Department of Real Estate
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FILED

JUN - 9 2009

DEPARTMENT OF REAL
BY: [signature]

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: FINANCIAL INVESTMENTS SOLUTIONS CORP doing business as Prominent Financial Solutions; and/or any other names or fictitious names used by FINANCIAL INVESTMENTS SOLUTIONS CORP; and to YIMI GEMER GOMEZ,	No. H- 36040 LA ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of FINANCIAL INVESTMENT SOLUTIONS CORP (FISC) and YIMI GEMER GOMEZ (GOMEZ). Based on that investigation, the Commissioner has determined that FISC and GOMEZ have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of California within the meaning of Code

Section 10131(d) (performing services for borrowers in connection with loans secured by real property) and 10131.2 (operating an advance fee brokerage). Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Code Section 10086.

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

FINDINGS OF FACT

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

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

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

4. On January 21, 2009, the Department completed an audit examination of the books and records of FISC pertaining to the loan modification service activities which require a real

estate license. The audit examination covered a period of time beginning on November 1, 2007 to September 30, 2008. The audit examination found that FISC and GOMEZ, violated the Code and the Regulations which are more fully discussed in Audit Report LA 080046 and the exhibits and work papers attached to the audit report, as follows:

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

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

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

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

(e) Collected advance fees within the meaning of Code Section 10026 from homeowners seeking loan modification services wherein FISC failed to provide homeowner Ruben Ramirez a

pre-approved advance fee agreement by the Department in the form of a no objection letter. The failure of FISC to submit an advance fee agreement to the Department five days prior to its use, in violation of Code Section 10085 and Regulation 2970.

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

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

CONCLUSIONS OF LAW

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

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

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DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you,

FINANCIAL INVESTMENT SOLUTIONS CORP and YIMI GEMER GOMEZ, whether doing business under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to

1. Immediately desist and refrain from performing any acts requiring a real estate license in California unless and until you are in compliance with Code Sections 10085, 10137, 10145 and 10146 and Regulations 2831, 2831.1, 2831.2, 2970 and 2972. In particular, you are ordered to desist and refrain from:

(i) Soliciting borrowers and/or performing loan modification services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, and (ii) from charging, demanding, or collecting an advance fee for any of the services you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Regulations relating to charging, collecting, and accounting for advance fees.

2. Performing any acts requiring a real estate license in California unless and until you are in compliance with Code Sections 10085, 10137, 10145 and 10146, and Regulations 2831, 2831.1, 2831.2, 2970 and 2972.

3. Charging or collecting advance fees, as that term in defined in Code 10026, in any form and particularly with respect to loan modification , forbearance agreements loan refinance, principal/interest reduction, foreclosure abatement or short sale services, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you have:

(i) an advance fee agreement which has been submitted to the Department and which is in compliance with Code Section 10085 and Regulations 2970 and 2972.

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

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

DATED: 6-5, 2009

JEFF DAVI
Real Estate Commissioner

By _____

cc: Financial Investment Solutions Corp
c/o Yimi Gemer Gomez D.O.
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