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FILED

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DEPARTMENT OF REAL ESTATE

By L. J. Jost

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)
12) No. H-11497 SF
13 RELOGIC, INC, and)
14 JOSE RAMON VALENCIANO,) ACCUSATION
15 Respondents.)

16
17 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
18 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against
19 RELOGIC, INC. and JOSE RAMON VALENCIANO, is informed and alleges as follows:

20 1.

21 Respondent RELOGIC, INC. ("RELOGIC") is presently licensed and/or has
22 license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions
23 Code ("the Code") as a corporate real estate broker.

24 2.

25 Respondent JOSE RAMON VALENCIANO ("VALENCIANO") is presently
26 licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as
27 a real estate broker.

1 3.

2 At all time herein mentioned, VALENCIANO was and is licensed by the
3 Department of Real Estate ("Department") as the designated broker/officer of RELOGIC. As
4 the designated broker/officer, VALENCIANO was at all times mentioned herein responsible
5 pursuant to section 10159.2 of the Code for the supervision of the activities of the officers,
6 agents, real estate licensees and the employees of RELOGIC for which a real estate license is
7 required.

8 4.

9 Whenever reference is made in an allegation in this Accusation to an act or
10 omission of RELOGIC, such allegation shall be deemed to mean that the employees, agents,
11 real estate licensees, and others employed by or associated with RELOGIC committed such act
12 or omission while engaged in furtherance of the business or operations of RELOGIC and while
13 acting within the course and scope of their authority and employment.

14 5.

15 At all times herein mentioned, RELOGIC and VALENCIANO engaged in the
16 business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within
17 the State of California within the meaning of section 10131(a) of the Code, including the
18 operation and conduct of a real estate resale brokerage with the public, wherein, on behalf of
19 others, for compensation or in expectation of compensation, Respondents sold and offered to
20 sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and
21 obtained listings of, and negotiated the purchase and resale of real property.

22 FIRST CAUSE OF ACTION

23 Office Abandonment

24 6.

25 Each and every allegation in Paragraphs 1 through 5, inclusive, above, is
26 incorporated by this reference as if fully set forth herein.

27 ///

1 7.

2 On or about June 9, 2010, VALENCIANO reported to the Department that the
3 address for his main office of record was 455 Hickey Blvd., Suite 400-B, Daly City, California,
4 94015.

5 8.

6 On or about April 5, 2011, RELOGIC reported to the Department that the
7 address for the main office of record was 455 Hickey Blvd., Suite 400-B, Daly City, California,
8 94015.

9 9.

10 At no time prior to and including the date of the filing of this Accusation has the
11 Department received notice from either VALENCIANO or RELOGIC, or any other responsible
12 party, that Respondents' main office of record changed from 455 Hickey Blvd., Suite 400-B,
13 Daly City, California, 94015.

14 10.

15 On or about October 27, 2011, a Special Investigator of the Real Estate
16 Commissioner ("Special Investigator") attempted to contact VALENCIANO and RELOGIC by
17 traveling to the office address at 455 Hickey Blvd., Suite 400-B, Daly City, California, 94015.
18 The Special Investigator noted that the office door was locked and a document entitled
19 "Eviction Restoration Notice" was taped to the front of the office door.

20 11.

21 On October 27, 2011, the Special Investigator mailed letters to VALENCIANO
22 and RELOGIC at their registered main office located at 455 Hickey Boulevard, Suite 400-B,
23 Daly City, California, 94015, requesting that VALENCIANO contact the Department
24 immediately. The letter was returned to sender with no forwarding address.

25 12.

26 On November 14, 2011, the Special Investigator mailed a letter to
27 VALENCIANO at 935 Ullola Street, San Francisco, California, 94127, the address registered

1 with the Secretary of State for RELOGIC's agent for service of process, requesting that
2 VALENCIANO contact the Department immediately. The letter was returned to sender on
3 December 27, 2011 with the notation "not here" written on the envelope.

4 13.

5 The acts and/or omissions of VALENCIANO and RELOGIC, as described
6 above in Paragraphs 6 through 12, violate section 10162 of the Code and section 2715 of title
7 10 of the California Code of Regulations, and are grounds for the revocation or suspension of
8 Respondents' licenses and/or license rights under section 10177(d) and/or 10177(g) of the
9 Code.

10 SECOND CAUSE OF ACTION
11 Failure to Produce Records

12 14.

13 Each and every allegation in Paragraphs 1 through 13, inclusive, above, is
14 incorporated by this reference as if fully set forth herein.

15 15.

16 On or about November 14, 2011, the Special Investigator made demand,
17 pursuant to section 10148 of the Code, that on or before December 2, 2011, VALENCIANO
18 make available for examination, inspection and copying by the Department, all of Respondents'
19 books and records pertaining to Respondents' real estate brokerage activities for the period
20 September 1, 2009 through October 31, 2010, including bank statements for all trust fund and
21 general bank accounts used in connection with Respondents' real estate brokerage activities, all
22 cancelled checks and deposit slips from those bank accounts, all trust fund records of receipts
23 and disbursements and separate records for each beneficiary, salesperson licenses, broker-
24 salesperson agreements and transaction files.

25 16.

26 In connection with the Department's request described in Paragraph 15, above,
27 Respondents failed and refused to make said records available for inspection and/or failed to
retain said records in violation of section 10148 of the Code.

17.

The acts and/or omissions of Respondents, as described above in Paragraphs 15 and 16, violate section 10148 of the Code and constitute cause for the suspension or revocation of the licenses and license rights of Respondent under section 10177(d) and/or 10177(g) of the Code.

COST RECOVERY

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code, and for such other and further relief as may be proper under the provisions of law.



ROBIN S. TANNER,
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 20th day of December, 2012.

DISCOVERY DEMAND

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