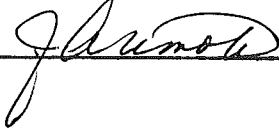


1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670

FILED

FEB 19 2014

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA
10

11 * * *

12 In the Matter of the Accusation of:	)	Case No. H-11497 SF
	)	
13 RELOGIC, INC., and	)	<u>STIPULATION AND AGREEMENT</u>
14 JOSE RAMON VALENCIANO,	)	<u>IN SETTLEMENT AND ORDER</u>
	)	
15 Respondents.	)	

16 It is hereby stipulated by and between RELOGIC, INC. ("RELOGIC"), JOSE
17 RAMON VALENCIANO ("VALENCIANO") (collectively referred to as "Respondents"), and
18 the Complainant, acting by and through Jason D. Lazark, Counsel for the Bureau of Real Estate,
19 as follows for the purpose of settling and disposing of the Accusation filed on July 9, 2013, in
20 this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondents at a formal hearing on the Accusation, which
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
25 this Stipulation and Agreement In Settlement and Order.

26 2. Respondents have received, read and understand the Statement to
27 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of

1 Real Estate in this proceeding.

2 3. On February 8, 2013, Respondents filed a Notice of Defense pursuant to
3 Section 11505 of the Government Code for the purpose of requesting a hearing on the
4 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said
5 Notices of Defense. Respondents acknowledge that they understand that by withdrawing said
6 Notices of Defense they will thereby waive their rights to require the Commissioner to prove
7 the allegations in the Accusation at a contested hearing held in accordance with the provisions
8 of the APA and that they will waive other rights afforded to them in connection with the
9 hearing such as the right to present evidence in defense of the allegations in the Accusation and
10 the right to cross-examine witnesses.

11 4. Respondents, pursuant to the limitations set forth below, hereby admit that
12 the factual allegations or findings of fact as set forth in the Accusation filed in this proceeding
13 are true and correct and the Real Estate Commissioner shall not be required to provide further
14 evidence of such allegations.

15 5. It is understood by the parties that the Real Estate Commissioner may adopt
16 the Stipulation and Agreement In Settlement and Order as his Decision in this matter, thereby
17 imposing the penalties and sanctions on Respondents' real estate licenses and license rights as
18 set forth in the below "Order". In the event that the Commissioner in his discretion does not
19 adopt the Stipulation and Agreement In Settlement and Order, it shall be void and of no effect,
20 and Respondents shall retain the right to a hearing and proceeding on the Accusation under all
21 the provisions of the APA and shall not be bound by any admission or waiver made herein.

22 6. The Order or any subsequent Order of the Real Estate Commissioner made
23 pursuant to this Stipulation and Agreement In Settlement and Order shall not constitute an
24 estoppel, merger or bar to any further administrative or civil proceedings by the Bureau of
25 Real Estate with respect to any matters which were not specifically alleged to be causes for
26 accusation in this proceeding.

27 ///

1 7. VALENCIANO understands that by agreeing to this Stipulation and
2 Agreement, VALENCIANO agrees to pay, pursuant to Section 10106 of the Code, the costs of
3 the investigation and enforcement of this case which resulted in the determination that
4 VALENCIANO committed the violation(s) found in the Determination of Issues. The amount
5 of such cost is \$2,357.40.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations, admissions and waivers, and solely for
8 the purpose of settlement of the pending First Amended Accusation without a hearing, it is
9 stipulated and agreed that the acts and/or omissions of Respondents, as described in the First
10 Amended Accusation, constitute grounds for the suspension or revocation of the licenses and
11 license rights of Respondent RELOGIC under the provisions of Section 2715 of Title 10,
12 California Code of Regulations ("Regulations"), and Sections 10162, 10177(d) and 10177(g) of
13 the Code and of Respondent VALENCIANO under the provisions of Section 2715 of the
14 Regulations and Sections 10159.2, 10162, 10177(d) and 10177(g) of the Code.

15 ORDER

16 I. RELOGIC, INC.

17 The corporate real estate broker license and license rights of Respondent
18 RELOGIC under the Real Estate Law are suspended for a period of thirty (30) days from the
19 effective date of this Order; provided, however, that all thirty (30) days of said suspension shall
20 be stayed for one (1) year upon the following terms and conditions:

21 a) RELOGIC shall obey all laws, rules and regulations governing the rights,
22 duties and responsibilities of a real estate licensee in the State of California; and,

23 b) That no final subsequent determination be made, after hearing or upon
24 stipulation, that cause for disciplinary action occurred within one (1) year from the effective
25 date of this Order. Should such a determination be made, the Commissioner may, in his
26 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
27

1 suspension. Should no such determination be made, the stay imposed herein shall become
2 permanent.

3 II. VALENCIANO

4 The real estate broker license and license rights of Respondent VALENCIANO
5 under the Real Estate Law are suspended for a period of thirty (30) days from the effective date
6 of this Order; provided, however, that all thirty (30) days of said suspension shall be stayed for
7 (1) year upon the following terms and conditions:

8 a) VALENCIANO shall obey all laws, rules and regulations governing the rights,
9 duties and responsibilities of a real estate licensee in the State of California;

10 b) That no final subsequent determination be made, after hearing or upon
11 stipulation that cause for disciplinary action occurred within one (1) year from the effective
12 date of this Order. Should such a determination be made, the Commissioner may, in his
13 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
14 suspension.

15 c) VALENCIANO shall pay the costs of the investigation and enforcement of
16 this case, which amounts to \$2,357.40, as set forth above in Paragraph 7.

17 d) Said payment shall be in the form of a cashier's check or certified check
18 made payable to the Bureau of Real Estate Fund. Said check must be received by the Bureau
19 prior to the effective date of the Decision in this matter.

20 e) If VALENCIANO pays the investigation and enforcement costs, and if no
21 further cause for disciplinary action against the real estate license of VALENCIANO occurs
22 within one (1) year from the effective date of the Decision, the stay hereby granted shall
23 become permanent.

24 f) VALENCIANO shall, within six (6) months from the effective date of this
25 Decision, take and pass the Professional Responsibility Examination administered by the
26 Department including the payment of the appropriate examination fee. If VALENCIANO fails to
27 satisfy this condition, the Commissioner may order suspension of VALENCIANO'S licenses until

1 VALENCIANO passes the examination.

2 g) All licenses and licensing rights of VALENCIANO are indefinitely suspended
3 unless or until VALENCIANO pays the sum of \$2,357.40 for the Commissioner's reasonable
4 cost of the investigation and enforcement which led to this disciplinary action.

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8 _____
9 DATED

JASON D. LAZARK, Counsel
Bureau of Real Estate

10 * * *

11 I have read the Stipulation and Agreement in Settlement and Order and its terms
12 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
13 rights given to me by the California Administrative Procedure Act (including but not limited to
14 Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
15 intelligently, and voluntarily waive those rights, including the right of requiring the
16 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
17 right to cross-examine witnesses against me and to present evidence in defense and mitigation
18 of the charges.

19
20 AUGUST 29, 2013
21 DATED

JOSE RAMON VALENCIAO
Designated Officer for Respondent
RELOGIC, INC.

22
23 * * *

24 AUGUST 29, 2013
25 DATED

JOSE RAMON VALENCIANO
Respondent

26 * * *

27 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate

1 VALENCIANO passes the examination.

2 g) All licenses and licensing rights of VALENCIANO are indefinitely suspended
3 unless or until VALENCIANO pays the sum of \$2,357.40 for the Commissioner's reasonable
4 cost of the investigation and enforcement which led to this disciplinary action.

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6
7 8-29-2013

8 DATED

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JASON D. LAZARK, Counsel
Bureau of Real Estate

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16 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
17 right to cross-examine witnesses against me and to present evidence in defense and mitigation
18 of the charges.

19
20 August 29, 2013

21 DATED

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23
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27
JOSE RAMON VALENCIAO
Designated Officer for Respondent
RELOGIC, INC.

24 August 29, 2013

25 DATED

26
27
JOSE RAMON VALENCIANO
Respondent

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate

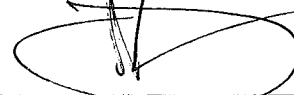
Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on

MAR 12 2014

OCT 25 2013

IT IS SO ORDERED

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner