1 2 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER Senior Assistant Attorney General THOMAS L. RINALDI Supervising Deputy Attorney General State Bar No. 206911 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2541 Facsimile: (213) 897-2804 Attorneys for Complainant	
8 9	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against:	Case No. 5658
12 13	KAREN CLEO VENITA MCMILLIAN 793 14th Street San Pedro, CA 90731	ACCUSATION
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 Profes	sions Code unless otherwise indicated.
28	111	
	1	
	(К	AREN CLEO VENITA MCMILLIAN) ACCUSATION

4. Section 4300 provides in pertinent part, that every license issued by the Boards is subject to discipline, including suspension or revocation.

5.

1

2

3

Section 4300.1 states, in pertinent part:

4 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation 5 of law or by order or decision of the board or a court of law, the placement of a license on a 6 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of 7 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding 8 against, the licensee or to render a decision suspending or revoking the license."

9

STATUTORY PROVISIONS

10

14

6. Section 4301 states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional
conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
Unprofessional conduct shall include, but is not limited to, any of the following:

15 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
16 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
17 whether the act is a felony or misdemeanor or not.

18

The conviction of a crime substantially related to the qualifications, functions, and 19 "(1) duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 20(commencing with Section 801) of Title 21 of the United States Code regulating controlled 21 substances or of a violation of the statutes of this state regulating controlled substances or 22 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 23 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 24 The board may inquire into the circumstances surrounding the commission of the crime, in order to 25 fix the degree of discipline or, in the case of a conviction not involving controlled substances or 26 dangerous drugs, to determine if the conviction is of an offense substantially related to the 27 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 28

2

a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning 1 of this provision. The board may take action when the time for appeal has elapsed, or the 2 judgment of conviction has been affirmed on appeal or when an order granting probation is made 3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of 4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not 5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or 6 indictment." 7 **REGULATORY PROVISIONS** 8 7. 9 California Code of Regulations, title 16, section 1770, states: "For the purpose of denial, suspension, or revocation of a personal or facility license 10 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 11 12 crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 13 licensec or registrant to perform the functions authorized by his license or registration in a manner 14 consistent with the public health, safety, or welfare," 15 FIRST CAUSE FOR DISCIPLINE -16 (Conviction of a Substantially Related Crime) 17 8. Respondent is subject to disciplinary action under sections 4300, and 4301, 18 19 subdivision (1), in conjunction with, California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to the qualifications, functions, and 20duties of a pharmacy technician, as follows: 21 On or about May 6, 2015, after pleading nolo contendere, Respondent was convicted 22 a. of one felony count of violating Penal Code section 487, subdivision (a) [grand theft by 23 embezzlement in the criminal proceeding entitled The People of the State of California v. Karen 24 McMillan (Super. Ct. L.A. County, 2015, No. NA100598). The Court ordered Respondent to 25 pay restitution to the victim in the amount of \$39,669.00. 26The circumstances surrounding the conviction are that in or between 2003 and 2012, 27 b. 28 Respondent took \$39,669 in funds from her employer.

3

l	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	DATED: 3/19/16 Diginia Heal	
18		
19	VIRGINIA HEROLD Executive Officer	
20	Board of Pharmacy Department of Consumer Affairs State of California	
21	Complainant	
22		
23	LA2015502252 61756598.doc	
24		
25		
26		
27		
28		
	(KAREN CLEO VENITA MCMILLIAN) ACCUSATION	

.