


F I L E D

JUN 25 2013

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By 

In the Matter of the Accusation of)
)
 ABRAHAM VALENTINO,)
)
 Respondent.)
 _____)

NO. H-11482 SF
OAH NO. 2013010799

DECISION


The Proposed Decision dated June 5, 2013, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on JUL 16 2013

IT IS SO ORDERED JUNE 24, 2013

REAL ESTATE COMMISSIONER


By: Jeffrey Mason
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

ABRAHAM VALENTINO,

Respondent.

Case No. H-11482 SF

OAH No. 2013010799

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on May 30, 2013.

Annette E. Ferrante, Counsel, represented complainant.

Respondent was not present or otherwise represented.

The matter was submitted on May 30, 2013.

FACTUAL FINDINGS

1. Upon proof of compliance with Government Code sections 11505 and 11509, the matter proceeded as a default pursuant to Government Code section 11520.

2. Robin S. Tanner made the accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

3. Abraham Valentino (respondent) presently is licensed and has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) as a real estate salesperson. Respondent's license was suspended November 14, 2012, pursuant to Business and Professions Code section 10186.1 (automatic suspension/incarcerated for a felony conviction.)

4. On May 24, 2012, in the United States District Court, Northern District of California, respondent was convicted of a violation of Title 18 United States Code section 1343 (wire fraud), and Title 18 United States Code section 1957 (money laundering), both felonies and crimes involving moral turpitude, which are substantially related to the duties, qualifications and functions of a real estate salesperson.

Respondent was sentenced to 18 months in federal detention and three years of supervised release.

5. No evidence of mitigation, extenuation or rehabilitation was presented.

6. The Department incurred \$1,053.90 in total costs of investigation and enforcement of this matter. The costs of enforcement are supported by a declaration dated May 29, 2013, and is accompanied by a document describing the general tasks performed, the time spent on each task and the method of calculating the costs. In the absence of evidence to the contrary, these costs are found to be reasonable.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Finding 4, cause for disciplinary action exists pursuant to Business and Professions Code sections 10177, subdivision (b) (conviction of a crime-substantially related) and 490 (conviction of a crime).

2. The crimes set forth in Finding 4, above, are substantially related to the duties, qualifications and functions of a real estate licensee pursuant to California Code of Regulations, title 10, section 2910, subdivision (8) (unlawful act for financial benefit).

3. The matters set forth in Finding 5 have been considered in making the following order.

4. Business and Professions Code section 10106 provides, in pertinent part, that the Department may request that the licensee be ordered to pay a sum not exceeding the reasonable costs of investigation and enforcement upon a finding that the licensee violated the Real Estate Law. The Department requests reimbursement of fees and costs in the amount of \$1,053.90. The Department's fees and costs were reasonable. (Factual Finding 6.)

In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth guidelines for determining whether the costs should be assessed in the particular circumstances of each case. Respondent has not established a basis to reduce or eliminate the costs in this matter.

ORDER

1. The license and licensing rights of Abraham Valentino are hereby revoked.
2. Respondent shall pay the Department of Real Estate in the amount of \$1,053.90, as reimbursement for the costs of investigation and enforcement of this matter.

DATED: June 5, 2013

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings