



Sent via Certified and Regular Mail

October 27, 2021

Jesus Castillon  
Verb Eyeware  
7867 Santa Monica Blvd.  
West Hollywood, CA 90046

Citation Number: 420 2019 000286

This citation is being issued in accordance with California Code of Regulations (CCR) §§ 1399.275 and 1399.277 which authorizes the executive officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and/or administrative fines against an optician who has committed any acts or omissions which violate the provisions of law. In addition, CCR § 1399.278 and CCR § 1577 authorize the executive officer of the Board to issue citations containing orders of abatement and/or administrative fines for unregistered practice. Business and Professions Code (BPC) § 125.9 and CCR § 1399.276 authorize sanctions under these sections and shall be separate from and in addition to any other civil or criminal remedies.

BPC § 2551 provides that individuals, corporations, and firms shall not engage in the business defined in BPC § 2550 before being issued a certificate of registration. BPC § 2550 provides that individuals, corporations, and firms engaged in the business of filling prescriptions for prescription lenses and, as incidental to the filling of those prescriptions, taking facial measurements, fitting and adjusting those lenses, and fitting and adjusting spectacle frames, shall be known as dispensing opticians and shall not engage in that business unless registered with the Board.

BPC § 2553 provides that a certificate authorizes the applicant, its agents, and employees acting, therefore, to engage in the business defined in Section 2550 provided that the fitting and adjusting of spectacle lenses is performed in compliance with Article 1.5 (commencing with Section 2559.1) and the fitting and adjusting of contact lenses is performed in compliance with Article 2 (commencing with Section 2560). Each certificate shall be at all times displayed in a conspicuous place at the certified place of business. (\$2500)

BPC § 2556.5 provides that any person who holds himself out as a "dispensing optician" or "registered dispensing optician" or who uses any other term or letters indicating or implying that he is registered and holds a certificate under the terms of this law without having at the time of so doing a valid, unrevoked certificate, as provided in this chapter, is guilty of a misdemeanor. (\$2500)

#### **CITATION**

An investigation into your business activity at the location identified above has been conducted by the Board. It is determined that, on or about September 1, 2018, Verb Eyeware LLC. began engaging in the business of filling prescriptions of physician and surgeons or optometrists without having a registration, as required by BPC § 2550, and is in violation of BPC §§ 2551, 2553, and 2556.5. Verb Eyeware attempted to come into compliance by applying for registration as a Registered Dispensing Optician however the application expired on May 28, 2020.

#### **ORDER**

(1) Order of Abatement:

The Board orders you to:

Cease unlawful dispensing of prescription lenses until Registered by the Board.

Maintain a current, valid, and active registration to practice as a Registered Dispensing Optician at any time that you are engaged in the practice of opticianry.

Comply with all statutes and regulations governing the practice of opticianry.

(2) Order to Pay an Administrative Fine:

In addition, you must pay an administrative penalty (fine) in the amount of \$5,000, within thirty (30) days from the date of this citation but no later than **November 26, 2021**. This penalty is consistent with BPC § 125.9 and CCR § 1399.276.

Payment of the administrative penalty must be submitted to

The California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834

Note the citation number on the check or money order and complete the enclosed Citation Receipt Acknowledgment and Fine Payment.

You may contest this citation or any portion thereof, by requesting either a formal Administrative Hearing or an Informal Citation Conference. If you request a formal Administrative Hearing before an Administrative Law Judge, it will be held pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code); no Informal Citation Conference will be held. If you request an Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified, you may contest it by filing a request for a formal Administrative Hearing before an Administrative Law Judge.

Your request for a hearing or conference must be submitted in writing to the Board no later than **November 26, 2021**. You may withdraw your request at any time prior to the hearing or conference. Unless contested, this citation shall become a final order of the Board. Compliance with the order of abatement and fine payment is due on or before **November 26, 2021**. Payment of any fine shall not constitute an admission of the charged violations (BPC § 125.9).

DATED: October 27, 2021

  
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Shara Murphy, Executive Officer  
California State Board of Optometry  
Department of Consumer Affairs  
State of California  
Complainant