

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5658

12 **KAREN CLEO VENITA MCMILLIAN**
13 793 14th Street
San Pedro, CA 90731

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 84800

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

21 2. On or about July 28, 2008, the Board issued Pharmacy Technician Registration No.
22 TCH 84800 to Karen Cleo Venita McMillian (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on November 30, 2017, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following laws.
27 All section references are to the Business and Professions Code unless otherwise indicated.

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1 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
2 of this provision. The board may take action when the time for appeal has elapsed, or the
3 judgment of conviction has been affirmed on appeal or when an order granting probation is made
4 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
5 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
6 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
7 indictment."

8 REGULATORY PROVISIONS

9 7. California Code of Regulations, title 16, section 1770, states:

10 "For the purpose of denial, suspension, or revocation of a personal or facility license
11 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
12 crime or act shall be considered substantially related to the qualifications, functions or duties of a
13 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
14 licensee or registrant to perform the functions authorized by his license or registration in a manner
15 consistent with the public health, safety, or welfare."

16 FIRST CAUSE FOR DISCIPLINE

17 (Conviction of a Substantially Related Crime)

18 8. Respondent is subject to disciplinary action under sections 4300, and 4301,
19 subdivision (l), in conjunction with, California Code of Regulations, title 16, section 1770, in that
20 Respondent was convicted of a crime substantially related to the qualifications, functions, and
21 duties of a pharmacy technician, as follows:

22 a. On or about May 6, 2015, after pleading nolo contendere, Respondent was convicted
23 of one felony count of violating Penal Code section 487, subdivision (a) [grand theft by
24 embezzlement] in the criminal proceeding entitled *The People of the State of California v. Karen*
25 *McMillan* (Super. Ct. L.A. County, 2015, No. NA100598). The Court ordered Respondent to
26 pay restitution to the victim in the amount of \$39,669.00.

27 b. The circumstances surrounding the conviction are that in or between 2003 and 2012,
28 Respondent took \$39,669 in funds from her employer.

1 SECOND CAUSE FOR DISCIPLINE

2 (Acts Involving Dishonesty, Fraud, or Deceit)

3 9. Respondent is subject to disciplinary action under section 4301, subdivision (f), on the
4 grounds of unprofessional conduct, in that Respondent committed acts involving dishonesty, fraud,
5 or deceit with the intent to substantially benefit herself, or substantially injure another.
6 Complainant refers to, and by this reference incorporates, the allegations set forth above in
7 paragraph 8, as though set forth fully

8 PRAYER

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

- 11 1. Revoking or suspending Pharmacy Technician Registration No.TCH 84800, issued to
12 Karen Cleo Venita McMillian;
- 13 2. Ordering Karen Cleo Venita McMillian to pay the Board the reasonable costs of the
14 investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16

17
18 DATED:

3/19/16



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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