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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:	Case No. 4978
11 LILLY JAZMINE CUXIM	
12 1215 Paddington Way	
13 San Jose, CA 95127	ACCUSATION
14 Pharmacy Technician License No. TCH 107490	
15 Respondent.	

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about October 13, 2010, the Board of Pharmacy issued Pharmacy Technician
21 License No. TCH 107490 to Lilly Jazmine Cuxim (Respondent). The License was in force and
22 effect at all times relevant to the charges herein and will expire on May 31, 2014, unless renewed.

23
24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code (Code) unless otherwise indicated.

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1 crime or act shall be considered substantially related to the qualifications, functions or duties of a
2 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
3 licensee or registrant to perform the functions authorized by her license or registration in a manner
4 consistent with the public health, safety, or welfare.”

5
6 COST RECOVERY

7 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation of the licensing
9 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

10
11 FIRST CAUSE FOR DISCIPLINE

12 (Conviction of Substantially Related Crime(s))

13 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
14 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
15 substantially related crime(s), in that on or about September 17, 2013, in the criminal case *People*
16 *v. Lilly Jazmine Cuxim*, Case No. C1358446 in Santa Clara County Superior Court, Respondent
17 was convicted of violating Vehicle Code section 23152(a) (Driving Under Influence of Alcohol or
18 Drugs), a misdemeanor, with an admitted special allegation that, at the time of her April 21, 2013
19 arrest, Respondent willfully refused a peace officer’s request to submit to, and willfully failed to
20 complete, the chemical test(s) pursuant to Vehicle Code sections 23612 and 23157, within the
21 meaning of Vehicle Code section 23577, subdivision (a). The conviction was entered as follows:

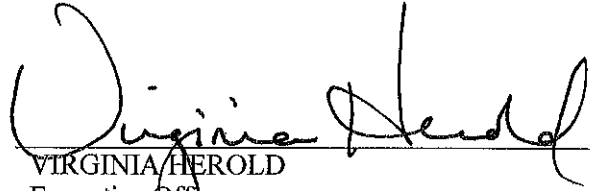
22 a. On or about April 21, 2013, officer(s) for the San Jose (CA) Police Department
23 were nearly struck in a marked patrol car by Respondent’s vehicle as she failed to stop at a red
24 light. The officer(s) observed Respondent’s vehicle make an erratic left turn, nearly driving onto
25 the curb and sidewalk and causing nearby pedestrians to scatter. The officer(s) conducted a traffic
26 stop. Respondent exhibited signs of intoxication, had the odor of alcohol on her breath, and
27 performed poorly on Field Sobriety Exercises (FSEs). A preliminary alcohol screening (PAS)
28 device measured a blood alcohol content of 0.235%. Respondent refused a chemical blood test.

1 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to Business and Professions Code section 125.3;

3 3. Taking such other and further action as is deemed necessary and proper.
4

5 DATED: _____
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2/4/14



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

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