

1 DEPARTMENT OF REAL ESTATE  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

RECEIVED

OCT 23 2019

DEPT. OF REAL ESTATE

*Sybil Cannon*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation against ) DRE No. H-41311 LA  
12 ) OAH No. 2019040009  
13 LOGIC PROPERTIES, INC. and )  
14 JOSE SOLORZANO, individually and as )  
15 designated officer for Logic Properties, Inc., ) STIPULATION AND AGREEMENT  
16 ) IN SETTLEMENT AND ORDER  
17 Respondents. )

18 It is hereby stipulated by and between Respondents LOGIC PROPERTIES, INC. and  
19 JOSE SOLORZANO (collectively "Respondents") and their attorney, Frank M. Buda, Esq., and  
20 Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real Estate  
21 ("Department"), as follows for the purpose of settling and disposing the Accusation filed on  
22 March 5, 2019, with Department Case No. H-41311 LA ("Accusation") in this matter:

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

1           2. Respondents have received, read, and understand the Statement to Respondent, the  
2 Discovery Provisions of the APA, and Accusation filed by the Department in this proceeding.

3           3. Notices of Defense were filed by Respondents pursuant to Section 11506 of the  
4 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
5 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents  
6 acknowledge and understand that by withdrawing said Notices of Defense, Respondents will  
7 thereby waive Respondents' rights to require the Real Estate Commissioner ("Commissioner") to  
8 prove the allegations in the Accusation at a contested hearing held in accordance with the  
9 provisions of the APA and that Respondents will waive other rights afforded to them in  
10 connection with the hearing such as the right to present evidence in defense of the allegations in  
11 the Accusation and the right to cross-examine witnesses.

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

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

22           6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to  
23 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further  
24 administrative or civil proceedings by the Department of Real Estate with respect to any matters

1 which were not specifically alleged to be causes for accusation in this proceeding.

2 7. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay  
3 the Department's investigative and enforcement costs of \$2,798.25, which led to this disciplinary  
4 action, pursuant to California Business and Professions Code ("Code") section 10106(a).

5 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to  
6 pay, pursuant to Code section 10148, the cost of the audit which resulted in the determination  
7 that Respondent committed the violations found in the "Determination of Issues" below. The  
8 audit cost is \$5,805.43.

9 9. Respondents further understand that by agreeing to this Stipulation, the findings set  
10 forth below in the Determination of Issues become final, and the Commissioner may charge  
11 Respondents for the cost of any subsequent audit conducted pursuant to Code section 10148 to  
12 determine if the violations have been corrected. The maximum cost of the follow-up audit will  
13 not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in the  
14 instant case, the cost of the original audit is \$5,805.43, and the maximum cost of the follow-up  
15 audit will not exceed \$7,256.79. Therefore, Respondents may be charged a maximum of  
16 \$7,256.79 in the event of a subsequent audit.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing Stipulation and agreement and solely for the purpose of  
3 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the  
4 following determination of issues shall be made:

5 I.

6 The conduct, acts and/or omissions of Respondent LOGIC PROPERTIES, INC. as set  
7 forth herein above in Paragraph 4, constitute cause for the suspension or revocation of all real  
8 estate licenses and license rights of Respondent LOGIC PROPERTIES, INC. under the  
9 provisions of Code sections 10177(d) and 10177(g) for violation of Code sections 10145, 10148  
10 and Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of  
11 Regulations (“Regulations”) 2832.1, 2831, 2831.1, 2831.2, and 2832.

12 II.

13 The conduct, acts and/or omissions of Respondent JOSE SOLORZANO as set forth  
14 herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate  
15 licenses and license rights of Respondent JOSE SOLORZANO under the provisions of Code  
16 section 10177(h), for violation of Code sections 10159.2, 10177(h), and Regulation 2725.

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ORDER

I.

All licenses and license rights of Respondent LOGIC PROPERTIES, INC. are suspended  
for a period of sixty (60) days from the effective date of this Decision and Order; provided,  
however, said sixty (60) day suspension shall be stayed for two (2) years upon the following  
terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights,  
duties and responsibilities of a real estate licensee in the State of California; and,

2. That no final subsequent determination be made, after hearing or upon  
stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
date of this Decision and Order. Should such a determination be made, the Commissioner may,  
in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
suspension. Should no such determination be made, the stay imposed herein shall become  
permanent.

3. All licenses and licensing rights of Respondent LOGIC PROPERTIES, INC.  
are indefinitely suspended unless or until Respondent LOGIC PROPERTIES, INC. pays,  
severally or jointly with Respondent JOSE SOLORZANO, the sum of \$2,798.25 for the  
Commissioner's reasonable cost of the investigation and enforcement which led to this  
disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
Department of Real Estate. **The investigative and enforcement costs must be delivered to the**  
**Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
**prior to the effective date of this Decision and Order. Payment of investigation and**  
**enforcement costs should not be made until the Stipulation has been approved by the**  
**Commissioner.**

1                                   4. Pursuant to Section 10148 of the Code, Respondent LOGIC PROPERTIES,  
2 INC. shall pay, severally or jointly with Respondent JOSE SOLORZANO, the sum of \$5,805.43  
3 for the Commissioner's cost of the audit which led to this disciplinary action. **Respondents shall**  
4 **pay such cost within sixty (60) days of receiving an invoice therefore from the**  
5 **Commissioner. Payment of audit costs should not be made until Respondents receive the**  
6 **invoice. Respondents shall pay such cost within sixty (60) days of receiving an invoice**  
7 **therefore from the Commissioner. Payment of the audit costs should not be made until**  
8 **Respondent receives the invoice.** If Respondents fail to satisfy this condition in a timely  
9 manner as provided for herein, Respondents' real estate licenses shall automatically be  
10 suspended until payment is made in full, or until a decision providing otherwise is adopted  
11 following a hearing held pursuant to this condition.

12                                   5. Pursuant to Section 10148 of the Code, Respondent LOGIC PROPERTIES,  
13 INC. shall pay, severally or jointly with Respondent JOSE SOLORZANO, the Commissioner's  
14 reasonable cost, not to exceed \$7,256.79, for any subsequent audit to determine if Respondent  
15 LOGIC PROPERTIES, INC. has corrected the violations found in the Determination of Issues.  
16 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the  
17 estimated average hourly salary for all persons performing audits of real estate brokers, and shall  
18 include an allocation for travel time to and from the auditor's place of work. **Respondents shall**  
19 **pay such cost within sixty (60) days of receiving an invoice therefore from the**  
20 **Commissioner. Payment of the audit costs should not be made until Respondent receives**  
21 **the invoice.** If Respondents fail to satisfy this condition in a timely manner as provided for  
22 herein, Respondents' real estate licenses shall automatically be suspended until payment is made  
23 in full, or until a decision providing otherwise is adopted following a hearing held pursuant to  
24 this condition.



1 II.

2 All licenses and license rights of Respondent JOSE SOLORZANO are suspended for a  
3 period of sixty (60) days from the effective date of this Decision and Order; provided, however,  
4 said sixty (60) day suspension shall be stayed for two (2) years upon the following terms and  
5 conditions:

6 1. Respondent shall obey all laws, rules and regulations governing the rights,  
7 duties and responsibilities of a real estate licensee in the State of California; and,

8 2. That no final subsequent determination be made, after hearing or upon  
9 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
10 date of this Decision and Order. Should such a determination be made, the Commissioner may,  
11 in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
12 suspension. Should no such determination be made, the stay imposed herein shall become  
13 permanent.

14 3. All licenses and licensing rights of Respondent JOSE SOLORZANO, are  
15 indefinitely suspended unless or until Respondent JOSE SOLORZANO, pays, severally or  
16 jointly with Respondent LOGIC PROPERTIES, INC., the sum of \$2,798.25 for the  
17 Commissioner's reasonable cost of the investigation and enforcement which led to this  
18 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
19 Department of Real Estate. **The investigative and enforcement costs must be delivered to the**  
20 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
21 **prior to the effective date of this Decision and Order. Payment of investigation and**  
22 **enforcement costs should not be made until the Stipulation has been approved by the**  
23 **Commissioner.**

1                    4. All licenses and licensing rights of Respondent JOSE SOLORZANO are  
2 indefinitely suspended unless or until Respondent provides proof satisfactory to the  
3 Commissioner, of having taken and successfully completed the continuing education course on  
4 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section  
5 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes  
6 evidence that Respondent has successfully completed the trust fund account and handling  
7 continuing education course, no earlier than 120 days prior to the effective date of the Decision  
8 and Order in this matter. **Proof of completion of the trust fund accounting and handling**  
9 **course must be delivered to the Department of Real Estate, Flag Section at P.O. Box**  
10 **137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date**  
11 **of this Decision and Order.**

12                    5. Respondent JOSE SOLORZANO shall, within six (6) months from the  
13 effective date of this Decision and Order, take and pass the Professional Responsibility  
14 Examination administered by the Department including the payment of the appropriate  
15 examination fee. If Respondent fails to satisfy this condition, Respondent's real estate license  
16 shall automatically be suspended until Respondent passes the examination.

17                    6. Pursuant to Section 10148 of the Code, Respondent JOSE SOLORZANO shall  
18 pay, severally or jointly with Respondent LOGIC PROPERTIES, INC., the sum of \$5,805.43 for  
19 the Commissioner's cost of the audit which led to this disciplinary action. **Respondents shall**  
20 **pay such cost within sixty (60) days of receiving an invoice therefore from the**  
21 **Commissioner. Payment of audit costs should not be made until Respondents receive the**  
22 **invoice.** If Respondents fail to satisfy this condition in a timely manner as provided for herein,  
23 Respondents' real estate licenses shall automatically be suspended until payment is made in full,  
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1 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
2 condition.

3 7. Pursuant to Section 10148 of the Code, Respondent JOSE SOLORZANO shall  
4 pay, severally or jointly with Respondent LOGIC PROPERTIES, INC., the Commissioner's  
5 reasonable cost, not to exceed \$7,256.79, for any subsequent audit to determine if Respondents  
6 have corrected the violations found in the Determination of Issues. In calculating the amount of  
7 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly  
8 salary for all persons performing audits of real estate brokers, and shall include an allocation for  
9 travel time to and from the auditor's place of work. **Respondents shall pay such cost within**  
10 **sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the**  
11 **audit costs should not be made until Respondent receives the invoice.** If Respondents fail to  
12 satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses  
13 shall automatically be suspended until payment is made in full, or until a decision providing  
14 otherwise is adopted following a hearing held pursuant to this condition.

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16 DATED: 9/20/2019

  
\_\_\_\_\_  
Lissete Garcia, Counsel  
Department of Real Estate

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19 EXECUTION OF THE STIPULATION

20 We have read this Stipulation and its terms are understood by us and are agreeable and  
21 acceptable to us. We understand that we are waiving rights given to us by the California APA  
22 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government  
23 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of  
24 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we

1 would have the right to cross-examine witnesses against us and to present evidence in defense  
2 and mitigation of the charges.

3 Respondents can signify acceptance and approval of the terms and conditions of this  
4 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually  
5 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand  
6 that by electronically sending to the Department an electronic copy of Respondents' actual  
7 signatures, as they appear on the Stipulation, that receipt of the emailed copy by the Department  
8 shall be as binding on Respondents as if the Department had received the original signed  
9 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents  
10 may not withdraw their agreement or seek to rescind the Stipulation prior to the time the  
11 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and  
12 Order.

13 MAILING

14 Respondents and their counsel shall, within five (5) business days from signing the  
15 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Lissete Garcia,  
16 Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los  
17 Angeles, California 90013-1105.

18 Respondents' signatures below constitute acceptance and approval of the terms and  
19 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing  
20 this Stipulation Respondents are bound by its terms as of the date of such signature and that this  
21 agreement is not subject to rescission or amendment at a later date except by a separate Decision  
22 and Order of the Real Estate Commissioner.

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DATED: 9-19-2019

Logic Properties Inc.  
Respondent LOGIC PROPERTIES, INC.

By: [Signature]  
(Printed Name) Jose J Solorzano

DATED: 9-19-2019

[Signature]  
Respondent JOSE SOLORZANO

DATED: 9/22/19

[Signature]  
Approved as to Form  
Frank M. Buda, Esq.  
Counsel for Respondents

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on \_\_\_\_\_, 2019.

IT IS SO ORDERED \_\_\_\_\_, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

\_\_\_\_\_



1 DATED: \_\_\_\_\_

Respondent LOGIC PROPERTIES, INC.

2

By: \_\_\_\_\_

3

(Printed Name) \_\_\_\_\_

4

5 DATED: \_\_\_\_\_

Respondent JOSE SOLORZANO

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7 DATED: \_\_\_\_\_

Approved as to Form  
Frank M. Buda, Esq.  
Counsel for Respondents

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The foregoing Stipulation and Agreement in Settlement and Order is hereby

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adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

NOV 11 2019

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\_\_\_\_\_, 2019.

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IT IS SO ORDERED October 16, \_\_\_\_\_, 2019.

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DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

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