

1 Department of Real Estate
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3 Los Angeles, CA 90013-1105
4
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FILED
SEP 28 2020
DEPT. OF REAL ESTATE
By *José*

8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 *******
11 In the Matter of the Accusation of)
12 PRIME MANAGEMENT GROUP INC and)
13 DANIEL FLORES, individually and as)
14 designated officer of Prime Management Group)
15 Inc,)
16 Respondent.)

DRE No. H-41413 LA
STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between Respondents PRIME MANAGEMENT
18 GROUP INC and DANIEL FLORES (collectively "Respondents") and their attorney of record,
19 Frank Buda, and the Complainant, acting by and through Kevin H. Sun, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation
21 filed on July 15, 2019, in this matter (Case No. H-41413 LA):

22 1. All issues which were to be contested and all evidence which was to be presented
23 by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead
25 and in place thereof be submitted on the basis of the provisions of this Stipulation and Agreement
26 in Settlement and Order ("Stipulation").

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1 2. Respondents have received, read and understand the Statement to Respondents,
2 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in
3 this proceeding.

4 3. On July 26, 2019, Respondents filed Notices of Defense pursuant to Section
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
6 Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
7 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they
8 will thereby waive their rights to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that they
10 will waive other rights afforded to them in connection with the hearing such as the right to present
11 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

12 4. Respondents, pursuant to the limitations set forth below, hereby admit that the
13 factual allegations in the Accusation filed in this proceeding are true and correct and the Real Estate
14 Commissioner shall not be required to provide further evidence of such allegations.

15 5. It is understood by the parties that the Real Estate Commissioner may adopt the
16 Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
17 sanctions on Respondent's real estate license and license rights as set forth in the below "Order".
18 In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement,
19 it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding
20 on the Accusation under all the provisions of the APA and shall not be bound by any admission or
21 waiver made herein.

22 6. The Order or any subsequent Order of the Real Estate Commissioner made
23 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
24 further administrative or civil proceedings by the Department of Real Estate with respect to any
25 matters which were not specifically alleged to be causes for accusation in this proceeding.

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1 **DETERMINATION OF ISSUES**

2 By reason of the foregoing stipulations, admissions and waivers and solely for the
3 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
4 the following determination of issues shall be made:

5 The conduct of Respondents, as described in the Accusation, are in violation of
6 California Business and Professions Code ("Code") Sections 10145 and 10159.2 , and Title 10,
7 Chapter 6, California Code of Regulations ("Regulations") Sections 2725, 2831.1, 2831.2, 2832,
8 2832.1, and 2834 and are grounds for the suspension or revocation of all of the real estate license
9 and license rights of Respondents under the provision of Code Sections 10177(d) and (h) of the
10 Code.

11 **ORDER**

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I.

14 (PRIME MANAGEMENT GROUP INC)

15 All licenses and license rights of Respondent PRIME MANAGEMENT
16 GROUP INC under the Real Estate Law are suspended for a period of ninety (90) days from the
17 effective date of this Decision;

18 A. Provided, however, that the initial thirty (30) days of said suspension shall be
19 stayed for two (2) years upon the following terms and conditions:

20 1. Respondent PRIME MANAGEMENT GROUP INC shall pay a monetary
21 penalty pursuant to Code section 10175.2 at the rate of \$50.00 per day for each of the thirty (30)
22 days of suspension for a total monetary penalty of \$1,500.00.

23 2. Said payment shall be in the form of a cashier's check made payable to the
24 Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag
25 Section, P.O. Box 137013, Sacramento, CA 95813-7013, **prior to the effective date of this**
26 **Decision and Order.**

27 3. No further cause for disciplinary action against the real estate license of

1 Respondent DANIEL FLORES occurs within two (2) years from the effective date of the Decision
2 in this matter.

3 4. If Respondent PRIME MANAGEMENT GROUP INC fails to pay the
4 monetary penalty in accordance with the terms and conditions of the Decision, the suspension shall
5 go into effect automatically with regard to said Respondent. Respondent PRIME MANAGEMENT
6 GROUP INC shall not be entitled to any repayment nor credit, prorated or otherwise, for money
7 paid to the Department under the terms of this Decision and Order.

8 5. If Respondent PRIME MANAGEMENT GROUP INC pays the monetary
9 penalty and if no further cause for disciplinary action against the real estate license of Respondent
10 occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall
11 become permanent.

12 B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
13 for two (2) years upon the following terms and conditions:

14 1. That Respondent PRIME MANAGEMENT GROUP INC shall obey all
15 laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee
16 in the State of California; and

17 2. That no final subsequent determination be made after hearing or upon
18 stipulation, that cause for disciplinary action occurred within two (2) years from the effective date
19 of this Decision. Should such a determination be made, the Commissioner may, in his discretion,
20 vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should
21 no such determination be made under this section, the stay imposed herein shall become permanent.

22 II.

23 (DANIEL FLORES)

24 All licenses and license rights of Respondent DANIEL FLORES under the
25 Real Estate Law are suspended for a period of ninety (90) days from the effective date of this
26 Decision;

27 A. Provided, however, that the initial thirty (30) days of said suspension shall be

1 stayed for two (2) years upon the following terms and conditions:

2 1. Respondent DANIEL FLORES shall pay a monetary penalty pursuant to
3 Code section 10175.2 at the rate of \$50.00 per day for each of the thirty (30) days of suspension for
4 a total monetary penalty of \$1,500.00.

5 2. Said payment shall be in the form of a cashier's check made payable to the
6 Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag
7 Section, P.O. Box 137013, Sacramento, CA 95813-7013, **prior to the effective date of this**
8 **Decision and Order.**

9 3. No further cause for disciplinary action against the real estate license of
10 Respondent DANIEL FLORES occurs within two (2) years from the effective date of the Decision
11 in this matter.

12 4. If Respondent DANIEL FLORES fails to pay the monetary penalty in
13 accordance with the terms and conditions of the Decision, the suspension shall go into effect
14 automatically with regard to said Respondent. Respondent DANIEL FLORES shall not be entitled
15 to any repayment nor credit, prorated or otherwise, for money paid to the Department under the
16 terms of this Decision and Order.

17 5. If Respondent DANIEL FLORES pays the monetary penalty and if no
18 further cause for disciplinary action against the real estate license of Respondent occurs within two
19 (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

20 B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
21 for two (2) years upon the following terms and conditions:

22 1. That Respondent DANIEL FLORES shall obey all laws, rules and
23 regulations governing the rights, duties and responsibilities of a real estate licensee in the State of
24 California;

25 2. That Respondent DANIEL FLORES take and pass the Professional
26 Responsibility Examination within six (6) months from the effective date of this Decision;

27 3. That Respondent DANIEL FLORES take and pass a trust fund accounting

1 and handling class within six (6) months from the effective date of this Decision; and

2 4. That no final subsequent determination be made after hearing or upon
3 stipulation, that cause for disciplinary action occurred within two (2) years from the effective date
4 of this Decision. Should such a determination be made, the Commissioner may, in his discretion,
5 vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should
6 no such determination be made under this section, the stay imposed herein shall become permanent.

7 III.

8 (PRIME MANAGEMENT GROUP INC and DANIEL FLORES)

9 Pursuant to Code section 10148 of the Code, Respondents shall pay the
10 Commissioner's reasonable costs, not to exceed \$13,293.46, for a subsequent audit to determine if
11 Respondents have corrected the violations found in the Determination of Issues. In calculating the
12 amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average
13 hourly salary for all persons performing audits of real estate brokers, and shall include an allocation
14 for travel time to and from the auditor's place of work. Respondents shall pay such costs within
15 sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs
16 should not be made until Respondents receive the invoice. If Respondents fail to satisfy this
17 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
18 automatically be suspended until payment is made in full, or until a decision, providing otherwise,
19 is adopted following a hearing held pursuant to this condition.

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21 DATED: 7/15/2020



Kevin H. Sun, Counsel for
Department of Real Estate

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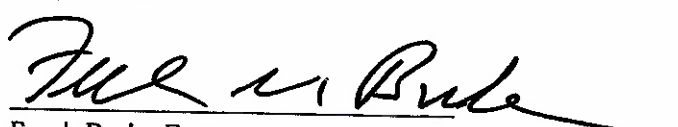
1 Respondents' signatures below constitute acceptance and approval of the terms and
2 conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this
3 Stipulation, Respondents are bound by its terms as of the date of such signatures and that this
4 agreement is not subject to rescission or amendment at a later date except by a separate Decision
5 and Order of the Real Estate Commissioner.

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7 DATED: 7/15/20


PRIME MANAGEMENT GROUP INC
Respondent
By: Danny Flores, President

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10 DATED: 7/15/20


DANIEL FLORES, individually and
as designated officer of Prime Management Group Inc,
Respondent

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14 DATED: 7/15/20 
15 Frank Buda, Esq.
16 Counsel for Respondents
17 Approved as to Form

18 * * *

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
20 Respondent PRIME MANAGEMENT GROUP INC and DANIEL FLORES in this matter and
21 shall become effective at 12 o'clock noon on OCT 28 2020, 2020.

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23 IT IS SO ORDERED 9.24.20, 2020.

24 DOUGLAS R. McCAULEY
25 REAL ESTATE COMMISSIONER

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