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FILED

JUN - 9 2009

DEPARTMENT OF REAL
BY: *H. Freely*

7 STATE OF CALIFORNIA
8
9 DEPARTMENT OF REAL ESTATE

10
11 To:

12 FINANCIAL INVESTMENTS SOLUTIONS CORP
13 doing business as Prominent Financial Solutions;
14 and/or any other names or fictitious names used by
15 FINANCIAL INVESTMENTS SOLUTIONS CORP;
16 and to YIMI GEMER GOMEZ,

No. H- 36040 LA

ORDER TO DESIST AND
REFRAIN
(B&P Code Section 10086)

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18 The Commissioner (Commissioner) of the California Department of Real Estate
19 (Department) caused an investigation to be made of the activities of FINANCIAL
20 INVESTMENT SOLUTIONS CORP (FISC) and YIMI GEMER GOMEZ (GOMEZ). Based on
21 that investigation, the Commissioner has determined that FISC and GOMEZ have engaged in,
22 are engaging in, or are attempting to engage in, acts or practices constituting violations of the
23 California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of
24 Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising
25 or assuming to act as real estate brokers in the State of California within the meaning of Code
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1 Section 10131(d) (performing services for borrowers in connection with loans secured by real
2 property) and 10131.2 (operating an advance fee brokerage). Furthermore, based on the
3 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
4 Law, and Desist and Refrain Order under the authority of Code Section 10086.

5 Whenever acts referred to below are attributed to FISC, those acts are alleged to have been
6 done by FISC, acting by itself, or by and/or through one or more agents, associates, affiliates,
7 and/or co-conspirators, including, but not limited to GOMEZ, and using the name " Prominent
8 Financial Solutions", or other names or fictitious names unknown at this time.
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10 FINDINGS OF FACT

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12 1. FISC has been licensed by the Department as a corporate real estate broker since
13 January 09, 2008, by and through GOMEZ. FISC's license expires on January 8, 2012. As of
14 September 19, 2008, FISC became non broker affiliated upon the termination of GOMEZ' status
15 as designated officer.

16 2. GOMEZ has been licensed by the Department as a real estate broker since May 23,
17 2000. GOMEZ' license expires on May 22, 2012.

18 3. During the period of time covered by the audit of FISC, below, FISC and GOMEZ
19 engaged in the business of real estate brokers conducting licensed activities within the meaning
20 of Code Sections 10131(d) and 10131.2 engaging in an advanced fee and loan modification
21 service brokerage dba Prominent Financial Solutions. On behalf of others, for compensation or
22 in expectation of compensation and for fees often collected in advance, Respondents FISC and
23 GOMEZ contacted lenders on behalf of distressed homeowners seeking to modify or forebear the
24 terms of their home loans secured directly or collaterally by one or more liens on real property.

25 4. On January 21, 2009, the Department completed an audit examination of the books
26 and records of FISC pertaining to the loan modification service activities which require a real
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1 estate license. The audit examination covered a period of time beginning on November 1, 2007
2 to September 30, 2008. The audit examination found that FISC and GOMEZ, violated the Code
3 and the Regulations which are more fully discussed in Audit Report LA 080046 and the exhibits
4 and work papers attached to the audit report, as follows:

5 (a) Employed and compensated Jose Tellez-Sanchez, Gerardo Gonzalez, Lina Norena,
6 Reina Vazquez, Lixlia Edmons, Maria Gonzlez, Azucena Fernandez, Fidel Soto, Jose Hudson
7 and Sandra Ortiz, as loan modification agents whom Respondents knew were not licensed by
8 the Department as a real estate brokers or as a real estate salespersons employed by a real estate
9 broker, for performing acts for which a real estate license is required, including soliciting
10 advance fees and negotiating loan mortgage services, with reference to Code Sections 10131(d)
11 and 10131.2, in violation of Code Section 10137.

12 (b) Failed to maintain a control record in the form of a columnar record in chronological
13 order of all trust funds including advance fees received, deposited and disbursed, in violation of
14 Code Section 10145 and Regulation 2831.
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16 (c) Failed to maintain a separate record for each beneficiary or transaction, thereby
17 failing to account for all advance fees collected, in violation of Code Section 10145 and
18 Regulation 2831.1.
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20 (d) Failed to perform a monthly reconciliation of the balance of all separate beneficiary
21 or transaction records maintained pursuant to Regulation 2831.1 with the record of all trust
22 funds received and disbursed from the general account for loan modification services, in
23 violation of Code Section 10145 and Regulation 2831.2.
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25 (e) Collected advance fees within the meaning of Code Section 10026 from homeowners
26 seeking loan modification services wherein FISC failed to provide homeowner Ruben Ramirez a
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1 pre-approved advance fee agreement by the Department in the form of a no objection letter. The
2 failure of FISC to submit an advance fee agreement to the Department five days prior to its use,
3 in violation of Code Section 10085 and Regulation 2970.

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

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

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13 CONCLUSIONS OF LAW

14 5. Based on the findings of fact contained in findings 1 through 4, FISC, acting by
15 itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators,
16 including, but not limited to GOMEZ, and using the name " Prominent Financial Solutions", or
17 other names or fictitious names unknown at this time, performed loan modification services for
18 distressed homeowners and/or those homeowners' lenders in connection with loans secured
19 directly or collaterally by one or more liens on real property, and charged, demanded or collected
20 advance fees for the loan modification services to be provided, which acts require inter alia an
21 advance fee agreement in the form of a no objection letter from the Department and a trust
22 account for deposit of advance fees pursuant to Code Section 10146.

23 6. Based on the findings of fact contained in findings 3 and 4 based on the audit report,
24 FISC and GOMEZ, violated Code Sections 10085, 10137, 10145 and 10146 and Regulations
25 2831, 2831.1, 2831.2, 2970 and 2972.

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DESIST AND REFRAIN ORDER

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2 Based on the Findings of Fact and Conclusions of Law stated herein, you,
3 FINANCIAL INVESTMENT SOLUTIONS CORP and YIMI GEMER GOMEZ, whether
4 doing business under your own names, or any other names or fictitious names, ARE HEREBY
5 ORDERED to
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7 1. Immediately desist and refrain from performing any acts requiring a real estate license
8 in California unless and until you are in compliance with Code Sections 10085, 10137, 10145
9 and 10146 and Regulations 2831, 2831.1, 2831.2, 2970 and 2972. In particular, you are ordered
10 to desist and refrain from:

11 (i) Soliciting borrowers and/or performing loan modification services for borrowers or
12 lenders in connection with loans secured directly or collaterally by one or more liens on real
13 property, and (ii) from charging, demanding, or collecting an advance fee for any of the services
14 you offer to others, unless and until you demonstrate and provide evidence satisfactory to the
15 Commissioner that you are in full compliance with all of the requirements of the Code and
16 Regulations relating to charging, collecting, and accounting for advance fees.
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18 2. Performing any acts requiring a real estate license in California unless and until you
19 are in compliance with Code Sections 10085, 10137, 10145 and 10146, and Regulations 2831,
20 2831.1, 2831.2, 2970 and 2972.
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22 3. Charging or collecting advance fees, as that term is defined in Code 10026, in any
23 form and particularly with respect to loan modification, forbearance agreements, loan refinance,
24 principal/interest reduction, foreclosure abatement or short sale services, unless and until you
25 demonstrate and provide evidence satisfactory to the Commissioner that you have:
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1 (i) an advance fee agreement which has been submitted to the Department and which
2 is in compliance with Code Section 10085 and Regulations 2970 and 2972.

3 (ii) placed all previously collected advance fees into a trust account for that purpose
4 and are in compliance with Code Section 10146; and

5 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to Regulation
6 2972.

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12 DATED: 6-5, 2009

13 JEFF DAVI
14 Real Estate Commissioner

15 By 
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22 cc: Financial Investment Solutions Corp
23 c/o Yimi Gemer Gomez D.O.
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Bellflower, CA 90703

25 Yimi Gemer Gomez
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