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**FILED**

JAN 28 2021

DEPARTMENT OF REAL ESTATE  
By J. Taggart

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: )

12 WENDELL JAMON JONES and )  
13 MICHAEL ANTHONY LITCHENBERG, )

14 Respondents. )

No. H-3336 FR

ACCUSATION

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16 The Complainant, BRENDA SMITH, acting in her official capacity as a  
17 Supervising Special Investigator of the State of California, for cause of Accusation against  
18 WENDELL JAMON JONES ("JONES") and MICHAEL ANTHONY LITCHENBERG  
19 ("LITCHENBERG"), (collectively referred to herein as "Respondents"), is informed and alleges  
20 as follows:

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22 JONES is presently licensed and/or has license rights under the Real Estate Law  
23 (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a restricted real estate  
24 broker. At all relevant times, JONES served as LITCHENBERG's supervising broker.

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26 LITCHENBERG is presently licensed and/or has license rights under the Real  
27 Estate Law as a real estate salesperson.

At all times mentioned herein, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate licensees, in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondents sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property.

**FIRST CAUSE OF ACTION**  
Negligence Involving Real Estate Transaction  
(As to JONES and LITCHENBERG)

Each and every allegation set forth above in Paragraphs 1 through 3, inclusive, is incorporated by this reference as if fully set forth herein.

Antoinette Velasco ("Antoinette"), and her husband Alberto Velasco ("Alberto"), who is now deceased, lived across the street from 33905 Frazier Rd., Auberry, California (herein "the Correct Property"). Antoinette and Alberto are collectively referred to as "Complainants" herein. The Correct Property did not have markings of any kind showing the address. In or about May 2018, Complainants learned that the Correct Property was for sale. In or about May 2018, LITCHENBERG agreed to serve as Complainants' real estate agent for the purchase of the Correct Property.

Also in May 2018, LITCHENBERG talked on the telephone with the listing agent for 32778 Frazier Road, Auberry, California ("the Incorrect Property") who provided LITCHENBERG with a physical description of the Incorrect Property. LITCHENBERG believed that the listing agent for the Incorrect Property was describing the Correct Property. At

1 no time prior to the close of escrow did LITCHENBERG or JONES meet directly with the listing  
2 agent for the Incorrect Property or tour the Incorrect Property with the listing agent for the  
3 Incorrect Property.

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5 In or about May 2018, LITCHENBERG met with Alberto at the Correct Property  
6 to discuss the purchase of the Correct Property.

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8 On or about July 3, 2018, LITCHENBERG assisted and advised Complainants  
9 with the execution of documents necessary to purchase the Incorrect Property. At the time that  
10 Respondent assisted and advised Complainants with executing documents necessary to purchase  
11 the Incorrect Property, Complainants did not know that they were executing documents to  
12 purchase the Incorrect Property. Complainants relied upon the information and advice they  
13 received from LITCHENBERG and JONES.

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15 On or about July 18, 2018, escrow closed on the subject transaction and  
16 Complainants became the new owners of the Incorrect Property. On or about July 18, 2018,  
17 Chicago Title Company issued a check to JONES for \$3,250 as commission regarding the  
18 purchase and sale of the Incorrect Property.

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20 In or about August 2018, Complainants learned for the first time that they had  
21 purchased the Incorrect Property.

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23 The acts and/or omissions of LITCHENBERG and JONES, as alleged above in  
24 Paragraphs 3 through 10, are grounds for the revocation or suspension of the real estate licenses  
25 and license rights of LITCHENBERG and JONES under Sections 10177(d) and 10177(g) of the  
26 Code.

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On or about January 17, 2019, in the Superior Court of the State of California, County of Santa Clara, Case No. C1761423, JONES was convicted of two counts of Section 2944.7 (accepting advance fee for loan modification) of the Civil Code, crimes which bear a substantial relationship under Section 2910, Title 10, of the California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

On or about April 28, 2015, after proceedings comparable to the Administrative Procedure Act in which JONES was given fair notice of the charges, an opportunity for a hearing, and other due process protections the Supreme Court of the State of California, in Case No. S224370, State Bar Court Case No. 14-O-00876 and 14-O-03242, ordered that JONES be suspended from the practice of law for one (1) year, that execution of the suspension be stayed, and that JONES be placed on probation for two (2) years, including an actual suspension of ninety (90) days for acts which, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license pursuant to the provisions of Sections 10177(d), 10177(g), 10177(q), 10176(i) and/or 10177(j) of the Code.

On or about September 4, 2014, after proceedings comparable to the Administrative Procedure Act in which JONES was given fair notice of the charges, an opportunity for a hearing, and other due process protections the Supreme Court of the State of California, in Case No. S219304, State Bar Court Case No. 12-O-16465 and 13-O-11273, ordered that JONES be suspended from the practice of law for one (1) year, that execution of the suspension be stayed, and that JONES be placed on probation for two (2) years, including an actual suspension of ninety (90) days for acts which, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license pursuant to the provisions of Sections 10177(d), 10177(g), 10176(i) and/or 10177(j) of the Code.

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1 COST RECOVERY

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3 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
4 resolution of a disciplinary proceeding before the Department, the Commissioner may request the  
5 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
8 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses,  
9 license rights, endorsements and endorsement rights of Respondents under the Real Estate Law  
10 (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and  
11 enforcement as permitted by law, and for such other and further relief as may be proper under  
12 other provisions of law.

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BRENDA SMITH  
16 Supervising Special Investigator

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18 Dated at Fresno, California,  
19 this 26 day of January, 2021.

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21 DISCOVERY DEMAND

22 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
23 Department hereby makes demand for discovery pursuant to the guidelines set forth in the  
24 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the  
25 exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
26 Administrative Hearings deems appropriate.