

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 137007
Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670
5 (916) 263-8684 (Direct)

FILED

MAY 17 2019

DEPARTMENT OF REAL ESTATE
By *G. Krueger*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) NO. H-12337 SF
12 U.S. BALINA CORPORATION, and) ACCUSATION
13 EUGENE ROBERT RAFFANTI,)
14 Respondents.)

15 The Complainant, ROBIN S. TANNER, in her official capacity as a Supervising
16 Special Investigator of the State of California, for cause of Accusation against U.S. BALINA
17 CORPORATION ("U.S. BALINA") and EUGENE ROBERT RAFFANTI ("RAFFANTI"),
18 (collectively referred to as "Respondents"), is informed and alleges as follows:

19 1

20 Respondent U.S. BALINA is presently licensed by the California Department of
21 Real Estate ("the Department") and/or has license rights under the Real Estate Law, Part 1 of
22 Division 4 of the California Business and Professions Code ("the Code"), as a corporate real estate
23 broker. U.S. BALINA was initially licensed from September 24, 2012, to September 23, 2016.
24 From September 24, 2016, until March 22, 2017, U.S. BALINA was not licensed. On March 23,
25 2017, U.S. BALINA was re-licensed. U.S. BALINA's license will expire on or about March 23,
26 2021, unless it is revoked or renewed beforehand.

Beginning on January 11, 2018, and continuing intermittently until April 24, 2018, the Department conducted an audit of the books and records related to the real estate activities of Respondents at Respondents' main office located at 5201 Great America Parkway, Suite 320, Santa Clara, CA 95054. The auditor examined records for the period of October 1, 2016, to December 31, 2017 ("audit period").

While acting as real estate brokers as described above in paragraph 4, and within the audit period, Respondents accepted or received funds in trust ("trust funds") and deposited or caused the trust funds to be deposited into bank accounts maintained by Respondents, and thereafter, from time-to-time, Respondents made disbursements of said trust funds, identified as follows:

Bank Account #1

Bank Name: JP Morgan Chase Bank
Account No.: Last 4 Digits: xxxxxx3287
Account Name: U.S. Balina Corporation
DBA Synergize Realty or Synergize Proper
Signatories: Christopher A. Fanara (RES)
Robert M Balina (RES, President)
Purpose: For handling trust funds for properties managed by Fanara

Bank Account #2

Bank Name: JP Morgan Chase Bank
Account No.: Last 4 Digits: xxxxxx0795
Account Name: U.S. Balina Corporation
DBA Synergize Realty or Synergize Proper
Signatories: Robert M Balina (RES, President)
Purpose: For handling trust funds for properties managed by Balina

In the course of the real estate broker activities described above in paragraph 4, and during the audit period, Respondents:

///

1 (a) failed to obtain a real estate license bearing the fictitious business names
2 “Synergize Property Management Group” and “Synergize Property Management” before
3 conducting in those names activities for which a license was required, in violation of Section
4 10159.5 of the Code, and Section 2731 of Chapter 6, Title 10, of the California Code of Regulations
5 (herein “Regulations”);

6 (b) failed to reconcile at least once per month, the balance of all separate
7 beneficiary or transaction records to the balance of the control records for Bank Account #1 and
8 Bank Account #2, in violation of Section 10145 of the Code and Section 2831.2 of the Regulations;

9 (c) failed to place trust funds entrusted to Respondent into the hands of a
10 principal on whose behalf the funds were received, into a neutral escrow depository, or into a
11 trust fund account in the name of Respondent as trustee at a bank or other financial institution,
12 in that trust funds were deposited into Bank Account #1 and Bank Account #2, in violation of
13 Section 10145 of the Code and Section 2832 of the Regulations;

14 (d) failed to maintain and/or keep accurate and complete separate records for
15 each beneficiary or property of trust funds accepted or received in Bank Account #1 and Bank
16 Account #2, in violation of Section 10145(g) of the Code, and Section 2831.1 of the Regulations;

17 (e) failed to register RAFFANTI as a signatory on Bank Account #1 and Bank
18 Account #2, in violation of Section 10145 of the Code and Section 2834 of the Regulations;

19 (f) failed to disclose to beneficiaries regarding compensation received from
20 over-disbursed trust funds of \$3,703.74, in violation of Section 10176(g) of the Code; and

21 (g) failed to disclose U.S. BALINA’s real estate license identification number on
22 U.S. BALINA’s website at www.yourpropmanager.com, in violation of Section 10140.6(b) of the
23 Code and Section 2773 of the Regulations.

24 9

25 In the course of the real estate broker activities described above in paragraph 4, and
26 during the audit period, U.S. BALINA conducted activities requiring a real estate license during the
27 period between September 24, 2016, through March 23, 2017, when U.S. BALINA’S license with

1 the Department had expired, in violation of Section 10130 of the Code.

2 10

3 The acts and/or omissions of U.S. BALINA as alleged above in paragraph 9,
4 constitute grounds for the suspension or revocation of all licenses and license rights of U.S.
5 BALINA pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section
6 10130 of the Code.

7 11

8 The acts and/or omissions of U.S. BALINA as alleged above in paragraph 8,
9 constitute grounds for the suspension or revocation of all licenses and license rights of U.S.
10 BALINA pursuant to the following provisions of the Code and Regulations:

11 As to Paragraph 8(a), under Section 10177(d) and/or 10177(g) of the Code, in
12 conjunction with Section 10159.5 of the Code, and Section 2731 of the Regulations;

13 As to Paragraph 8(b), under Section 10177(d) and/or 10177(g) of the Code, in
14 conjunction with Section 10145 of the Code, and Section 2831.2 of the Regulations;

15 As to Paragraph 8(c), under Section 10177(d) and/or 10177(g) of the Code, in
16 conjunction with Section 10145 of the Code, and 2832 of the Regulations;

17 As to Paragraph 8(d), under Section 10177(d) and/or 10177(g) of the Code, in
18 conjunction with Section 10145(g) of the Code and Section 2831.1 of the Regulations;

19 As to Paragraph 8(e), under Section 10177(d) and/or 10177(g) of the Code, in
20 conjunction with Section 10145 of the Code, and 2834 of the Regulations;

21 As to Paragraph 8(f), under Section 10176(g) of the Code; and

22 As to Paragraph 8(g), under Section 10177(d) and/or 10177(g) of the Code, in
23 conjunction with Section 10140.6(b) of the Code and Section 2773 of the Regulations.

24 ///

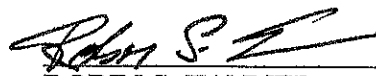
25 ///

26 ///

27 ///

1 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
2 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of
4 this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license
5 rights of all Respondents named herein under the Real Estate Law, for the cost of investigation and
6 enforcement as permitted by law, for the cost of the audit as permitted by law, and for such other
7 and further relief as may be proper under other provisions of law.

8
9 

10 ROBIN S. TANNER
11 Supervising Special Investigator

12 Dated at Oakland, California,
13 this 16th day of May, 2019.

14
15 DISCOVERY DEMAND

16 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department
17 of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
18 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate may
19 result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office
20 of Administrative Hearings deems appropriate.