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**FILED**

OCT 18 2019

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-12045 SF
WENDELL JAMON JONES,	)	<u>STIPULATION AND</u>
Respondent.	)	<u>AGREEMENT</u>

It is hereby stipulated by and between WENDELL JAMON JONES ("Respondent") and his attorney, Seth Weinstein, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing of the First Amended Accusation (Accusation) filed on September 11, 2019, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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 solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent has received, read, and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department in this proceeding.



The acts and/or omissions of Respondent as described in the Accusation violate Sections 490, 10177(b), and 10177(f) of the Business and Professions Code (Code).

ORDER

All licenses and licensing rights of Respondent WENDELL JAMON JONES under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within 90 days from the effective date of this Decision and Order. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until four (4) years have elapsed from the effective date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.

1                   4.     Any restricted license issued to Respondent pursuant to this Decision shall  
2 be suspended for a period of forty-five (45) days from the issuance of the restricted license;  
3 provided, however, that forty-five (45) days of said suspension shall be stayed, upon the  
4 condition that Respondent petition pursuant to Section 10175.2 of the Code and pays a monetary  
5 penalty pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension  
6 for a total monetary penalty of \$2,250.

- 7                   a)     Said payment shall be in the form of a cashier's check or certified check  
8                   made payable to the Department of Real Estate. Said check must be  
9                   delivered to the Department of Real Estate, Flag Section at P.O. Box  
10                  137013, Sacramento, CA 95813-7013, prior to the effective date of this  
11                  Order.
- 12                  b)     No further cause for disciplinary action against the Real Estate licenses of  
13                  Respondent occurs within two (2) years from the effective date of the  
14                  decision in this matter.
- 15                  c)     If Respondent fails to pay the monetary penalty as provided above prior to  
16                  the effective date of this Order, the stay of the suspension shall be vacated  
17                  as to that Respondent and the order of suspension shall be immediately  
18                  executed, under this Order, in which event the said Respondent shall not  
19                  be entitled to any repayment nor credit, prorated or otherwise, for the  
20                  money paid to the Department under the terms of this Order.
- 21                  d)     If said Respondent pays the monetary penalty and any other moneys due  
22                  under this Stipulation and Agreement and if no further cause for  
23                  disciplinary action against the real estate license of said Respondent occurs  
24                  within two (2) years from the effective date of this Order, the entire stay  
25                  hereby granted this Order, as to said Respondent only, shall become  
26                  permanent



1                    5. Respondent shall, within nine (9) months from the effective date of this  
2 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,  
3 since the most recent issuance of an original or renewal real estate license, taken and successfully  
4 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
5 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
6 Respondent's real estate license shall automatically be suspended until Respondent presents  
7 evidence satisfactory to the Commissioner of having taken and successfully completed the  
8 continuing education requirement.

9                    6. Respondent shall notify the Commissioner in writing within 72 hours of  
10 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
11 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of  
12 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
13 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
14 constitute an independent violation of the terms of the restricted license and shall be grounds for  
15 the suspension or revocation of that license.

16                    7. All licenses and licensing rights of Respondent are indefinitely suspended  
17 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and  
18 successfully completed the continuing education course on trust fund accounting and handling  
19 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of  
20 satisfaction of these requirements includes evidence that Respondent has successfully completed  
21 the trust fund account and handling continuing education courses, no earlier than 120 days prior  
22 to the effective date of the Decision and Order in this matter. Proof of completion of the trust  
23 fund accounting and handling course must be delivered to the Department of Real Estate, Flag  
24 Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the  
25 effective date of this Decision and Order.

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9/13/19

DATED

  
WENDELL JAMON JONES  
Respondent

*I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.*

09-17-2019

DATED

  
SETH WEINSTEIN  
Attorney for Respondent

\* \* \*

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

NOV 08 2019

IT IS SO ORDERED October 14, 2019

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

