

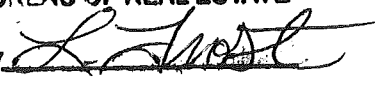
✓

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Bureau of Real Estate
3 P. O. Box 137007
4 Sacramento, CA 95813-7007
5 Fax: (916) 263-3767
6
7 Telephone: (916) 263-8672
8 -or- (916) 263-8684 (Direct)

FILED

AUG 28 2013

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

11 In the Matter of the Accusation of)
12)
13 RELOGIC, INC, and)
14 JOSE RAMON VALENCIANO,)
15 Respondents.)

No. H-11497 SF

FIRST AMENDED
ACCUSATION

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

1.

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

2.

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

26 ///

1 3.

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

7 4.

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

13 5.

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

21 FIRST CAUSE OF ACTION

22 Office Abandonment

23 (As to Respondents RELOGIC and VALENCIANO)

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, Respondent VALENCIANO reported to the Bureau
3 that his main office address of record was 455 Hickey Blvd., Suite 400-B, Daly City,
4 California, 94015.

5 8.

6 On or about April 5, 2011, Respondent VALENCIANO, on behalf of
7 REGLOGIC, reported to the Bureau that the main office address of record was 455 Hickey
8 Blvd., Suite 400-B, Daly City, California, 94015.

9 9.

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

14 10.

15 On or about October 27, 2011, a Special Investigator of the Real Estate
16 Commissioner ("Special Investigator") attempted to contact RELOGIC and VALENCIANO by
17 traveling to their main office address at 455 Hickey Blvd., Suite 400-B, Daly City, California,
18 94015. 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 RELOGIC and
22 VALENCIANO at their registered main office located at 455 Hickey Boulevard, Suite 400-B,
23 Daly City, California, 94015, requesting that VALENCIANO contact the Bureau immediately.
24 The letter was returned to sender with no forwarding address.

25 ///

26 ///

27 ///

12.

On November 14, 2011, the Special Investigator mailed a letter to RELOGIC at 935 Ullola Street, San Francisco, California, 94127, the address registered with the Secretary of State as Respondent's agent for service of process, requesting that the Bureau be contacted immediately. The letter was returned to sender on December 27, 2011 with the notation "not here" written on the envelope.

13.

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

SECOND CAUSE OF ACTION

Failure to Supervise
(As to Respondent VALENCIANO)

14.

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

15.

VALENCIANO was required to exercise reasonable supervision and control over the activities of RELOGIC and its employees and the real estate activities being conducted by RELOGIC.

16.

VALENCIANO failed to exercise reasonable supervision over the acts and/or omissions of RELOGIC and its employees in such a manner as to allow the acts and/or omissions as described above in Paragraphs 6 through 13, to occur, which constitutes cause for the suspension or revocation of the licenses and license rights of VALENCIANO under

1 COST RECOVERY

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

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

11
12
13 
14 ROBIN S. TANNER,
Deputy Real Estate Commissioner

15 Dated at Oakland, California,
16 this 27th day of August, 2013.

17
18 DISCOVERY DEMAND

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