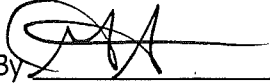


**FILED**

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-2380

**July 12, 2012**

DEPARTMENT OF REAL ESTATE

By  \_\_\_\_\_

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) DRE No. H-11302 SF  
12 )  
13 WAYNE GERALD CORY, )  
14 ) STIPULATION AND AGREEMENT  
15 Respondent. ) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between WAYNE GERALD CORY (CORY), and  
17 his counsel, SHANNON B. JONES, and the Complainant, acting by and through Richard K.  
18 Uno, Counsel for the Department of Real Estate; as follows for the purpose of settling and  
19 disposing of the Accusation filed on January 9, 2012, in this matter:

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

25 2. Respondent have received, read and understand the Statement to  
26 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of  
27 Real Estate in this proceeding.

1                   3.       On January 20, 2012, Respondent CORY filed a Notice of Defense  
2 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on  
3 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said  
4 Notices of Defense. Respondent acknowledges that he understands that by withdrawing said  
5 Notices of Defense he will thereby waive his right to require the Commissioner to prove the  
6 allegations in the Accusation at a contested hearing held in accordance with the provisions of the  
7 APA and that he will waive other rights afforded to him in connection with the hearing such as  
8 the right to present evidence in defense of the allegations in the Accusation and the right to cross-  
9 examine witnesses.

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

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

2 By reason of the foregoing stipulations, admissions and waivers, and solely for  
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and  
4 agreed that the acts and/or omissions of Respondent, as described in the Accusation, constitute  
5 grounds for the suspension or revocation of the licenses and license rights of WAYNE GERALD  
6 CORY, under the provisions of Sections 10177(d) and 10177(g) of the Business and Professions  
7 Code (the Code).

8 ORDER

9 The real estate broker license and license rights of CORY, under the Real Estate  
10 Law are suspended for a period of sixty (60) days from the effective date of this Order;  
11 provided, however, that if CORY petitions, thirty (30) days of said suspension shall be stayed  
12 upon condition that:

13 1. CORY pays a monetary penalty pursuant to Section 10175.2 of the  
14 Business and Professions Code at the rate of \$33.33 and 1/3 Cent per day for thirty (30) days of  
15 the suspension for a total monetary penalty of \$1,000.00 before the effective date of the  
16 Stipulation and Agreement.

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

20 b. No further cause for disciplinary action against the real estate  
21 license of CORY occurs within one year from the effective date of the Decision in this matter.

22 c. If CORY fails to pay the monetary penalty in accordance with the  
23 terms and conditions of the Decision, the Commissioner may, without a hearing, order the  
24 immediate execution of all or any part of the stayed suspension in which event CORY shall not  
25 be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department  
26 under the terms of this Decision.

1 d. If CORY pays the monetary penalty, and if no further cause for  
2 disciplinary action against the real estate license of Respondent occurs within one (1) year from  
3 the effective date of the Decision, the stay hereby granted shall become permanent.

4 2. The remaining thirty (30) days of said suspension shall be stayed for one  
5 (1) year upon the following terms and conditions:

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

8 b. That no final subsequent determination be made, after hearing or  
9 upon stipulation, that cause for disciplinary action occurred within one (1) year from the  
10 effective date of this Order. Should such a determination be made, the Commissioner may, in his  
11 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. CORY shall, within six (6) months from the effective date of this  
15 Decision, take and pass the Professional Responsibility Examination administered by the  
16 Department including the payment of the appropriate examination fee. If CORY fails to satisfy  
17 this condition, the Commissioner may order suspension of CORY's license until CORY passes  
18 the examination.

19  
20 6/14/12  
21 DATED

21 Richard K. Uno  
22 RICHARD K. UNO, Counsel  
23 DEPARTMENT OF REAL ESTATE

23 ///  
24 //

\*\*\*

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

6-13-12

DATED



WAYNE GERALD CORY  
Respondent

\*\*\*

I have reviewed this Stipulation and Agreement as to form and content and have advised my clients accordingly.

6/13/12

DATED



SHANNON B. JONES  
SHANNON B. JONES LAW GROUP

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The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on **AUG 02 2012**

IT IS SO ORDERED

July 11, 2012

Real Estate Commissioner

