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DEPT. OF REAL ESTATE

By

KATHY YI, Counsel (SBN 236736)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
Telephone: (213) 559-5990
Direct: (213) 443-9268
Email: kathy.yi@dre.ca.gov
Attorney for Complainant

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation against) No. H-7511 SAC
)
) ACCUSATION
) GORDON C. WANEK,
)
)
) Respondent.
)

The Complainant, Heather Nishimura, a Supervising Special Investigator for the Department of Real Estate ("Department" or "DRE") of the State of California, for cause of Accusation against GORDON C. WANEK ("Respondent") alleges as follows:

1.

The Complainant, Heather Nishimura, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the California Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10,

1 Chapter 6, California Code of Regulations.

2 3.

3 Respondent is presently licensed and/or have license rights under the Real Estate
4 Law (Part 1 of Division 4 of the Code). Respondent has renewal rights pursuant to Code
5 section 10201. The Department retains jurisdiction pursuant to Code section 10103.

6 LICENSE HISTORY

7 4.

8 a. On September 14, 2005, the Department issued a real estate broker license
9 (DRE license ID no. 01061164) to Respondent GORDON C. WANEK ("Respondent"), which
10 is set to expire on September 13, 2029, unless renewed.

11 b. According to Department records to date, Respondent maintains one (1)
12 active licensed fictitious business name, "Castle Realty," effective as of September 14, 2005.

13 BROKER ACTIVITIES

14 5.

15 At all times relevant herein, Respondent engaged in the business of, acted in the
16 capacity of, advertised or assumed to act as a real estate broker, within the meaning of section
17 10131(b) of the Code. Respondent's activities included collecting rents from tenants,
18 soliciting tenants, advertising rental properties, making payments for property tax, insurance,
19 repairs and maintenance, on behalf of others for compensation or in expectation of
20 compensation.

21 CAUSE FOR ACCUSATION

22 (AUDIT OK-24-0046)

23 6.

24 On or about August 28, 2025, the Department conducted a follow-up audit
25 examination of Respondent's books and records relating to property management activities
26 requiring a real estate license under Code section 10131(b), as a follow-up to prior audit no.
27 OK-21-0045. The audit examination covered the period of time from February 1, 2024 to

January 31, 2025 ("audit period"). The primary purpose of the examination was to determine whether Respondent conducted real estate activities in accordance with the Real Estate Law and the Commissioner's Regulations. The audit examination revealed numerous violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report No. OK-24-0046 and the exhibits and work papers attached to said audit report.

7.

Based on the examination of records provided for the audit examination and discussions with Respondent, Respondent maintained the following one (1) trust account at Redwood Capital Bank for multiple beneficiaries, which was used for the handling of trust fund receipts and disbursements for Respondent's property management activity during the audit period:

Trust Account ("TA 1")

Bank: Redwood Capital Bank
Account Name: Gordon Craig Wanek d/b/a Castle Realty
Client Trust Account
Account Number: xxxxxx7793
Signatory: Linda C., a non-licensee

Violations of the Real Estate Law

8.

The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in Audit Report No. OK-24-0046 and the exhibits and work papers attached to the audit report.

a. **Trust Fund Records to be Maintained (Code section 10145 and Regulation 2831).** During the audit period, Respondent maintained a Record of All Trust Funds Received and Disbursed ("control record") on TA 1, but the control record did not

include a beginning balance, running balances, and was not maintained in chronological order, in violation of Code section 10145 and Regulation 2831.

b. Separate Record for Each Beneficiary or Transaction (Code section 10145 and Regulations section 2831.1). During the audit period, Respondent maintained separate property records for TA 1. However, the separate records were not in chronological order, lacked running balances, and were incomplete and inaccurate, which prevented the auditor from determining total trust fund accountability.

c. Trust Account Reconciliation (Code section 10145 and Regulations section 2831.2). During the audit period, Respondent maintained a reconciliation report for TA 1. However, the sum of all the separate records was not reconciled with the total balance reflected in the control record.

d. Trust Account Withdrawals (Code section 10145 and Regulation 2834).

During the audit period, Linda C., an unlicensed individual without a fidelity bond or insurance, was a signatory on TA 1.

9.

The conduct of Respondents described in Paragraph 8 above, violated the Code and Regulations as set forth below:

<u>Paragraph</u>	<u>PROVISIONS VIOLATED</u>
9a	Code section 10145 and Regulations section 2831
9b	Code section 10145 and Regulations section 2831.1
9c	Code section 10145 and Regulations section 2831.2
9d	Code section 10145 and Regulations section 2834

Each of the foregoing violations constitute cause for the suspension or revocation of the real estate license and/or license rights of Respondent under the provisions of Code sections 10177(d) and/or 10177(g).

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3 COSTS

4 (AUDIT COSTS)

5 10.

6 Code section 10148(b) provides, in pertinent part, that the Real Estate
7 Commissioner shall charge a real estate broker for the costs of any audit if the Commissioner
8 has found in a final decision, following a disciplinary hearing, that the broker has violated
9 Section 10145 of the Code or a regulation or rule of the Commissioner interpreting said Code
10 section.

11 (INVESTIGATION AND ENFORCEMENT COSTS)

12 11.

13 Section 10106 of the Code, provides, in pertinent part, that in any order issued in
14 resolution of a disciplinary proceeding before the Department, the Commissioner may request
15 the administrative law judge to direct a licensee found to have committed a violation of this
16 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the
17 case.

18 WHEREFORE, Complainant prays that a hearing be conducted on the
19 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
20 disciplinary action against all the licenses and/or license rights of Respondent GORDON C.
21 WANEK under the Real Estate Law, for the costs of investigation and enforcement as
22 permitted by law, for the cost of the audit, and for such other and further relief as may be
23 proper under other applicable provisions of law.

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25 Dated at Sacramento, California, on July 15, 2026.
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Heather Nishimura
Supervising Special Investigator