

**FILED**

SEP 20 2022

DEPT. OF REAL ESTATE

By- [REDACTED]

1 DEPARTMENT OF REAL ESTATE  
2 320 West Fourth Street, Ste. 350  
3 Los Angeles, California 90013  
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STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:	)	
	)	NO. H-42183 LA
ER PROPERTY SOLUTIONS LLC,	)	
EMMANUEL GAMBOA, and	)	ORDER TO DESIST AND
RYAN MICHAEL SMAGACZ	)	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 ER PROPERTY SOLUTIONS LLC, EMMANUEL GAMBOA ("GAMBOA"), and RYAN MICHAEL SMAGACZ ("SMAGACZ"). Based on that investigation, the Commissioner has determined that ER PROPERTY SOLUTIONS LLC, GAMBOA, and SMAGACZ 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), including the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(b) (leasing, renting or offering to lease or rent real property for another) of the Code. 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 Section 10086 of the Code.



1                   6. On or about May 11, 2018, a Statement of Information was filed with the  
2 Secretary of State for ER PROPERTY SOLUTIONS LLC. ER PROPERTY  
3 SOLUTIONS LLC'S address was listed as 6624 S Atlantic Ave, Bell, CA 90201.  
4 ER PROPERTY SOLUTIONS LLC'S manager or member was listed as GAMBOA, and  
5 GAMBOA'S address was listed as 124 W Oakmont Drive, Montebello, CA 90640.  
6 ER PROPERTY SOLUTIONS LLC'S additional manager or member was listed as  
7 SMAGACZ, and SMAGACZ'S address was listed as 16871 Sheldon Road,  
8 Los Gatos, CA 95030. ER PROPERTY SOLUTIONS LLC'S agent for service of process was  
9 listed as GAMBOA. ER PROPERTY SOLUTIONS LLC'S type of business was listed as  
10 "Property Management". The Statement of Information was filed by SMAGACZ.

11                   7. On or about January 31, 2020, a Statement of Information was filed with the  
12 Secretary of State for ER PROPERTY SOLUTIONS LLC. ER PROPERTY  
13 SOLUTIONS LLC'S address was listed as 6624 S Atlantic Ave, Bell, CA 90201.  
14 ER PROPERTY SOLUTIONS LLC'S manager or member was listed as SMAGACZ, and  
15 SMAGACZ'S address was listed as 1200 South Figueroa Street, 1904, Los Angeles, CA 90015.  
16 ER PROPERTY SOLUTIONS LLC'S additional manager or member was listed as GAMBOA,  
17 and GAMBOA'S address was listed as 6624 S Atlantic Ave, Bell, CA 90201. ER PROPERTY  
18 SOLUTIONS LLC'S agent for service of process was listed as SMAGACZ. ER PROPERTY  
19 SOLUTIONS LLC'S type of business was listed as "Property Management". The Statement of  
20 Information was filed by SMAGACZ.

21                   8. From December 21, 2020, through the present, ER PROPERTY  
22 SOLUTIONS LLC has operated a website at <https://www.erpropertiesolutions.com>, through  
23 which ER PROPERTY SOLUTIONS LLC solicits one or more of the following acts for  
24 another or others, for or in expectation of compensation: leasing, renting or offering to lease or  
25 rent real property for another. The website listed ER PROPERTY SOLUTIONS LLC'S  
26 address as 6624 Atlantic Ave, Bell, CA 90201, and listed GAMBOA'S real estate license  
27 number 02041836.

1                   9. From May 19, 2021, through the present, ER PROPERTY SOLUTIONS  
2 LLC has operated a website at <https://www.instagram.com/erpropertysolutions>, through which  
3 ER PROPERTY SOLUTIONS LLC solicits one or more of the following acts for another or  
4 others, for or in expectation of compensation: leasing, renting or offering to lease or rent real  
5 property for another.

6                   10. From May 19, 2021, through the present, GAMBOA has operated a website  
7 at <https://www.instagram.com/emmanuelitogambo>, through which GAMBOA solicits for  
8 ER PROPERTY SOLUTIONS LLC one or more of the following acts for another or others, for  
9 or in expectation of compensation: leasing, renting or offering to lease or rent real property for  
10 another.

11                   11. From May 19, 2021, through the present, SMAGACZ has operated a  
12 website at <https://www.instagram.com/ryansmogz>, through which SMAGACZ solicits for  
13 ER PROPERTY SOLUTIONS LLC one or more of the following acts for another or others, for  
14 or in expectation of compensation: leasing, renting or offering to lease or rent real property for  
15 another. The website listed ER PROPERTY SOLUTIONS LLC'S internet address  
16 [erpropertysolutions.com](http://erpropertysolutions.com).

17                   12. From April 30, 2021, through the present, ER PROPERTY SOLUTIONS  
18 LLC has operated a website at  
19 [https://m.facebook.com/permalink.php?id=2302795643310654&story\\_fbid=284314246594263](https://m.facebook.com/permalink.php?id=2302795643310654&story_fbid=284314246594263)  
20 3, through which ER PROPERTY SOLUTIONS LLC solicits one or more of the following acts  
21 for another or others, for or in expectation of compensation: leasing, renting or offering to lease  
22 or rent real property for another.

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1                   13. From January 28, 2021, through the present, ER PROPERTY  
2 SOLUTIONS LLC has operated a website at  
3 <https://www.linkedin.com/company/er-property-solutions/about>, through which  
4 ER PROPERTY SOLUTIONS LLC solicits one or more of the following acts for another or  
5 others, for or in expectation of compensation: leasing, renting or offering to lease or rent real  
6 property for another. The website listed ER PROPERTY SOLUTIONS LLC'S internet address  
7 erpropertysolutions.com. The website listed ER PROPERTY SOLUTIONS LLC'S address as  
8 2250 W Beverly Blvd, Montebello, CA 90640 and 6624 S Atlantic Ave, Bell, CA 90201.

9                   14. From February 2, 2021, through the present, ER PROPERTY  
10 SOLUTIONS LLC has operated a website at [https://www.thumbtack.com/ca/los-](https://www.thumbtack.com/ca/los-angeles/property-management/er-property-solutions/service/358718476603006989)  
11 [angeles/property-management/er-property-solutions/service/358718476603006989](https://www.thumbtack.com/ca/los-angeles/property-management/er-property-solutions/service/358718476603006989), through  
12 which ER PROPERTY SOLUTIONS LLC solicits one or more of the following acts for  
13 another or others, for or in expectation of compensation: leasing, renting or offering to lease or  
14 rent real property for another.

15                   15. From November 20, 2020, through the present, ER PROPERTY  
16 SOLUTIONS LLC has operated a website at  
17 <https://www.loopnet.com/Listing/20900-20918-Pioneer-Blvd-Lakewood-CA/21053260>,  
18 through which ER PROPERTY SOLUTIONS LLC solicits one or more of the following acts  
19 for another or others, for or in expectation of compensation: leasing, renting or offering to lease  
20 or rent real property for another. The website listed SMAGACZ as the contact person for ER  
21 PROPERTY SOLUTIONS LLC. The website listed the Date Created as October 7, 2020, and  
22 Last Updated as May 6, 2021.

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1 Transactions related to 4252 Durfee Ave, Pico Rivera

2                   16. On or about June 3, 2019, GAMBOA entered into a Property Management  
3 Agreement with R. Navarro for real property at 4252 Durfee Ave, Pico Rivera, CA 90660. The  
4 Property Management Agreement listed the real estate broker as Century 21 Allstars with real  
5 estate license number 01280965. The Property Management Agreement listed the agent as  
6 ER PROPERTY SOLUTIONS LLC with real estate license number 02041836 and email  
7 info@erpropertysolutions.com.

8                   17. On or about June 3, 2019, GAMBOA entered into a Disclosure Regarding  
9 Real Estate Agency Relationship with R. Navarro. The Disclosure Regarding Real Estate  
10 Agency Relationship listed the real estate broker as Century 21 Allstars with real estate license  
11 number 01280965. The Disclosure Regarding Real Estate Agency Relationship listed the  
12 salesperson agent as GAMBOA with real estate license number 02041836.

13                   18. From June 11, 2019, through April 1, 2020, ER PROPERTY  
14 SOLUTIONS LLC, GAMBOA, and SMAGACZ collected rent from tenants of 4252 Durfee  
15 Ave, Pico Rivera, CA 90660-1709.

16                   19. From July 2, 2019, through March 13, 2020, ER PROPERTY  
17 SOLUTIONS LLC, GAMBOA, and SMAGACZ compensated themselves with management  
18 fees and commissions from the rent collected from tenants of 4252 Durfee Ave,  
19 Pico Rivera, CA 90660-1709.

20                   20. On or about August 8, 2019, SMAGACZ signed a Notice to Quit directed to  
21 tenants M. Chavana and J. Zumaya for real property at 4252 Durfee Ave,  
22 Pico Rivera, CA 90660. SMAGACZ signed the Notice to Quit as Agent for Landlord/Owner.

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1                   21. On or about October 31, 2019, ER PROPERTY SOLUTIONS LLC entered  
2 into a Rental Agreement with tenant J. Twyman for real property at 4252 Durfee Ave, Pico  
3 Rivera, CA 90660. The Rental Agreement listed the Owner as ER Property Solutions, the  
4 Property Manager as ER Property Solutions, and the email info@erpropertysolutions.com. The  
5 Rental Agreement provided, "Rent is to be paid to ER Property Solutions LLC via the Tenant  
6 Portal on <https://home.tenantcloud.com/login>".

7                   22. On or about December 1, 2020, the Department sent letters to GAMBOA  
8 and SMAGACZ regarding the real estate activities related to ER PROPERTY  
9 SOLUTIONS LLC.

10                   23. On or about December 23, 2020, the Department received a letter from  
11 Respondents GAMBOA and SMAGACZ, represented by attorney Michael A. Lanphere.  
12 Statements in the letter included: "Rather, both Emmanuel Gamboa and Ryan Smagacz are  
13 owners of ERPS and both are paid as independent contractors (1099)."; "ERPS earns  
14 compensation by charging clients a set percentage of gross rents collected, generally eight  
15 percent (8.0%), for each property managed."; "Only Emmanuel Gamboa and Ryan Smagacz  
16 render property management services on behalf of ERPS."; "Yes, ERPS managed the property  
17 located at 4252 Durfee Avenue, Pico Rivera, California 90660."; and "ERPS is still managing  
18 the properties located at: 3636 Jasmine Avenue, Unit 103, Los Angeles, California, 90034;  
19 20912 Pioneer Boulevard, Lakewood, California, 90715; and 9045 Via Amorita, Downey,  
20 California, 90241."

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1 CONCLUSIONS OF LAW

2 24. Based on the findings of fact contained in Paragraphs 1 through 23,  
3 ER PROPERTY SOLUTIONS LLC, GAMBOA, and SMAGACZ, acting by themselves, or by  
4 and/or through one or more agents, associates, affiliates, and/or co-conspirators, including other  
5 names or fictitious names unknown at this time, solicited and offered to lease real property,  
6 which acts require a real estate broker license under Section 10131(b) of the Code, during a  
7 period of time when ER PROPERTY SOLUTIONS LLC, GAMBOA, and SMAGACZ were  
8 not licensed by the Department as a real estate broker, in violation of Section 10130 of the  
9 Code.

10 DESIST AND REFRAIN ORDER

11 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated  
12 herein, it is hereby ordered that ER PROPERTY SOLUTIONS LLC, EMMANUEL GAMBOA,  
13 and RYAN MICHAEL SMAGACZ, whether doing business under their own names, or any  
14 other names or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain  
15 from performing any acts within the State of California for which a real estate broker license is  
16 required.

17  
18 DATED: 5.9.22  
19 Real Estate Commissioner

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21   
22 DOUGLAS R. McCAULEY

23 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a  
24 real estate broker or real estate salesperson without a license or who advertises using words  
25 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
26 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
27 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
(\$60,000).”



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cc: ER PROPERTY SOLUTIONS LLC  
EMMANUEL GAMBOA  
2250 W Beverly Blvd  
Montebello, CA 90640

ER PROPERTY SOLUTIONS LLC  
EMMANUEL GAMBOA  
6624 S Atlantic Ave  
Bell, CA 90201

EMMANUEL GAMBOA  
124 W Oakmont Drive  
Montebello, CA 90640

RYAN MICHAEL SMAGACZ  
877 FRANCISCO STREET, 3010  
LOS ANGELES, CA 90017

RYAN MICHAEL SMAGACZ  
1200 South Figueroa Street, 1904  
Los Angeles, CA 90015

RYAN MICHAEL SMAGACZ  
16871 Sheldon Road  
Los Gatos, CA 95030

Lucero & Associates, Inc.  
2250 W BEVERLY BLVD  
PICO RIVERA, CA 90660