

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED

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DEPARTMENT OF REAL ESTATE

BY: *Spurlock*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H- 35995 LA

12 FINANCIAL INVESTMENTS SOLUTIONS CORP)
13 doing business as Prominent)
14 Financial Solutions; and)
15 YIMI GEMER GOMEZ, individually and)
16 as former designated officer of)
17 Financial Investment Solutions Corp,)

A C C U S A T I O N

18 Respondents.)

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against FINANCIAL INVESTMENT SOLUTIONS CORP dba Prominent
21 Financial Solutions and YIMI GEMER GOMEZ, individually and as
22 former designated officer of Financial Investment Solutions Corp,
23 alleges as follows:

24 1.

25 The Complainant, Robin Trujillo, acting in her official
26 capacity as a Deputy Real Estate Commissioner of the State of
27

1 California, makes this Accusation against FINANCIAL INVESTMENT
2 SOLUTIONS CORP (FISC) and YIMI GEMER GOMEZ (GOMEZ).

3 2.

4 All references to the "Code" are to the California
5 Business and Professions Code and all references to "Regulations"
6 are to Title 10, Chapter 6, California Code of Regulations.

7 3.

8 A. At all times mentioned, FISC was licensed or had
9 license rights issued by the Department of Real Estate
10 (Department) as a real estate broker. On January 9, 2008, FISC
11 was originally licensed as a corporate real estate broker by and
12 through YIMI GEMER GOMEZ. As of September 19, 2008, FISC became
13 non broker affiliated upon the termination YIMI GEMER GOMEZ's
14 status as designated officer.

15 B. At all times mentioned, GOMEZ was licensed or had
16 license rights issued by the Department as a real estate broker.
17 On May 23, 2000, GOMEZ was originally licensed as a real estate
18 broker.

19 4.

20 At all times mentioned, in the City of Bellflower,
21 County of Los Angeles, FISC and GOMEZ engaged in the business of
22 real estate brokers conducting licensed activities within the
23 meaning of Code Sections 10131(d) and 10131.2. FISC and GOMEZ
24 engage in operating an advanced fee and loan modification service
25 brokerage dba Prominent Financial Solutions. For compensation or
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1 in expectation of compensation and for fees often collected in
2 advance, Respondents contacted lenders on behalf of distressed
3 homeowners seeking modification or forbearance of the terms of
4 their home loans.

5.

6 On January 21, 2009, the Department completed an audit
7 examination of the books and records of FISC pertaining to the
8 loan modification service activities described in Paragraph 4,
9 which require a real estate license. The audit examination
10 covered a period of time beginning on November 1, 2007 to
11 September 30, 2008. The audit examination revealed violations of
12 the Code and the Regulations as set forth in the following
13 paragraphs, and more fully discussed in Audit Report LA 080046
14 and the exhibits and work papers attached to said audit report.

6.

16 No trust account was kept during the audit period.

18 VIOLATIONS OF THE REAL ESTATE LAW

7.

19 In the course of activities described in Paragraph 4,
20 above, and during the examination period described in Paragraph
21 5, Respondents FISC and GOMEZ, acted in violation of the Code and
22 the Regulations in that Respondents:
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24 (a) Employed and compensated Jose Tellez-Sanchez,
25 Gerardo Gonzalez, Lina Norena, Reina Vazquez, Lixlia Edmons,
26 Maria Gonzlez, Azucena Fernandez, Fidel Soto, Jose Hudson and
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1 Sandra Ortiz, as loan modification agents whom Respondents knew
2 were not licensed by the Department as a real estate brokers or
3 as a real estate salespersons employed by a real estate broker,
4 for performing acts for which a real estate license is required,
5 including soliciting advance fees and negotiating loan mortgage
6 services, with reference to Code Sections 10131(d) and 10131.2,
7 in violation of Code Section 10137.

8 (b) Failed to maintain a control record in the form of
9 a columnar record in chronological order of all trust funds
10 including advance fees received, deposited and disbursed, in
11 violation of Code Section 10145 and Regulation 2831.

12 (c) Failed to maintain a separate record for each
13 beneficiary or transaction, thereby failing to account for all
14 advance fees collected, in violation of Code Section 10145 and
15 Regulation 2831.1.

16 (d) Failed to perform a monthly reconciliation of the
17 balance of all separate beneficiary or transaction records
18 maintained pursuant to Regulation 2831.1 with the record of all
19 trust funds received and disbursed from the general account for
20 loan modification services, in violation of Code Section 10145
21 and Regulation 2831.2.

22 (e) Collected advance fees within the meaning of Code
23 Section 10026 from homeowners seeking loan modification services
24 wherein FISC failed to provide homeowner Ruben Ramirez a pre-
25 approved advance fee agreement from the Department in the form of
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1 a no objection letter, in violation of Code Section 10085 and
2 Regulation 2970.

3 (f) Failed to establish and maintain a trust account at
4 a bank or other recognized financial institution in the name of
5 the broker for deposit of advance fees collected by FISC, in
6 violation of Code Section 10146.

7 (g) With reference to the lack of an advance fee
8 agreement, FISC failed to provide a complete description of
9 services to be rendered provided to each prospective tenant in 10
10 point type font and failed to provide an allocation and
11 disbursement of the amount collected as the advance fee, in
12 violation of Code Section 10146 and Regulation 2972.

13 DISCIPLINE STATUTES AND REGULATIONS

14 8.

15 The conduct of Respondents FISC and GOMEZ described in
16 Paragraph 7, above, violated the Code and the Regulations as set
17 forth below:

18	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
19	7(a)	Code Section 10137
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21	7(b)	Code Sections 10145 and Regulation
22		2831
23		
24	7(c)	Code Section 10145 and Regulation
25		2831.1
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7(d) Code Section 10145 and Regulation
2831.2

7(e) Code Sections 10085 and Regulation
2970

7(f) Code Section 10146

7(g) Code Sections 10085 and Regulation
2972

The foregoing violations constitutes cause for the suspension or
revocation of the real estate license and license rights of FISC
and GOMEZ, as aforesaid, under the provisions of Code Sections
10177(d) for violation of the Real Estate Law and/or 10177(g) for
negligence or incompetence.

9.

ADDITIONAL VIOLATION OF THE REAL ESTATE LAW

FISC and GOMEZ systematically employed unlicensed
persons as loan agents and loan modification agents to solicit
advance fees without an advance fee agreement, in connection with
loan modification services provided to distressed homeowners
including but not limited to Ruben Ramirez, in violation of Code
Section 10176(i) for fraud and dishonest dealing.

10.

1 The overall conduct of Respondents FISC and GOMEZ
2 constitutes negligence. This conduct and violation are cause for
3 the suspension or revocation of the real estate license and
4 license rights of said Respondents pursuant to the provisions of
5 Code Section 10177(g).
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11.

7 The overall conduct of Respondent GOMEZ constitutes a
8 failure on Respondent's part, as officer designated by a
9 corporate broker licensee, to exercise the reasonable supervision
10 and control over the licensed activities of FISC, as required by
11 Code Section 10159.2 and Regulation 2725, and to keep FISC in
12 compliance with the Real Estate Law, with specific regard to loan
13 modifications services and advance fee handling, requiring a real
14 estate license and is cause for the suspension or revocation of
15 the real estate license and license rights of FISC and GOMEZ
16 pursuant to the provisions of Code Sections 10177(d), 10177(g)
17 and 10177(h).
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 FINANCIAL INVESTMENT SOLUTIONS CORP. dba Prominent Financial
6 Solutions and YIMI GEMER GOMEZ, under the Real Estate Law (Part 1
7 of vision 4 of the Business and Professions Code) and for such
8 other and further relief as may be proper under other applicable
9 provisions of law.

10 Dated at Los Angeles, California

11 this

26 day of May 2009.

Robin Trujillo

Deputy Real Estate Commissioner

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24 cc: Financial Investment Solutions Corp.
25 c/o Yimi Gemer Gomez former D.O.
26 Yimi Gemer Gomez
27 Robin Trujillo
Sacto
Audits - Godswill Keraoru