

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

In the Matter of the Accusation Against:

Case No. 5658

**KAREN CLEO VENITA MCMILLAN**  
793 14<sup>th</sup> Street  
San Pedro, CA 90731  
**Pharmacy Technician Registration No. TCH 84800**

Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on July 8, 2016.

It is so ORDERED on June 8, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 CHRISTINE J. LEE  
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300 So. Spring Street, Suite 1702  
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*Attorneys for Complainant*  
7

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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

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Case No. 5658

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San Pedro, CA 90731  
13 **Pharmacy Technician Registration No. TCH**  
**84800**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

14 Respondent.  
15

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
20 She brought this action solely in her official capacity and is represented in this matter by Kamala  
21 D. Harris, Attorney General of the State of California, by Christine J. Lee, Deputy Attorney  
22 General.
- 23 2. Karen Cleo Venita McMillan (Respondent) is representing herself in this proceeding  
24 and has chosen not to exercise her right to be represented by counsel.
- 25 3. On or about July 28, 2008, the Board of Pharmacy issued Pharmacy Technician  
26 Registration No. TCH 84800 to Karen Cleo Venita McMillan (Respondent). The Pharmacy  
27 Technician Registration was in full force and effect at all times relevant to the charges brought in  
28 Accusation No. 5658 and will expire on November 30, 2017, unless renewed.

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**JURISDICTION**

4. Accusation No. 5658 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 7, 2016. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5658 is attached as Exhibit A and incorporated by reference.

**ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 5658. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

**CULPABILITY**

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 5658, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 84800 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

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1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
2 Respondent's license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a pharmacy technician in California  
4 as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a new application for licensure. Respondent  
9 must comply with all the laws, regulations and procedures for reinstatement of a revoked license  
10 in effect at the time the petition is filed, and all of the charges and allegations contained in  
11 Accusation No. 5658 shall be deemed to be true, correct and admitted by Respondent when the  
12 Board determines whether to grant or deny the petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
14 amount of \$1,892.50 prior to issuance of a new or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or  
16 petition for reinstatement of a license, by any other health care licensing agency in the State of  
17 California, all of the charges and allegations contained in Accusation, No. 5658 shall be deemed  
18 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
19 other proceeding seeking to deny or restrict licensure.

20 7. Respondent may not apply for any license, permit, or registration from the board for  
21 three (3) years from the effective date of this decision. Respondent stipulates that should she  
22 apply for any license from the board on or after the effective date of this decision, all allegations  
23 set forth in the accusation shall be deemed to be true, correct and admitted by respondent when  
24 the board determines whether to grant or deny the application.

25 8. Respondent shall satisfy all requirements applicable to that license as of the date the  
26 application is submitted to the board, including, but not limited to certification by a nationally  
27 recognized body prior to the issuance of a new license. Respondent is required to report this  
28 surrender as disciplinary action.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 5/3/16 Karen McMillan  
KAREN CLEO VENITA MCMILLAN  
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 5/4/16

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



CHRISTINE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5658**



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*

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11 In the Matter of the Accusation Against:	Case No. 5658
12 <b>KAREN CLEO VENITA MCMILLIAN</b>	<b>A C C U S A T I O N</b>
13 793 14th Street	
14 San Pedro, CA 90731	
15 Pharmacy Technician Registration No. TCH 84800	
16 Respondent.	

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.

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**SECOND CAUSE FOR DISCIPLINE**

**(Acts Involving Dishonesty, Fraud, or Deceit)**

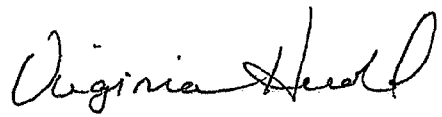
9. Respondent is subject to disciplinary action under section 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit herself, or substantially injure another. Complainant refers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

**PRAYER**

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

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

DATED: 3/19/16



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

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