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Department of Real Estate
320 W. 4th St., # 350
Los Angeles, CA 90013

FILED

FEB 29 2012

(213) 576-6982

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of Course)	H- 37925 LA
Instruction by)	
)	
YIMI GEMER "JOHNNY" GOMEZ,)	
)	
Instructor.)	
_____)	

NOTICE OF WITHDRAWAL OF QUALIFICATION
OF INSTRUCTOR

TO: YIMI GEMER "JOHNNY" GOMEZ
American Masters Real Estate School
16911 Bellflower Boulevard, Suite 210
Bellflower, California 90706

RE: Course Instructor, YIMI GEMER "JOHNNY" GOMEZ

NOTICE IS HEREBY GIVEN pursuant to the provisions of
Section 3010 of Title 10, Chapter 6, California Code of
Regulations ("Regulations") that the Real Estate Commissioner
("Commissioner") has caused an investigation to be made into
YIMI GEMER "JOHNNY" GOMEZ ("GOMEZ"), an instructor of courses
sponsored by American Masters Real Estate School ("American")
and previously qualified as an instructor by the Department of

1 Real Estate of the State of California ("Department"). On the
2 basis of that investigation, the Commissioner has determined
3 that GOMEZ is no longer qualified to provide instruction in
4 course offerings, and that qualification of GOMEZ should be and
5 hereby is withdrawn for the reasons set forth below:

6 1. American is a sponsor of approved continuing
7 education and equivalent course of study course offerings.
8 American is owned and controlled by GOMEZ. GOMEZ was previously
9 qualified as an instructor for American.
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11 2. Qualification of GOMEZ was predicated on the
12 compliance of GOMEZ, with Regulations 3000 through 3013,
13 including but not limited to the following:

14 a. Regulation 3000(8)(B) provides that an instructor
15 shall not teach a course if the instructor has engaged in any
16 violation of Article 24 (commencing with Section 3000) of these
17 regulations or has engaged in conduct which would have
18 warranted the denial of an application for approval or
19 withdrawal of approval of an equivalent course of study.
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21 b. Regulation 3000(8)(C) provides that an instructor
22 shall not teach a course if the instructor as a real estate
23 licensee has had that license suspended, revoked or restricted
24 as a result of disciplinary action.
25

26 c. Regulation 3006(f)(2) provides that an instructor
27 shall not be qualified if the instructor has engaged in any

1 violation of Article 25 (commencing with Section 3005) of these
2 regulations or has engaged in conduct which would have
3 warranted the denial of an application for approval or
4 withdrawal of approval of a continuing education course.

5 d. Regulation 3006(f)(3) provides that an instructor
6 shall not be qualified if as a real estate licensee has had
7 that license suspended, revoked or restricted as a result of
8 disciplinary action.
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10 3. On or about June 1, 2011, the Department received
11 an anonymous complaint which stated that Sheyla Soledad Alvarez
12 illegally purchased her real estate salesperson license from
13 American and GOMEZ on March 10, 2011.

14 4. On or about August 5, 2011, Special Investigator
15 Jesus Munoz ("Munoz") went to the office of AMERICAN located at
16 16911 Bellflower Boulevard, Suite 210, Bellflower, California
17 90706. When Munoz entered the office he asked a man sitting at
18 a desk to speak to Gomez. The man answered that he was Gomez.
19 Munoz, playing the role of a broker whose license is about to
20 expire, told Gomez that he needed 45 hours of continuing
21 education in order to renew his license, and that he was
22 worried about paying late fees as well as not having enough
23 time to complete the 45 hours of coursework. Munoz handed
24 Gomez the Department license printout showing the date of
25 expiration, and it appeared to Munoz that Gomez verified the
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1 information on the Department's website. Gomez asked Munoz who
2 had recommended the school to him. Munoz replied that it was
3 "John Marquez," a false name, who had been to the school a few
4 months ago. Gomez then stated that the short timeframe was not
5 a problem. He printed out some forms and gave Munoz the forms
6 along with detailed instructions on how to fill them out to
7 disguise their fraudulent nature, including directions as to
8 which specific questions to purposely get wrong. Additionally,
9 the forms included items without a date, which permitted Munoz
10 to backdate the test dates. The materials Gomez gave to Munoz
11 included an administrator certification form with the school's
12 stamp on it, answer bubble sheets, test answers and
13 instructions on how to complete the forms. Gomez stated that
14 the continuing education certificates would be ready when the
15 Munoz returned with the completed forms and \$225 in cash. Munoz
16 was not given any course materials, textbooks, and/or
17 assignments to complete, nor was he given a final examination
18 in order to receive the certificate of completion for
19 continuing education courses.

22 On or about August 29, 2011, at approximately 3:15
23 p.m. Munoz arrived at American's office at 16911 Bellflower
24 Boulevard, Suite 210, Bellflower, California. Upon entering the
25 office Munoz observed GOMEZ seated at a desk talking to an
26 unknown man who stepped aside when Munoz entered the office.
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1 Munoz handed GOMEZ the completed continuing education packet.
2 GOMEZ reviewed one page, and then told Munoz to include his e-
3 mail address. Munoz wrote down his personal e-mail address, and
4 paid GOMEZ \$225 in cash. GOMEZ stated that he would e-mail
5 Munoz the necessary information to submit to the Department.

6 On August 30, 2011, Munoz received an e-mail from
7 GOMEZ which included a Continuing Education Course Completion
8 Certificate for 45 hours of courses. The certificate was signed
9 by GOMEZ as the school director.

11 5. On or about September 22, 2009, the broker
12 license of GOMEZ was revoked in Department Case No. H-35995 LA
13 pursuant to the Stipulation and Agreement executed by the
14 parties and based on the following violations: Code Sections
15 10085, 10137, 10145 and 10146 and Regulations 2831, 2831.1,
16 2831.2, 2970 and 2972.

18 6. The conduct described in Paragraphs 3 and 4,
19 above, constitutes failure by GOMEZ to perform in accordance
20 with the provisions of Regulations 3000(8)(B) and 3006(f)(2),
21 and is grounds for the withdrawal of qualification of GOMEZ as
22 an instructor of course offerings under the provisions of
23 Regulations 3000, 3006 and 3010.

25 7. The revocation of the real estate broker license
26 of GOMEZ as a result of disciplinary action against him, as is
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1 alleged in Paragraph 5, above, is grounds for the
2 disqualification of GOMEZ as an instructor pursuant to
3 Regulation 3000(8)(C) and Regulation 3006(f)(3).

4 8. Based on the foregoing, the Commissioner has
5 determined that GOMEZ is no longer qualified as an instructor,
6 and therefore, qualification of GOMEZ is hereby withdrawn
7 pursuant to the provisions of Regulation 3000, 3006 and 3010.

8 9. The withdrawal of the qualification of GOMEZ as
9 an instructor will be effective thirty (30) days after the
10 notice of withdrawal is received by GOMEZ unless GOMEZ earlier
11 files a written request for hearing on the withdrawal action.
12 If the request for hearing is received by the Commissioner
13 before 30 days after the date of receipt of notice of
14 withdrawal by GOMEZ, the withdrawal of qualification shall not
15 be effective unless and until ordered by the Commissioner
16 pursuant to findings and conclusions reached after hearing

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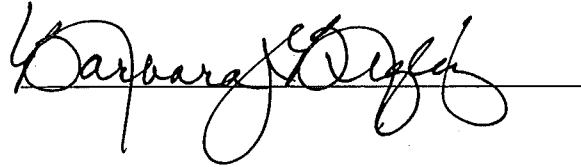
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1 pursuant to Chapter 5 (commencing with Section 11500) of Part 1
2 of Division 3 of Title 2 of the Government Code. The hearing
3 shall be commenced within 30 days after receipt of the request
4 for hearing unless continued to a later day by order of the
5 Commissioner or by agreement of the parties.

6 DATED: 2/24/12

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8 BARBARA J. BIGBY
Acting Real Estate Commissioner

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17 cc: YIMI GEMER "JOHNNY" GOMEZ
18 American Masters Real Estate School
19 16911 Bellflower Boulevard, Suite 201
20 Bellflower, California 90706
21 Shelly Harkins
22 Sacto, FLAG
23 Sacto, Education
24
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