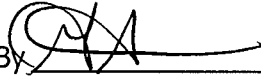


**FILED**

**January 9, 2012**

1 RICHARD K. UNO, Counsel (SBN 98275)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By 

5 Telephone: (916) 227-0789  
6 (916) 227-2380 (Direct)  
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of	)	
	)	NO. H-11302 SF
12 WAYNE GERALD CORY,	)	
	)	<u>ACCUSATION</u>
13 Respondent.	)	
	)	

15  
16 The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of the  
17 State of California for cause of Accusation against WAYNE GERALD CORY, (hereinafter  
18 "CORY"), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

22 CORY is presently licensed and/or has license rights under the Real Estate Law,  
23 Part 1 of Division 4 of the California Business and Professions Code (hereinafter "the Code"), as  
24 a real estate salesperson.

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26 At all times mentioned, Respondent worked under the license of Zip Realty Inc.  
27 with Designated Officer Abbie Tse Higashi who is a Real Estate Broker.

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Zip Realty, Inc. engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein Respondent bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation.

5

On or about March 4, 2009, Dr. Cherisa June Yarkin (hereinafter "Buyer"), through her real estate agent, CORY, submitted an Offer to Purchase certain real property commonly known as 1228 S. 56<sup>th</sup> Street, Richmond, California (hereinafter "56<sup>th</sup> Street Property") Buyer's offer was accepted on or about March 14, 2009.

6

On or about March 9, 2009, Buyer in writing, agreed to be responsible for the inspection of the "Sewer Lateral" and cost of any repairs. The city of Richmond requires inspections of Sewer Laterals.

7

On or about March 11, 2009, Sellers had an inspection done of the Sewer Lateral. The inspection report indicated that work was required at a cost of \$4,200.00. This report was faxed to CORY, who failed to mention the existence of or provide a copy to Buyer.

8

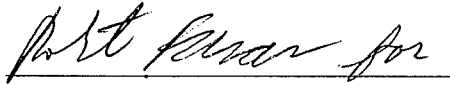
On or about March 23, 2009, CORY, acting on behalf of Buyer, signed an Agent Visual Inspection Disclosure statement. On this statement, after "Other observed or known conditions not specified above", there were no mention about the inspection of the Sewer Lateral, nor was there any indication of the inspection report and cost for repairs, elsewhere on this statement.

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On or about April 16, 2009, escrow on the 56<sup>th</sup> Street Property closed. Soon thereafter Buyer learned of the inspection report and cost to repair the Sewer Lateral.

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of CORY under Sections 10177(d) (Willful Disregard/Violation of Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code.

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 other provisions of law.

  
E. J. HABERER, II  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 16TH day of DECEMBER, 2011.