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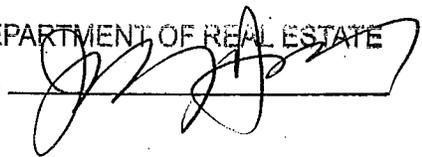
1 Department of Real Estate  
2 320 W. 4<sup>th</sup> St., # 350  
3 Los Angeles, CA 90013

4 (213) 576-6982

**FILED**

FEB 29 2012

DEPARTMENT OF REAL ESTATE

BY: 

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Continuing	)	H- 37923 LA
12	Education Offerings of	)	
		)	
13	AMERICAN MASTERS REAL ESTATE	)	
	SCHOOL,	)	
14	Sponsor.	)	
		)	

15  
16 NOTICE OF WITHDRAWAL OF CONTINUING  
17 EDUCATION OFFERINGS APPROVALS

18 TO: AMERICAN MASTERS REAL ESTATE SCHOOL  
19 Yimi Gemer "Johnny" Gomez  
16911 Bellflower Boulevard, Suite 210  
Bellflower, California 90706

- |    |        |                                     |           |
|----|--------|-------------------------------------|-----------|
| 21 | RE: 1. | "DISCLOSURE OBLIGATIONS"            | 4305-1029 |
| 22 |        | 2. "INVESTMENT PROPERTY ANALYSIS"   | 4305-1028 |
| 23 |        | 3. "TRUST FUND ACCOUNTING/HANDLING" | 4305-1027 |
| 24 |        | 4. "FAIR HOUSING"                   | 4305-1026 |
| 25 |        | 5. "AGENCY"                         | 4305-1025 |
| 26 |        | 6. "ETHICS"                         | 4305-1024 |
| 27 |        | 7. "THE LISTING AGREEMENT"          | 4305-1023 |



1                   2. The Department issued to AMERICAN approval for  
2 the following continuing education course offerings pursuant to  
3 Business and Professions Code ("Code") Section 10170.4 and  
4 Regulations 3006 and 3007:  
5

6	Course No. <u>Issued By DRE</u>	Date <u>Approved</u>	<u>Course Title</u>
7	4305-1029	5/4/11	Disclosure Obligations
8	4305-1028	5/4/11	Investment Property Analysis
9	4305-1027	5/11/11	Trust Fund Accounting/ Handling
10	4305-1026	5/11/11	Fair Housing
11	4305-1025	5/11/11	Agency
12	4305-1024	5/11/11	Ethics
13	4305-1023	4/17/11	The Listing Agreement
14	4305-1022	4/17/11	Risk Management

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17 These courses were applied for and approved to be taught as  
18 correspondence courses.  
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20                   3. In order to qualify for renewal of a real estate  
21 license, a licensee must prove successful completion of  
22 continuing education courses, or the equivalent, such as that  
23 identified in Paragraph two (2) above, during the preceding  
24 four-year period (Code Section 10170.5).  
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26                   4. Approval of the courses identified in Paragraph 2  
27 was predicated upon the sponsor's compliance with Regulations  
3005 through 3012.2 and Code Sections 10170 through 10170.6,

1 including the following criteria set forth by the Regulations,  
2 and other assurances, which AMERICAN and Gomez represented and  
3 assured the Department would be complied with:

4           a. Regulation 3006(d) provides that a continuing  
5 education offering shall have an appropriate form of final  
6 examination as set forth in Section 3007.3.

7           b. Regulation 3006(g) provides that a correspondence  
8 course shall consist of adequate study materials to assure that  
9 the course cannot be completed in less time than the number of  
10 hours for which it is approved.

11           c. Regulation 3007.3 provides that a final  
12 examination is required for all continuing education classes,  
13 and that sponsors shall establish final examination rules,  
14 including but not limited to the following, for approved  
15 offerings that are to be observed by all offering participants:

16           i. Subpart (a) provides that the final  
17 examination shall provide the means by which a sponsor  
18 determines whether a participant has successfully completed the  
19 offering.

20           ii. Subpart (b) provides that the final  
21 examination shall not be taken by participants until completion  
22 of the instructional portion of the offering to which the  
23 examination applies.

1           d. Regulation 3007.3(n) provides that a violation of  
2 a final examination rule by the sponsor or the sponsor's  
3 representative administering the examination shall constitute  
4 grounds for denial or withdrawal of approval of the offering.  
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6           5. On or about June 1, 2011, the Department received  
7 an anonymous complaint which stated that Sheyla Soledad Alvarez  
8 illegally purchased her real estate salesperson license from  
9 AMERICAN and Gomez on March 10, 2011.

10           6. On or about August 5, 2011, Special Investigator  
11 Jesus Munoz ("Munoz") went to the office of AMERICAN located at  
12 16911 Bellflower Boulevard, Suite 210, Bellflower, California  
13 90706. When Munoz entered the office he asked a man sitting at  
14 a desk to speak to Gomez. The man answered that he was Gomez.  
15 Munoz, playing the role of a broker whose license is about to  
16 expire, told Gomez that he needed 45 hours of continuing  
17 education in order to renew his license, and that he was  
18 worried about paying late fees as well as not having enough  
19 time to complete the 45 hours of coursework. Munoz handed  
20 Gomez the Department license printout showing the date of  
21 expiration, and it appeared to Munoz that Gomez verified the  
22 information on the Department's website. Gomez asked Munoz who  
23 had recommended the school to him. Munoz replied that it was  
24 "John Marquez," a false name, who had been to the school a few  
25 months ago. Gomez then stated that the short timeframe was not  
26  
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1 a problem. He printed out some forms and gave Munoz the forms  
2 along with detailed instructions on how to fill them out to  
3 disguise their fraudulent nature, including directions as to  
4 which specific questions to purposely get wrong. Additionally,  
5 the forms included items without a date, which permitted Munoz  
6 to backdate the test dates. The materials Gomez gave to Munoz  
7 included an administrator certification form with the school's  
8 stamp on it, answer bubble sheets, test answers and  
9 instructions on how to complete the forms. Gomez stated that  
10 the continuing education certificates would be ready when the  
11 Munoz returned with the completed forms and \$225 in cash. Munoz  
12 was not given any course materials, textbooks, and/or  
13 assignments to complete, nor was he given a final examination  
14 in order to receive the certificate of completion for  
15 continuing education courses.

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

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

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8           7. The sale of certificates to students without  
9 their bona-fide completion of courses or examinations, and the  
10 falsification of student records in the continuing education  
11 course offerings, create an inference that AMERICAN and Gomez  
12 are not complying with their representations and assurances to  
13 the Department with respect to the courses set forth in  
14 Paragraph 2 above.

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16           8. The conduct described in Paragraphs 5,6 and 7,  
17 above, constitutes failures by AMERICAN and Gomez to perform in  
18 accordance with their representations and assurances, that they  
19 would comply with conditions to the approval of courses  
20 identified in Paragraph Two (2), and Regulations 3006(d),  
21 3006(f)(2), 3006(g), 3007.3(a), 3007.3(b), and 3007.3(n), and  
22 is grounds for the withdrawal of approval of the continuing  
23 education course offerings as identified in paragraph two (2)  
24 above, under the provisions of Regulations 3006, 3007.3 and  
25 3010.  
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1           9. Based on the foregoing, the Commissioner has  
2 determined that the courses identified in Paragraph two (2)  
3 herein above, no longer meet the prescribed statutory and  
4 regulatory standards for approval, and therefore, approval of  
5 said courses should be and hereby is withdrawn pursuant to the  
6 provisions of Regulation 3010.  
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8           10. The withdrawal of approval of all the course  
9 offerings identified in Paragraph 2 above will be effective  
10 thirty (30) days after the notice of withdrawal is received by  
11 the sponsor unless the sponsor earlier files a written request  
12 for hearing on the withdrawal action. If the request for  
13 hearing is received by the Commissioner before 30 days after  
14 the date of receipt of notice of withdrawal by the sponsor, the  
15 withdrawal of approval shall not be effective unless and until  
16 ordered by the Commissioner pursuant to findings and  
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1 conclusions reached after hearing pursuant to Chapter 5  
2 (commencing with Section 11500) of Part 1 of Division 3 of  
3 Title 2 of the Government Code. The hearing shall be commenced  
4 within 30 days after receipt of the request for hearing unless  
5 continued to a later day by order of the Commissioner or by  
6 agreement of the parties.  
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8 DATED: \_\_\_\_\_

2/24/12

9 BARBARA J. BIGBY  
10 Acting Real Estate Commissioner

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24 cc: AMERICAN MASTERS REAL ESTATE SCHOOL  
25 Yimi Gemer "Johnny" Gomez  
26 16911 Bellflower Boulevard, Suite 201  
27 Bellflower, California 90706  
Shelly Harkins  
Sacto, FLAG  
Sacto, Education