



ISSUE MEMORANDUM

DATE	August 25, 2023
TO	Members, California State Board of Optometry (CSBO)
FROM	Joely Walker, Enforcement Manager
SUBJECT	Agenda Item #6B– Executive Officer’s Report - Enforcement Program

At the end of May the Board’s Lead Enforcement Analyst retired. We are in the process of filling this position, with the recruitment posting closing on August 7th. We look forward to introducing the Board’s newest enforcement analyst at the next public meeting.

The refill position does have some change in duties. Probation monitoring, previously a function under the Lead Enforcement Analyst, has been moved from the vacated position and reassigned to Kristen (Cricket) Borges. Cricket has many years of probation monitor experience, and she now balances being the Board’s probation monitor along with processing continuing education audits. The incoming AGPA will have an increased workload of the more complex consumer complaints to make up for the lack of probation monitor duties.

Statistics:

- A. We are providing the priority/category of complaints, ranging from urgent to routine. That information is on attachment “6Bi” for Optometry and Opticianry. An attachment at the end of this document includes the DCA case referral guidelines.
- B. Probation monitoring statistics are available on the quarterly complaint statistics logs. There are currently a total of 8 licensees (OPT/OPN) on probation. Of these, 1 probationer is tolled and not receiving credit toward the completion of probation. There were 2 licensees placed on probation last quarter and 2 licensees were revoked (Fausset (eff 4/26/23) and Soss (eff 5/22/23)).
- C. 2022/2023 Continuing Education statistics are provided as attachment “6Bii”. 171 licensees were selected for audit, representing 5 percent of the renewing population. A grand total of 72 audits have been completed. Of the 72 completed, the statistics show 86 percent of auditees are passing.

Below are the most recent enforcement actions taken by the Board:

Citations Issued

Cavanna, Cheryl/SC Eye-Lab San Clemente, CA

On April 13, 2023, a \$5,000 citation was issued to Cheryl Cavanna for operating a spectacle dispensary without a current and valid Registered Dispensing Ophthalmic Business registration and falsely advertised for services she was not lawfully registered to provide. (BPC §§ 2564.91(a), 2556.5, 651(a), 17500, 2555.5(g), 2555.5(p). [Click here to obtain a copy of the action or to view the registrant's profile.](#)

Cheng, Simon S. (OPT 12032) Los Angeles, CA

On June 29, 2023, a \$900 citation was issued to Jenny Choi (OPT 12032) for failing to meet the continuing optometric education (CE) requirements within the 2020-2022 renewal cycle and certifying under penalty of perjury on his license renewal that the CE requirements were met (BPC §§ 3059(e), 3110(a)(j) and CCR §1536(b)(l). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Choi, Jenny (OPT 11301) Santa Ana, CA

On June 6, 2023, a \$1,700 citation was issued to Jenny Choi (OPT 11301) for failing to meet the continuing optometric education (CE) requirements within the 2020-2022 renewal cycle and certifying under penalty of perjury on her license renewal that the CE requirements were met (BPC §§ 3059(e), 3110(a), (j) and CCR §1536(b)(l). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Chung, Sarah Wonkyung (OPT 13845) Westminster, CA

On June 20, 2023, a \$900 citation was issued to Sarah Wonkyung Chung (OPT 13845) for failing to meet the continuing optometric education (CE) requirements within the 2020-2022 renewal cycle and certifying under penalty of perjury on his license renewal that the CE requirements were met (BPC §§ 3110(a)(j) and CCR §1536(l). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Devlyn Optical, LLC (Unregistered) Walnut Park, CA

On April 27, 2023, a \$5,000 a citation was issued to Devlyn Optical, LLC (Unregistered) for operating a spectacle lens dispensary without a current and valid Registered Dispensing Ophthalmic Business registration and falsely advertising services not lawfully registered to provide. (BPC §§ 651(a), 17500, 2555.5(g), (p), 2556.5, and 2564.91(a)).

Douangchak, Mark Songphol (OPT 14138) Chino Hills, CA

On June 20, 2023, a \$1,300 citation was issued to Mark Songphol Douangchak (OPT 14138) for failing to meet the continuing optometric education (CE) requirements within

the 2020-2022 renewal cycle and certifying under penalty of perjury on his license renewal that the CE requirements were met (BPC§§ 3059(e), 3110(a)(j) and CCR §1536(b)(l)). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Kamenev, Mila (OPT 14810)

Irvine, CA

On May 2, 2023, a \$1,300 citation was issued to Mila Kamenev (OPT 14810) for failing to meet the continuing optometric education (CE) requirements within the 2020-2022 renewal cycle and certifying under penalty of perjury on her license renewal that the CE requirements were met (BPC§§ 3059(e), 3110(a), (j) and CCR §1536(b),(l)). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Kauser, Sharieff V (OPT 10527)

Yorba Linda, CA

On June 20, 2023, a \$2,000 modified citation was issued to Sharieff V Kauser (OPT 10527) for practicing optometry under a false or assumed name without first obtaining a Fictitious Name Permit from the Board, failure to notify the Board of change of address, and advertising or holding oneself to be a specialist having special knowledge of optometry (BPC§§ 3070(a), 3078(a), 3099, 3100, and 3110(a)). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Shulkin, Michael Charles (OPT 7703)

Santa Rosa, CA

On May 18, 2023, a \$500 citation was issued to Michael Charles Shulkin (OPT 7703) for failing to provide a copy of a patient's prescription immediately after an eye examination, failing to orally inform the patient of the expiration date of a spectacle lens prescription at the time the prescription was issued, and violating a provision of the Optometry Practice Act (BPC §§2541.1 (d), and 3110(a)). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Soares, Trajan Joaquin (OPT 9569)

Los Banos, CA

On June 20, 2023, a \$2,000 citation was issued to Trajan Joaquin Soares (OPT 9569) for having a sexual relationship with a patient, ranging from about August 2013 to about August 2021. During this time, he provided optometry services to this patient in his office. (BPC§§ 3110(a), (m)(2), and 726(a)). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

Wong, Gordon Miles (OPT 8140)

Petaluma, CA

On June 22, 2023, a \$2,100 citation was issued to Gordon Miles Wong (OPT 8140) for failing to meet the continuing optometric education (CE) requirements within the 2020-2022 renewal cycle and certifying under penalty of perjury on his license renewal that the CE requirements were met (BPC§§ 3059(e), 3110(a)(j) and CCR §1536(b)). [Click here to obtain a copy of the action or to view the doctor's profile.](#)

LICENSE/REGISTRATION DENIED

Sharpe, Andre (SLD Applicant)

Effective May 25, 2023, the Registered Spectacle Lens Dispenser application of Andre Sharpe (SLD Applicant), was denied based on prior Criminal Convictions of Assault with a Firearm, Lewd and Lascivious Acts with a Child under 14, and False Statement of Material Fact in Connection with an Application (BPC §§475(a)(1), 480(a)(1)(a), and 2559.2). [Click here to obtain a copy of the action.](#)

PENDING ACCUSATIONS**Daghlawi, May (SLD 42336 / CLD 8662)
Eastvale, CA 91752**

On June 5, 2023, an Accusation was filed against the registrations of May Daghlawi (SLD 42336 / CLD 8662), with an address of record in Eastvale, CA, for Conviction of a Substantially Related Crime and Dangerous Use of Alcohol (BPC §§490, 2555.1, 2555.5(a), (k), (l), and 2557 in conjunction with CCR Title 16 §1399.270). [Click here to obtain a copy of the action or view the registrant's SLD profile.](#)

PROBATION**Nantes, Florentino (SLD 43113 and CLD 8963)**

Effective May 25, 2023, upon satisfaction of all the other prerequisites for licensure, are completed, a Registered Spectacle Lens Dispenser and Contact Lens Dispenser registrations shall be issued to Florentino Nantes. On June 2, 2023, Florentino Nantes was issued SLD 43113 and CLD 8963, the registrations were immediately, revoked, the revocations stayed, and placed on probation for one (1) year for a Substantially Related Serious Felony Conviction (BPC §§ 2559.2(b), 2561, and 480(a)(1) by reference to PC code section 1192.7). [Click here to obtain a copy of the action or view the registrants SLD profile.](#) [Click here to view the registrants CLD profile.](#)

**Tien, Peter (OPT 33489)
Baldwin Park, CA**

Effective May 25, 2023, the license of Peter Tien (OPT 33489), with an address of record in Baldwin Park, CA, was revoked, the revocation stayed, and the license was placed on probation for three (3) years. [Click here to obtain a copy of the action or to view the doctor's profile.](#)

REVOKED**Fausset, Thomas Mark (OPT 8223)
Los Angeles, CA**

On April 22, 2023, the license of Thomas Mark Fausset (OPT 8223), with an address of record in Los Angeles, CA, was revoked for multiple probation violations. [Click here to obtain a copy of the action or view the doctor's profile.](#)

**Soss, Edward H. (OPT 4847)
San Francisco, CA**

On April 28, 2023, the license of Edward H. Soss (OPT 4847) with an address of record in San Francisco, CA, was revoked for multiple probation violations. [Click here to obtain a copy of the action or view the doctor's profile.](#)

Trevino, Rogelio (SLD 40960)

Temecula, CA

Effective June 17, 2023, the Spectacle Lens Dispenser registration of Rogelio Trevino (SLD 40930), with an address of record in Temecula, CA was revoked for a Criminal Conviction of Child Abuse (BPC§§ 490, 2555.1, 2555.5(k)). [Click here to obtain a copy of the action or view the registrant's profile.](#)

Attachment: DCA Case Referral Guidelines

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

COMPLAINT PRIORITIZATION & REFERRAL GUIDELINES*

COMPLAINTS IN CATEGORIES 1 & 2 ARE REFERRED TO DIVISION OF INVESTIGATION

CATEGORY 1 • URGENT

- Acts of serious patient/consumer harm, great bodily injury, or death
- Mental or physical impairment of licensee with potential for public harm
- Practicing while under the influence of drugs/alcohol
- Repeated allegations of drug/alcohol abuse
- Narcotic/prescription drug theft; drug diversion; other unlawful possession
- Sexual misconduct with a patient
- Physical/mental abuse of a patient
- Over-prescribing
- Gross negligence/incompetence resulting in serious harm/injury
- Media/politically sensitive cases

CATEGORY 2 • HIGH

- Prescribing/dispensing without authority
- Unlicensed practice/unlicensed activity
- Aiding and abetting unlicensed activity
- Criminal violations including but not limited to prescription forgery, selling or using fraudulent documents and/or transcripts, possession of narcotics, major financial fraud, financial elder abuse, insurance fraud, etc.
- Exam subversion where exam is compromised
- Mandatory peer review reporting (B&P 805)
- Law enforcement standby/security (subject to staff availability)

COMPLAINTS IN CATEGORIES 3 & 4 ARE INVESTIGATED BY BOARD/BUREAU STAFF

CATEGORY 3 • ROUTINE

- General unprofessional conduct and/or general negligence/incompetence resulting in no injury or minor harm/injury (non-intentional act, non-life threatening)
- Subsequent arrest notifications (no immediate public threat)
- Exam subversion (individual cheating where exam is not compromised)
- Medical malpractice reporting (B&P 801) cases unless evaluated as category 1 or 2
- Serving subpoenas for hearings and for records (non DOI investigations)
- Patient abandonment
- False/misleading advertising (not related to unlicensed activity or criminal activity)
- Applicant misconduct

CATEGORY 4 • ROUTINE

- Unsanitary conditions
- Project abandonment
- Failure to release medical records
- Recordkeeping violations
- Continuing education violations
- Declaration and record collection (e.g., licensee statements, medical records, arrest and conviction records, employment records)
- Complaints of offensive behavior or language (e.g., poor bedside manner, rude, abrupt, etc.)
- Quality-of-service complaints
- Complaints against licensee on probation that do not meet category 1 or 2
- Anonymous complaints unless Board is able to corroborate that it meets category 1 or 2
- Non-jurisdictional issues

*Complaint prioritization is statutory for some clients and supersedes these Guidelines. See Business and Professions Code sections 2220.05 (Medical Board/Board of Podiatric Medicine) and 4875.1 (Veterinary Medical Board).

(Rev 12/2017)