period in which this occurred). In his Petition documents, he wrote, "[s]ince my license has been revoked, I worked at an optometry office at 8920 West Pico Boulevard, Los Angeles.

However, I was cited for practicing without a license." He acknowledged that his actions were contrary to the laws governing the practice of optometry.

8. Currently, according to Petitioner, he receives public assistance (welfare) in the form of subsistence level monthly monetary payments through the County General Relief program. He provided no evidence to support that assertion. Petitioner also claimed to be current in continuing education course requirements, but provided no evidence to support that assertion.

9. Petitioner completed 22 hours of community service time, working for the Salvation Army, between August 2007 and June 2008. He provided no evidence explaining any imposed community service requirement.

LEGAL CONCLUSIONS

1. Cause exists to deny Petitioner's Petition for Reinstatement, pursuant to Business and Professions Code section 11522, as set forth in Factual Findings 1-9, and Legal Conclusions 2-6.

2. Petitioner bears the burden to prove, by clear and convincing evidence to a reasonable certainty, that the Board should grant his petition for reinstatement. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

3. Government Code section 11522 states in pertinent part:

A person whose license has been revoked or suspended may petition the agency for reinstatement . . . after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement.

4. California Code of Regulations, title 16, section 1516, states in pertinent part:

[¶] . . . [¶]

(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
 - (2) Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or offense(s).
 - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
 - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

5. Petitioner did not prove, by clear and convincing evidence to a reasonable certainty, that reinstatement of his license is warranted. Petitioner provided little, if any, evidence of rehabilitation. He failed to express genuine remorse for his earlier transgressions, transgressions that were serious in nature. Saliiently, he was not forthright with the Board, first asserting no problems with drugs, then admitting to using drugs and participating in a rehabilitation program. Significantly, Petitioner provided similarly contradictory evidence at the last petition for reinstatement. (See Factual Finding 5.) This, together with his admitted unlicensed practice of optometry provided evidence of dishonesty and unprofessional behavior. There was no evidence establishing Petitioner's honesty or integrity, nor was there evidence of any effort by Petitioner to repair his tarnished professional reputation. Petitioner's overall fitness to practice optometry remains questionable; thus, the public's safety cannot be assured if the Board were to reinstate him.

6. In the future, if Petitioner chooses to seek reinstatement, the Board would likely require two psychological evaluations of Petitioner (by psychologists chosen by the Board), the completion of 100 hours of continuing education (completed within the last two years prior to a new petition), on-going drug testing, and the completion of an ethics course. Furthermore, to consider possible reinstatement in the future, the Board would expect to see no additional instances evidencing Petitioner's dishonesty, any violations of law, or a lack of professional judgment and discretion.

ORDER

Larry Franklin Thornton's Petition for Reinstatement of his optometrist license, number 6369, is denied.

Dated:

10/10/2008



Lee A. Goldstein, O.D., President
California Board of Optometry

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

In the Matter of the Petition for the)
Reinstatement of the Revoked License of:)
LARRY FRANKLIN THORNTON, O.D.)
4074 Leimert Blvd.)
Los Angeles, CA 90008)
Respondent.)

Case No. CC 2005 117

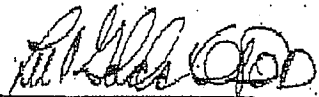
OAH No. L2006100659

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Optometry as its Decision in the above-entitled matter.

This Decision shall become effective February 17, 2007.

It is so ORDERED January 17, 2007.



LEE GOLDSTEIN, O.D.
PRESIDENT
BOARD OF OPTOMETRY

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

In the Matter of the Petition for the
Reinstatement of the Revoked License of:

LARRY FRANKLIN THORNTON,

Petitioner.

Case No. CC 2005 117

OAH No. L2006100659

DECISION

On November 16, 2006, in San Diego, California, a quorum of the California Board of Optometry, Department of Consumer Affairs, State of California heard and decided the Petition for Reinstatement of the Revoked License of Larry Franklin Thornton.

Present at the hearing were Board President Lee Goldstein, O.D., Board Vice President Susy Yu, O.D., and Board Members Monica Johnson, Daniel Pollack, O.D., Mary Rosas, Richard Simonds, O.D., and Roberto Vallenowith.

Administrative Law Judge Donald P. Cole, Office of Administrative Hearings, State of California, conducted the administrative proceeding.

Deputy Attorney General Char Sachson appeared on behalf of the Office of the Attorney General, State of California.

Neither petitioner nor any individual representing petitioner appeared at the hearing.

Following the receipt into evidence of the petition for reinstatement and supporting documentation, the matter was submitted and decided by the Board in Executive Session.

FACTUAL FINDINGS

1. On or about October 3, 1977, the Board of Optometry issued Optometry License No. OPT 6369 to petitioner Larry Franklin Thornton. The license was in full force

and effect as of December 31, 2002, and was then due to expire on June 30, 2003, unless renewed.

2. On December 31, 2002, the accusation in Board Case No. CC 2001 142 was filed against petitioner. The accusation alleged unprofessional conduct, in connection with discipline that had been imposed by the Kentucky Board of Optometric Examiners in March 2000 against petitioner's Kentucky optometrist's license, based on the Kentucky Board's findings that respondent took money from clients "and did nothing to improve or care for their vision," and that his "failure to provide paid-for services . . . handicapped the clients in the conduct of their daily activities, deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. [Petitioner] took the money from too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. . . [Petitioner] simply abandoned those patients who depended upon him."

3. Petitioner did not file a notice of defense within 15 days after service on him of the accusation. Accordingly, on June 14, 2003, the Board issued a default decision and order, which became effective July 14, 2003, in which, pursuant to Government Code section 11520, the Board found petitioner in default, deemed petitioner's default to constitute express admissions of the accusation's allegations, and revoked petitioner's license.

4. On October 12, 2006, petitioner filed with the Board under penalty of perjury a Petition for Reinstatement.

5. In the petition, petitioner responded to a number of questions that appeared on the petition form. Question 9 asked, "Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction?" Petitioner answered "no" to this question.

6. Petitioner submitted a one-page handwritten statement dated September 9, 2006, in support of the petition, in which he wrote that he had maintained professional skills and knowledge through continuing education, that he was "working within an optical establishment, if 'off limits' is understood," that beginning later that month, he planned to attend and complete a 40-hour Red Cross blood donor program and 20 hours of "alcohol and drug rehabilitative efforts," and that "unfortunately the petitioner did not comply with all law and regulations and was cited in September 2006 for filling in for an ill 80-year-old optometrist," who "returned the following week after I was cited."

7. The petition was accompanied by: an American Red Cross certificate, which stated that petitioner had completed the requirements of adult, infant and child CPR training on August 11, 2005; three reference letters (two from professional colleagues), recommending that petitioner's license be reinstated; continuing education course certificates and related documentation issued to petitioner by the Pennsylvania College of Optometry, the New England College of Optometry, the Southern California College of Optometry

reflecting course work undertaken between February 2004 and August 2005; and a criminal action report reflecting that petitioner received a citation on September 22, 2006 for the unlicensed practice of optometry.

LEGAL CONCLUSIONS

1. In a proceeding to restore a revoked license, the burden rests on the petitioner to prove that he has rehabilitated himself and that he is entitled to have his license restored. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.)

An individual seeking reinstatement must present strong proof of rehabilitation which must be sufficient to overcome the former adverse determination. The standard of proof is clear and convincing evidence. (*Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d. 308, 315-316.)

2. Government Code section 11520 provides in pertinent part:

“A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.”

3. California Code of Regulations, title 16, section 1516 provides in pertinent part:

“(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.)

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b)."

4. There are "[t]wo purposes for the Legislature mandating a statement of reasons for the decision of an agency proceeding under section 11522 *First*, a statement of reasons enables a reviewing court to determine *why* [it] did what it did and, in that light, examine the administrative record to ascertain whether there is substantial evidence to support the decision. *Second*, a statement of reasons advises the rejected petitioner for reinstatement what his deficiencies are and, therefore, tells him what he should do to make a subsequent petition meritorious." (*Crandell v. Fox* (1978) 86 Cal.App.3d 760, 765.)

5. Based on Factual Findings 1 through 7 and Legal Conclusions 1 through 4, cause was not established under the applicable burden and standard of proof to grant the petition to reinstate petitioner's license. In particular, petitioner's response to question nine of the petition that he had not been under observation or treatment for mental disorders, alcoholism, or narcotic addiction seemed inconsistent with the reference in his handwritten statement to drug and alcohol rehabilitative efforts. Further, petitioner was cited on September 22, 2006, for practicing without a license. Petitioner in fact admitted, in an apparent reference to this citation, that he "did not comply with all law and regulations." It is noted as well that petitioner's handwritten statement appears to end with a subheading (E)(1), which raises a question as to whether there were other matters that were intended to be part of the statement, but which for some reason were not submitted to the Board. Ultimately, the petition raises important questions as to petitioner's suitability for reinstatement. Yet, since petitioner neither appeared at the hearing nor notified the Board as to the reason for his non-appearance, these questions cannot be answered. In light of these factors, the letters of reference submitted in petitioner's behalf and the other documents submitted with the petition were insufficient to meet petitioner's burden of proof by clear and convincing evidence that his license should be reinstated.

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P 3/3

ORDER

Petitioner Larry Franklin Thornton's Petition for Reinstatement of Revoked Optometry License No. OPT 6369 is denied.

Dated: January 17, 2007



LEE GOLDSTEIN, O.D., President
California Board of Optometry
Department of Consumer Affairs
State of California

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 6 Attorneys for Complainant

7
 8 **BEFORE THE**
BOARD OF OPTOMETRY
 9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. CC 2001 142

11 **LARRY FRANKLIN THORNTON, O.D.**
 12 2146 W. Sunset Boulevard
 Los Angeles, California 90026
 13
 14 Optometrist License Number OPT 639

**DEFAULT DECISION
 AND ORDER**

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about January 15, 2003, Complainant Lucinda Ehnes, in her official
 18 capacity as the Interim Executive Officer of the Board of Optometry, Department of Consumer
 19 Affairs, filed Accusation No. CC 2001 142 against Larry Franklin Thornton (Respondent) before
 20 the Board of Optometry.

21 2. On or about October 3, 1977, the Board of Optometry (Board) issued
 22 Optometrist License Number OPT 6369 to Respondent. The license was in full force and effect
 23 at all times relevant to the charges herein, and will expire on June 30, 2003, unless renewed.

24 3. On or about January 15, 2003, an employee of the Department of Justice,
 25 served by Certified and First Class Mail a copy of the Accusation No. CC 2001 142, Statement to
 26 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
 27 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is
 28 2146 W. Sunset Boulevard, Los Angeles, California 90026. A copy of the Accusation, the

1 related documents, and Declaration of Service are attached as Exhibit "A", and are incorporated
2 herein by reference.

3 3. Service of the Accusation was effective as a matter of law under the
4 provisions of Government Code section 11505, subdivision (c).

5 4. On or about February 2003, the aforementioned certified mailing
6 documents were returned by the U.S. Postal Service marked "Undeliverable as Addressed.
7 Forwarding Order Expired." A copy of the postal returned documents is attached hereto as
8 exhibit B, and are incorporated herein by reference.

9 5. Government Code section 11506 states, in pertinent part:

10 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
12 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
13 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

14 6. Respondent failed to file a Notice of Defense within 15 days after service
15 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
16 Accusation No. CC 2001 142.

17 7. California Government Code section 11520 states, in pertinent part:

18 "(a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions or
20 upon other evidence and affidavits may be used as evidence without any notice to
21 respondent."

22 8. Pursuant to its authority under Government Code section 11520, the Board
23 finds Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default and the evidence before it, contained in
25 exhibits A and B finds that the allegations in Accusation No. CC 2001 142 are true.

26 9. The total costs for investigation and enforcement are \$2,653.75 as of
27 March 26, 2003.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Larry Franklin Thornton has subjected his Optometrist License Number OPT 6369 to discipline.
2. A copy of the Accusation and the related documents and Declaration of Service are attached.
3. The agency has jurisdiction to adjudicate this case by default.
4. The Board of Optometry is authorized to revoke Respondent's Optometrist License Number OPT 6369 based upon the following violations alleged in the Accusation:
 - a. Business and Professions Code sections 3090(b) and 141(a):
Unprofessional conduct - disciplinary action by another state.


ORDER

IT IS SO ORDERED that Optometrist License Number OPT 6369, heretofore issued to Respondent Larry Franklin Thornton, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 14, 2003

It is so ORDERED June 14, 2003



 FOR THE BOARD OF OPTOMETRY
 DEPARTMENT OF CONSUMER AFFAIRS

Attachments:

- Exhibit A: Accusation No. CC 2001 142, Related Documents, and Declaration of Service
- Exhibit B: Postal Return Documents

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6 Attorneys for Complainant

7
 8 **BEFORE THE**
BOARD OF OPTOMETRY
 9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
 10

11 In the Matter of the Accusation Against:

Case No. CC 2001 142

12 **LARRY FRANKLIN THORNTON, O.D.**
 2146 W. Sunset Boulevard
 13 Los Angeles, California 90026

ACCUSATION

14 Optometrist License No. OPT 6369

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Karen L. Ollinger (Complainant) brings this Accusation solely in her
 20 official capacity as the Executive Officer of the Board of Optometry, Department of Consumer
 21 Affairs.

22 2. On or about October 3, 1977, the Board of Optometry issued Optometrist
 23 License No. OPT 6369 to Larry Franklin Thornton, O.D. (Respondent). The Optometrist
 24 License was in full force and effect at all times relevant to the charges brought herein and will
 25 expire on June 30, 2003, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board of Optometry (Board), under
3 the authority of the following sections of the Business and Professions Code (Code).

4 4. Section 3090 of the Code states:

5 The certificate of registration of any person registered under this chapter, or any
6 former act relating to the practice of optometry, may be revoked or suspended for a fixed period
7 by the board for any of the following:

8
9 “(b) Unprofessional conduct.”

10 5. Section 141(a) of the Code states:

11 “(a) For any licensee holding a license issued by a board under the jurisdiction of
12 the department, a disciplinary action taken by another state, by any agency of the federal
13 government, or by another country for any act substantially related to the practice regulated by
14 the California license, may be a ground for disciplinary action by the respective state licensing
15 board. A certified copy of the record of the disciplinary action taken against the licensee by
16 another state, an agency of the federal government, or another country shall be conclusive
17 evidence of the events related therein.”

18 6. Section 118(b) of the Code provides that the suspension, expiration,
19 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with
20 a disciplinary action during the period within which the license may be renewed, restored,
21 reissued or reinstated.

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
23 request the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Disciplinary Action by Another State)

8. Respondent is subject to disciplinary action under Code sections 3090(b) and 141(a) of the Code, on the grounds of unprofessional conduct, in that Respondent's Kentucky optometrist's license was disciplined by the Kentucky Board of Optometric Examiners (hereinafter "Kentucky Board"). On March 21, 2000, the Kentucky Board, in a case entitled, "Kentucky Board of Optometric Examiners v. Larry Thornton," Administrative Action No. 99-KBOE-0672, in its Findings of Fact, Conclusions of Law, Final Order, and Notice of Appeal Rights (hereinafter "Kentucky Findings of Fact"), suspended Respondent's Kentucky optometry license for six years (until March 21, 2006). The Kentucky Board found Respondent to be in violation of the following Kentucky Revised Statutes ("KRS") and Kentucky Administrative Regulation ("KAR"):

- a. KRS 320.310(1)(f) (grossly unprofessional or dishonorable conduct);
- b. KRS 320.310(1)(g) (obtaining fees by fraud or misrepresentation);
- c. KRS 320.310(1)(n) (conduct likely to deceive or defraud the public);
- d. KRS 320.310(1)(r) (receipt of fees for services not rendered);
- e. KRS 218A.140 (1)(d) (knowingly making a false statement regarding a prescription);
- f. KRS 218A.140(f) (presenting a prescription for a controlled substance in violation of the law);
- g. 201 KAR 5:040, Section 5 (failing to give visual care to patients who sought care, paid for that care, and had every expectation of receiving that care); and
- h. 201 KAR 5:040, Section 3(2) (associated or shared an office or fees with a person engaged in the unauthorized practice of optometry).

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The Kentucky Board made the following findings in support of the discipline:

“Thornton’s clients came to him expecting to receive professional and fair treatment with resulting proper vision care. Instead Thornton took their money and did nothing to improve or care for their vision. . . . The failure to provide paid-for services . . . handicapped the clients in the conduct of their daily activities, deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. Thornton took the money from too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. [¶] [¶] . . . Thornton simply abandoned those patients who depended upon him.” (Kentucky Findings of Fact, p. 9.)

A copy of the Kentucky Board’s Findings of Fact, Conclusions of Law, Final Order, and Notice of Appeal Rights is attached to this Accusation as exhibit A, and is incorporated herein by reference.

PRAYER

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

1. Revoking or suspending Optometrist License No. OPT 6369, issued to Larry Franklin Thornton, O.D.;
2. Ordering Larry Franklin Thornton, O.D. to pay the Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: December 31, 2002



KAREN L. OLLINGER
Executive Officer
Board of Optometry
Department of Consumer Affairs
State of California
Complainant

03581110-LA2002AD1481