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

In the Matter of the Statement of Issues  
Against:

Case No. 800 2016 022494

OAH No. 2019031149

**DEFAULT DECISION AND ORDER**

**STEVEN WAYNE HALL  
9841 White Oak Avenue, Apt. 208  
Northridge, CA 91325  
Spectacle Lens Dispenser Registration**

[Gov. Code, § 11520]

Respondent.

**FINDINGS OF FACT**

1. On or about December 7, 2018, Complainant Jessica Sieferman, in her official capacity as the Executive Officer of the Registered Dispensing Optician Program, Department of Consumer Affairs, filed Statement of Issues No. 800 2016 022494 against Steven Wayne Hall (Respondent) before the California State Board of Optometry.

2. On or about August 21, 2015, Respondent filed an application dated August 12, 2015, with the California State Board of Optometry to obtain a Spectacle Lens Dispenser Registration.

1           3.     On or about March 30, 2017, the Board issued a letter denying Respondent's  
2 application for a Spectacle Lens Dispenser Registration. On or about May 31, 2017, Respondent  
3 appealed the Board's denial of his application and requested a hearing.

4           4.     On or about January 3, 2019, an employee of the Department of Justice, served by  
5 Certified and First Class Mail a copy of the Statement of Issues No. 800 2016 022494, Statement  
6 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections  
7 11507.5, 11507.6, and 11507.7 to Respondent's address on the application form, which was and is  
8 9841 White Oak Avenue, Apt. 208  
9 Northridge, CA 91325. A copy of the Statement of Issues is attached as exhibit A, and is  
10 incorporated herein by reference.

11           5.     Service of the Statement of Issues was effective as a matter of law under the  
12 provisions of Government Code section 11505, subdivision (c).

13           6.     On or about May 31, 2017, Respondent appealed the denial of his application and  
14 requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's  
15 address on the application and it informed him that an administrative hearing in this matter was  
16 scheduled for September 11, 2019.

17           7.     The matter was called for hearing at the date, time and location set forth in the Notice  
18 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of  
19 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A  
20 default was declared and on motion of counsel for Complainant, the matter was remanded to the  
21 Board under Government Code section 11520.

22           8.     Government Code section 11506(c) states, in pertinent part:

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

28           9.     California Government Code section 11520(a) states, in pertinent part:

                  (a) If the respondent either fails to file a notice of defense . . . or to appear at  
the hearing, the agency may take action based upon the respondent's express

1 admissions or upon other evidence and affidavits may be used as evidence without  
2 any notice to respondent . . . .

3 10. Pursuant to its authority under Government Code section 11520, the Board finds  
4 Respondent is in default. The Board will take action without further hearing based upon the  
5 allegation set forth in the Statement of Issues and Respondent's failure to establish entitlement to  
6 issuance of a license.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Steven Wayne Hall has  
9 subjected his application for a Spectacle Lens Dispenser Registration to denial.

10 2. Service of Statement of Issues No. 800 2016 022494 and related documents was  
11 proper and in accordance with the law.

12 3. The agency has jurisdiction to adjudicate this case by default.

13 4. The California State Board of Optometry is authorized to deny Respondent's  
14 application for licensure based upon the following violations alleged in the Statement of Issues:

15 a. On or about February 26, 2013, Respondent was convicted of a substantially  
16 related crime, after pleading nolo contendere, Respondent was convicted of one misdemeanor  
17 count of violating Vehicle Code section 23152(b) [drive while having an equal to or greater than  
18 0.08% blood alcohol content (BAC), to wit 0.14%]. The circumstances underlying the conviction  
19 are that on or about November 17, 2012, admittedly, Respondent drove a vehicle while under the  
20 influence of alcohol.

21 b. On or about August 12, 2015, Respondent completed an application for  
22 licensure wherein he misstated on the application that he had not been convicted or pled nolo  
23 contendere to a crime.

24 c. Respondent's license is further subject to denial for the dishonest acts of the  
25 conviction and failing to disclose the conviction.

26 d. The above-referenced conduct is cause for denial in that it is conduct  
27 warranting licensee discipline.  
28



**ORDER**

1  
2 IT IS SO ORDERED that the application of Respondent Steven Wayne Hall is hereby  
3 denied.

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

8  
9 This Decision shall become effective on September 24, 2020

10 It is so ORDERED August 25, 2020

11 

12 FOR THE CALIFORNIA STATE BOARD OF  
13 OPTOMETRY  
14 DEPARTMENT OF CONSUMER AFFAIRS

15 DOJ docket number:LA2017604743  
16 53734994.DOCX

17  
18 Attachment:

19 Exhibit A: Statement of Issues No.800 2016 022494

20 Exhibit B: Office of Administrative Hearings Findings and Declaration of Default; Order of  
21 Remand

Exhibit A

Statement of Issues No. 800 2016 022494

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
4 State Bar No. 138213  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6316  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Statement of Issues  
Against:

Case No. 800 2016 022494

12 **STEVEN WAYNE HALL**

**STATEMENT OF ISSUES**

13 Spectacle Lens Dispenser Registration  
14 Applicant

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

20 1. Shara Murphy (Complainant) brings this Statement of Issues solely in her official  
21 capacity as the Executive Officer of the California State Board of Optometry, Department of  
22 Consumer Affairs (Board).

23 2. On or about January 1, 2016, the Board received an application for a Spectacle Lens  
24 Dispenser Registration from Steven Wayne Hall (Respondent). On or about August 21, 2015,  
25 Steven Wayne Hall certified under penalty of perjury to the truthfulness of all statements,  
26 answers, and representations in the application. The Board denied the application on March 30,  
27 2017.

28 ///

1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board, under the authority of the  
3 following laws. All section references are to the Business and Professions Code unless otherwise  
4 indicated.

5 4. Section 2550.1 provides that all Chapter 5.5 references to the board or the Board of  
6 Medical Examiners or division shall mean the State Board of Optometry.

7 5. Section 2559.2 states, in pertinent part:

8 . . . .

9 “(b) The board may deny registration where there are grounds for denial under the  
10 provisions of Division 1.5 (commencing with Section 475).

11 “(c) The board shall issue a certificate to each qualified individual stating that the  
12 individual is a registered spectacle lens dispenser. . . .”

13 **STATUTORY PROVISIONS**

14 6. Section 480 states:

15 “(a) A board may deny a license regulated by this code on the grounds that the applicant  
16 has one of the following:

17 “(1) Been convicted of a crime. A conviction within the meaning of this section means a  
18 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
19 board is permitted to take following the establishment of a conviction may be taken when the  
20 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
21 an order granting probation is made suspending the imposition of sentence, irrespective of a  
22 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

23 “(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
24 benefit himself or herself or another, or substantially injure another.

25 . . . .

26 “(3) (A) Done any act that if done by a licentiate of the business or profession in  
27 question, would be grounds for suspension or revocation of license.

28 “(B) The board may deny a license pursuant to this subdivision only if the crime or act is



1 substantially related to the qualifications, functions, or duties of the business or profession for  
2 which application is made.

3 . . . .

4 “(d) A board may deny a license regulated by this code on the ground that the applicant  
5 knowingly made a false statement of fact that is required to be revealed in the application for the  
6 license.”

7 7. Section 490 provides that a board may suspend or revoke a license on the ground that  
8 the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
9 duties of the business or profession for which the license was issued.

10 8. Section 493 states:

11 “Notwithstanding any other provision of law, in a proceeding conducted by a board within  
12 the department pursuant to law to deny an application for a license or to suspend or revoke a  
13 license or otherwise take disciplinary action against a person who holds a license, upon the  
14 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
15 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
16 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
17 and the board may inquire into the circumstances surrounding the commission of the crime in  
18 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
19 qualifications, functions, and duties of the licensee in question.

20 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and  
21 ‘registration.’”

22 **REGULATORY PROVISION**

23 9. California Code of Regulations, title 16, section 1399.270 states:

24 “For the purpose of denial, suspension, or revocation of the registration of a dispensing  
25 optician pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall  
26 be considered substantially related to the qualifications, functions, and duties of a dispensing  
27 optician if to a substantial degree it evidences present or potential unfitness of a dispensing  
28 optician to perform the functions authorized by his registration in a manner consistent with the



1 public health, safety, or welfare. . . .”

2 **FIRST CAUSE FOR DENIAL OF APPLICATION**

3 **(Conviction of a Substantially Related Crime)**

4 10. Respondent’s application is subject to denial under section 480, subdivision (a)(1), in  
5 conjunction with California Code of Regulations, title 16, section 1399.270, in that on or about  
6 February 26, 2013, Respondent was convicted of a substantially related crime, as follows:

7 a. On or about February 26, 2013, after pleading nolo contendere, Respondent was  
8 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive while  
9 having an equal to or greater than 0.08% blood alcohol content (BAC), to wit 0.14%] in the  
10 criminal proceeding entitled *The People of the State of California v. Steven Wayne Hall* (Super.  
11 Ct. L.A. County, 2013, No. 3BV00051). The Court placed Respondent on 36 months of  
12 probation, ordered him to complete a Three-Month First-Offender Alcohol Program, and ordered  
13 him to complete 49 hours of community service.

14 b. The circumstances underlying the conviction are that on or about November 17, 2012,  
15 admittedly, Respondent drove a vehicle while under the influence of alcohol.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**

17 **(Misstatement on License Application)**

18 11. Respondent’s application is subject to denial under section and 480, subdivision (d),  
19 in that Respondent made a false statement of fact required to be revealed in his application for  
20 licensure when he failed to disclosed his February 26, 2013, criminal conviction. On or about  
21 August 12, 2015, Respondent signed his Application for Registration as a Spectacle Lens  
22 Dispenser under penalty of perjury, certifying to the truth and accuracy of all information in the  
23 application. Respondent answered “No” to the question: “Have you ever been convicted of or  
24 pled nolo contendere to a crime?”. Complainant refers to and by this reference incorporates the  
25 allegations set forth above in paragraph 10, inclusive, as though set forth fully.

26 **THIRD CAUSE FOR DENIAL OF APPLICATION**

27 **(Dishonest Acts)**

28 12. Respondent’s application is subject to denial under section 480, subdivision (a)(2), in

1 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to  
2 substantially benefit himself or others, or substantially injure another. Complainant refers to and  
3 by this reference incorporates the allegations set forth above in paragraphs 10 and 11, inclusive,  
4 as though set forth fully.

5 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Conduct Warranting Licensee Discipline)**

7 13. Respondent's application is subject to denial under section 480, subdivisions  
8 (a)(3)(A) and (B), in that Respondent committed acts which if done by a licentiate of the business  
9 and profession in question, would be grounds for suspension or revocation of the license. On or  
10 about February 26, 2013, Respondent was convicted of a substantially related crime in violation  
11 of section 490, in conjunction with California Code of Regulations, title 16, section 1517.  
12 Complainant refers to and by this reference incorporates the allegations set forth above in  
13 paragraphs 10 - 12, inclusive, as though set forth fully.

14 **PRAYER**

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

- 17 1. Denying the application of Steven Wayne Hall for a Spectacle Lens Dispenser  
18 Registration;
- 19 2. Taking such other and further action as deemed necessary and proper.
- 20
- 21

22

23 DATED: 7 DEC 2013

24   
25 SHARA MURPHY  
26 Executive Officer  
27 California State Board of Optometry  
28 Department of Consumer Affairs  
State of California  
*Complainant*

LA2017604743  
52756932.docx

Exhibit B

Office of Administrative Hearings Findings and Declaration of Default; Order of Remand





OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA  
GENERAL JURISDICTION DIVISION

For more information visit

www.dgs.ca.gov/oah

**FINDINGS AND DECLARATION OF DEFAULT; ORDER OF REMAND**  
(Gov. Code § 11520)

Case Name <i>Steven Wayne Hall</i>		OAH Case Number <i>2019031149</i>
Name of Agency <i>California State Board of Optometry</i>		Agency Case Number <i>Box 2016 022494</i>
Agency Attorney <i>Gillian Friedman</i>	Respondent/Appellant/Petitioner <i>Steven Wayne Hall</i>	Respondent/Appellant/Petitioner Attorney <i>N/A</i>

**FINDINGS**

A Notice of Hearing dated *4/3/19* was served on Respondent/Appellant/Petitioner on *4/3/19*.

The Notice of Hearing was served on Respondent/Appellant/Petitioner by (method of service)

Certified Mail       Regular US Mail       Other \_\_\_\_\_

at (address of service)

- The address provided by Respondent/Appellant/Petitioner in the Notice of Defense  
 The address maintained by the Agency as the Address of Record for Respondent/Appellant/Petitioner  
 Other address provided by Respondent/Appellant/Petitioner

The Notice of Hearing provided notice that a hearing would take place on (date) *9/11/19* at (time) *9:00 a.m.*  
at (location):

SACRAMENTO  
2349 GATEWAY OAKS DR., SUITE 200  
SACRAMENTO, CA 95833  
Phone 916-263-0550 FAX 916-376-6349

OAKLAND  
1515 CLAY STREET, SUITE 206  
OAKLAND, CA 94612  
Phone 510-622-2722 FAX 916-376-6323

LOS ANGELES  
320 WEST FOURTH STREET, SUITE 630  
LOS ANGELES, CA 90013  
Phone 213-576-7200 FAX 916-376-6324

SAN DIEGO  
1350 FRONT STREET, ROOM 3005  
SAN DIEGO, CA 92101  
Phone 619-525-4475 FAX 916-376-6325

OTHER LOCATION: \_\_\_\_\_

The matter was called for hearing at the date, time and location set forth in the Notice of Hearing. Counsel for the Agency appeared for hearing. Service of the Notice of Hearing was proper.

There was no appearance by or on behalf of Respondent/Appellant/Petitioner. At (time) *9:30 am.* a default was declared.

Agency counsel has moved for remand of the matter for Agency action under Government Code section 11520.

**ORDER OF REMAND**

Based upon Respondent/Appellant/Petitioner's failure to appear at the hearing, the Agency's motion is granted. This matter is remanded to the Agency under Government Code section 11520.

DATED: <i>9/11/19</i>	ADMINISTRATIVE LAW JUDGE (Print): <i>Thomas Heller</i>	ADMINISTRATIVE LAW JUDGE (Signature): 
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