

1 DEPARTMENT OF REAL ESTATE
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FILED

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DEPARTMENT OF REAL ESTATE

By R. Henry

8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To:

12)
13 ANTONIO J. GOMEZ, an individual)

) NO. H- 2531 FR

) **ORDER TO DESIST AND**
) **REFRAIN**

) (B&P Code Section 10086)
15)

16 The Commissioner (Commissioner) of the California Department of Real Estate
17 (Department) caused an investigation to be made of the activities ANTONIO J. GOMEZ
18 ("GOMEZ"). Based on the investigation, the Commissioner has determined ANTONIO J.
19 GOMEZ engaged in, is engaging in, or is attempting to engage in, acts or practices constituting
20 violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6,
21 California Code of Regulations (Regulations), including the business of, acting in the capacity of,
22 and/or advertising or assuming to act as, a real estate broker in the State of California within the
23 meaning of Section 10131(d) (performing services for borrowers in connection with loans
24 secured by real property) of the Code. Furthermore, based on the investigation, the
25 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
26 Refrain Order under the authority of Section 10086 of the Code.
27

1 Whenever acts referred to below are attributed to ANTONIO J. GOMEZ, those acts are
2 alleged to have been done by GOMEZ, acting by himself, or by and/or through one or more
3 agent, associate, affiliate, and/or co-conspirator or by using other names or fictitious names
4 unknown at this time.

5 FINDINGS OF FACT

6 1. At no time herein mentioned has GOMEZ been licensed by the Department in any
7 capacity.

8 2. During the period of time set out below GOMEZ and/or other agents, associates,
9 affiliates, and/or co-conspirators solicited one or more borrowers and negotiated to do one or
10 more of the following acts for another or others, for or in expectation of compensation:
11 negotiate one or more loans for, or perform services for, borrowers and/or lenders in
12 connection with loans secured directly or collaterally by one or more liens on real property; and
13 charged, demanded or collected an advance fee for any of the services offered, in violation of
14 Sections 10130 (real estate broker license required to perform certain acts), 10085.5 (real estate
15 broker license required to charge or collect an advance fee), and 10139 (criminal penalties for
16 unlicensed activity) of the Code.

17 3. On or during April, 2009, GOMEZ, entered into an agreement with Jaime G. to
18 negotiate a loan modification concerning the real property located at 1470 West Street,
19 Soledad, California, in which GOMEZ would negotiate a loan modification for Jaime G. and
20 receive as its fee for loan modification services the sum of \$300.00, in violation of Sections
21 10130 (California real estate license required), and 10139 (criminal penalties for unlicensed
22 activities) of the Code.

23 4. On or about March 2, 2010, Deputy Real Estate Commissioner Rene Esquivel acting
24 undercover contacted GOMEZ to verify that GOMEZ was offering foreclosure rescue services
25 to distressed homeowners within Monterey County. The Deputy Real Estate Commissioner
26 informed GOMEZ that he was a homeowner who was having problems with his mortgage and
27 that he had been referred to GOMEZ by Jaime G. GOMEZ confirmed that he was offering

1 foreclosure rescue services to Monterey County homeowners. GOMEZ then explained the
2 steps he would take to resolve the Deputy Commissioner's purported mortgage difficulties.
3 Gomez stated that for an advanced fee of \$500.00 the Deputy Commissioner would execute a
4 Power of Attorney to Gomez which GOMEZ would use to execute a deed transferring the
5 Deputy Commissioner's real property to GOMEZ. GOMEZ would then negotiate a short sale
6 of the property with the lender resulting in GOMEZ owning the property. GOMEZ, in turn,
7 would sell the property back to the Deputy Commissioner at the lower short sale price.

8 CONCLUSIONS OF LAW

9 5. Based on the findings of fact contained in Paragraphs 1 through 4, above, GOMEZ
10 and/or through one or more agents, associates, affiliates, and/or co-conspirators, or other names
11 or fictitious names unknown at this time, solicited one or more borrowers to perform services
12 for those borrowers and/or those borrowers' lenders in connection with loans secured directly or
13 collaterally by one or more liens on real property, acts which require a real estate license under
14 Section 10131(d) of the Code, during a period of time when GOMEZ was not properly licensed
15 by the Department.

16 DESIST AND REFRAIN ORDER

17 Based on the findings of fact and conclusions of law stated herein, ANTONIO J. GOMEZ
18 doing business under his name, or any other name or fictitious name, and/or your agents,
19 associates, affiliates, and/or co-conspirators ARE HEREBY ORDERED TO:

20 Immediately desist and refrain from performing any acts within the State of California for
21 which a real estate broker license is required. In particular, you are ordered to desist and refrain
22 from:

23 (i) soliciting borrowers and/or performing services for borrowers or lenders in
24 connection with loans secured directly or collaterally by one or more liens on real property, and

25 (ii) from charging, demanding, or collecting an advance fee for any of the services
26 you offer to others, unless and until you obtain a real estate broker license issued by the
27 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner

1 that you are in full compliance with all of the requirements of the Code and Regulations relating
2 to charging, collecting, and accounting for advance fees, including Section 10146 (place all
3 previously collected advance fees into a trust account for that purpose) of the Code and Sections
4 2970 (an advance fee agreement must be submitted to the Department and be in compliance with
5 the Regulations) and 2972 (must provide an accounting to trust fund owner-beneficiaries) of the
6 Regulations.

7 DATED: 9/15, 2010

8 JEFF DAVI
9 Real Estate Commissioner

10 By 
11

12 - NOTICE -

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

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20 TO:

21 Antonio J. Gomez
22 1007 San Rafael Street
23 Soledad, CA 93960
(831) 678-8424

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