

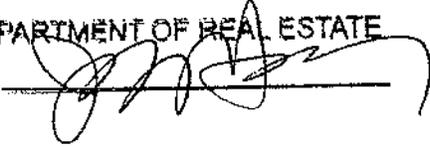
1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

JUL 25 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 PREMIER FINANCIAL &)
13 INVESTMENT GROUP, INC.,)
14 a corporate real estate broker;)

15 MARLON DORSEY, individually)
16 and as designated officer of Premier)
17 Financial & Investment Group; and)

18 RAYMOND J. SWEARINGEN,)

19 Respondents.)

No. H-37650 LA
OAH No. 2011120675

STIPULATION
AND
AGREEMENT

19 It is hereby stipulated by and between Respondents PREMIER FINANICAL &
20 INVESTMENT GROUP, INC. ("PFIG"), MARLON DORSEY ("DORSEY"), and RAYMOND
21 J. SWEARINGEN ("SWEARINGEN"), and the Complainant, acting by and through Julie L. To,
22 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of
23 the Accusation ("Accusation") filed on November 8, 2011, in this matter:
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1 1. All issues which were to be contested and all evidence which was to be
2 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
3 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
4 shall instead and in place thereof be submitted solely on the basis of the provisions of this
5 Stipulation and Agreement ("Stipulation").

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

9 3. Respondents timely filed Notices of Defense pursuant to Section 11506 of the
10 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
11 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
12 acknowledge that they understand that by withdrawing said Notices of Defense they thereby
13 waive their rights to require the Commissioner to prove the allegations in the Accusation at a
14 contested hearing held in accordance with the provisions of the APA and that they will waive
15 other rights afforded to them in connection with the hearing such as the right to present evidence
16 in his defense the right to cross-examine witnesses.
17

18 4. This Stipulation is based on the factual allegations contained in the Accusation.
19 In the interest of expedience and economy, Respondents choose not to contest these allegations,
20 but to remain silent and understand that, as a result thereof, these factual allegations, without
21 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
22 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
23 said factual allegations.
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1 5. This Stipulation is made for the purpose of reaching an agreed disposition of
2 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
3 which the Department of Real Estate ("Department"), the state or federal government, or any
4 agency of this state, another state or federal government is involved, and otherwise shall not be
5 admissible in any other criminal or civil proceedings.

6 6. It is understood by the parties that the Real Estate Commissioner may adopt
7 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
8 Respondents' real estate licenses and license rights as set forth in the "Order" herein below. In
9 the event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
10 and of no effect and Respondents shall retain the right to a hearing and proceeding on the
11 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
12 made herein.
13

14 7. The Order or any subsequent Order of the Real Estate Commissioner made
15 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
16 administrative or civil proceedings by the Department of Real Estate with respect to any matters
17 which were not specifically alleged to be causes for Accusation in this proceeding but do
18 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations
19 against Respondents herein.
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DETERMINATION OF ISSUES

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2 By reason of the foregoing, it is stipulated and agreed that the following
3 determination of issues shall be made:

I.

4
5 The conduct of PREMIER FINANCIAL & INVESTMENT GROUP, INC., as
6 described in Paragraph 4, herein above, is in violation of Sections 10085 and 10085.5 of the
7 Business and Professions Code ("Code") and Section 2970, Title 10, Chapter 6, Code of
8 Regulations ("Regulations") and is a basis for discipline of Respondent PFIG's licenses and
9 license rights as a violation of the Real Estate Law pursuant to Code Sections 10085, 10177(d),
10 and/or 10177(g).
11

II.

12
13 The conduct of MARLON DORSEY, in failing to exercise reasonable
14 supervision over the activities of Respondent PFIG, as described in Paragraph 4 herein above, is
15 in violation of Section 10085 of the Code and Section 2970, Title 10, Chapter 6, Code of
16 Regulations ("Regulations") and is a basis for discipline of Respondent DORSEY's licenses and
17 license rights as a violation of the Real Estate Law pursuant to Code Sections 10085, 10177(d),
18 10177(g), and/or 10177(h), and Code Section 10159.2 and Section 2725, Title 10, Chapter 6,
19 Code of Regulations ("Regulations").
20
21

III.

22
23 The conduct of RAYMOND J. SWEARINGEN, as described in Paragraph 4,
24 herein above, is in violation of Sections 10085 and 10085.5 of the Business and Professions
25 Code ("Code") and is a basis for discipline of Respondents' licenses and license rights as a
26 violation of the Real Estate Law pursuant to Code Sections 10085, 10177(d), and/or 10177(g).
27

1 restricted license until two (2) years has elapsed from the effective date of the issuance of the
2 restricted license.

3 4. Respondent shall submit with any application for license under an employing
4 broker, or any application for transfer to a new employing broker, a statement signed by the
5 prospective employing real estate broker on a form approved by the Department of Real Estate
6 which shall certify:

7
8 (a) That the employing broker has read the Decision of the Commissioner
9 which granted the right to a restricted license; and

10 (b) That the employing broker will exercise close supervision over the
11 performance by the restricted licensee relating to activities for which a real estate license
12 is required

13
14 5. Respondent shall, within nine months from the effective date of this Decision,
15 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
16 most recent issuance of an original or renewal real estate license, taken and successfully
17 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
18 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
19 Commissioner may order the suspension of the restricted license until the Respondent presents
20 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
21 pursuant to the Administrative Procedure Act to present such evidence.
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II.

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2 All licenses and licensing rights of Respondents PREMIER FINANCIAL &
3 INVESTMENT GROUP, INC. and MARLON DORSEY are suspended for a period of sixty (60)
4 days from the date of effective date of this Decision.

5 A. Provided, however, that if Respondents PFIG and DORSEY request, the initial
6 thirty (30) days of said suspension (or a portion thereof) shall be stayed for two (2) years upon
7 condition that:

8
9 1. Each Respondent pays a monetary penalty pursuant to Section 10175.2 of the
10 Business and Professions Code at the rate of \$33.33 per day for each day of the suspension for a
11 monetary penalty of \$1,000.00 each Respondent, or \$2,000.00 total.

12 2. Said payment shall be in the form of a cashier's check or certified check made
13 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
14 Department prior to the effective date of the Decision in this matter.

15
16 3. No further cause for disciplinary action against the real estate licenses of
17 Respondents occurs within two (2) years from the effective date of the Decision in this matter.

18 4. If Respondents PFIG and DORSEY fail to pay the monetary penalty in
19 accordance with the terms of the Decision, the Commissioner may, without a hearing, order the
20 immediate execution of all or any part of the stayed suspension, in which event the Respondents
21 PFIG and DORSEY shall not be entitled to any repayment nor credit, prorated or otherwise, for
22 money paid to the Department under the terms of this Decision.

23
24 5. If Respondents PFIG and DORSEY pay the monetary penalty and if no further
25 cause for disciplinary action against the real estate license of Respondents occurs within two (2)
26 years from the effective date of the Decision, the stay hereby granted shall become permanent.
27

1 B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed
2 for two (2) years upon the following terms and conditions:

3 1. Respondents PFIG and DORSEY shall obey all laws, rules and regulations
4 governing the rights, duties and responsibilities of a real estate licensee in the State of California;
5 and

6 2. That no final subsequent determination be made after hearing or upon
7 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
8 date of this Decision. Should such a determination be made, the Commissioner may, in his
9 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
10 suspension. Should no such determination be made, the stay imposed herein shall become
11 permanent.
12

13
14 III.

15 Respondent MARLON DORSEY shall, within nine (9) months from the effective
16 date of this Decision, present evidence satisfactory to the Real Estate Commissioner that
17 Respondent DORSEY has, since the most recent issuance of an original or renewal real estate
18 license, taken and successfully completed the continuing education requirements of Article 2.5 of
19 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent DORSEY
20 fails to satisfy this condition, the Commissioner may order the suspension of Respondent
21 DORSEY's license until Respondent DORSEY presents such evidence. The Commissioner shall
22 afford Respondent DORSEY the opportunity for a hearing pursuant to the Administrative
23 Procedure Act to present such evidence.
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IV.

Respondent MARLON DORSEY shall, within six (6) months from the effective
take and pass the Professional Responsibility Examination administered by the Department
including the payment of the appropriate examination fee. If Respondent fails to satisfy this
condition, the Commissioner may order suspension of Respondent's license until Respondent
passes the examination.

DATED: June 19, 2012



JULIE L. TO, Counsel for Department of Real Estate

* * *

EXECUTION OF THE STIPULATION

We have read the Stipulation. Its terms are understood by us and are agreeable
and acceptable to us. We understand that we are waiving rights given to us by the California
Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
11513 of the Government Code), and we willingly, intelligently and voluntarily waive those
rights, including the right of requiring the Commissioner to prove the allegations in the
Accusation at a hearing at which we would have the right to cross-examine witnesses against us
and to present evidence in defense and mitigation of the charges.

MAILING AND FACSIMILE

Respondents shall (1) mail the original signed signature page of the stipulation
herein to Julie L. To: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy of
signed signature page, to the Department at the following telephone/fax number: (213) 576-6917,
Attention: Julie L. To.

1 A facsimile constitutes acceptance and approval of the terms and conditions of
2 this stipulation. Respondents agree, acknowledge and understand that by electronically sending
3 to the Department a facsimile copy of Respondents' actual signature as it appears on the
4 stipulation that receipt of the facsimile copy by the Department shall be as binding on
5 Respondents as if the Department had received the original signed stipulation.

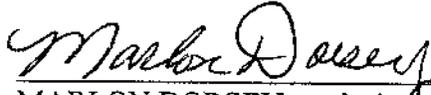
6
7 DATED: 6-18-12



PREMIER FINANCIAL & INVESTMENT
GROUP, INC.

BY: MARLON DORSEY, as designated officer
Respondent

10
11 DATED: 6-18-12



MARLON DORSEY, as designated officer of
Premier Financial & Investment Group, Inc.
Respondent

13
14 DATED: _____

RAYMOND J. SWEARINGEN
Respondent

15
16 * * *

17
18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
19 Respondents PREMIER FINANCIAL & INVESTMENT GROUP, INC., MARLON DORSEY,
20 individually and as designated officer of Premier Financial & Investment Group, Inc., and
21 RAYMOND J. SWEARINGEN, and shall become effective at 12 o'clock noon on
22 _____, 2012.

23 IT IS SO ORDERED _____, 2012.

24 REAL ESTATE COMMISSIONER
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A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation. Respondents agree, acknowledge and understand that by electronically sending to the Department a facsimile copy of Respondents' actual signature as it appears on the stipulation that receipt of the facsimile copy by the Department shall be as binding on Respondents as if the Department had received the original signed stipulation.

DATED: _____

PREMIER FINANCIAL & INVESTMENT GROUP, INC.
BY: MARLON DORSEY, as designated officer
Respondent

DATED: _____

MARLON DORSEY, as designated officer of Premier Financial & Investment Group, Inc.
Respondent

DATED: 6/18/12


RAYMOND J. SWEARINGEN
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents PREMIER FINANCIAL & INVESTMENT GROUP, INC., MARLON DORSEY, individually and as designated officer of Premier Financial & Investment Group, Inc., and RAYMOND J. SWEARINGEN, and shall become effective at 12 o'clock noon on AUG 14 2012, 2012.

IT IS SO ORDERED July 11, 2012.

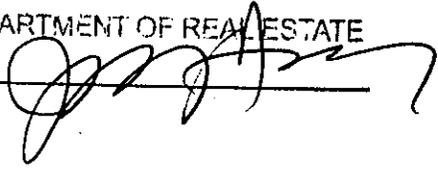
REAL ESTATE COMMISSIONER


By WAYNE S. BELL
Chief Counsel

1 JULIE L. To, Counsel (SBN 219482)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

FILED

NOV 08 2011

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11	In the Matter of the Accusation of)	No. H-37650 LA
12	PREMIER FINANCIAL & INVESTMENT)	<u>A C C U S A T I O N</u>
13	GROUP, INC., a corporate real)	
14	estate broker;)	
15	MARLON DORSEY, individually)	
16	and as designated officer of)	
17	Premier Financial & Investment)	
18	Group; and)	
19	RAYMOND J. SWEARINGEN)	
	Respondents.)	

20 The Complainant, Maria Suarez, a Deputy Real Estate
21 Commissioner, for cause of Accusation against PREMIER FINANCIAL
22 & INVESTMENT GROUP, INC., MARLON DORSEY, individually and as
23 designated broker-officer of Premier Financial & Investment
24 Group, Inc., and RAYMOND J. SWEARINGEN, is informed and alleges
25 as follows:
26

27 1.

28 The Complainant, Maria Suarez, a Deputy Real Estate

1 Commissioner of the State of California, makes this Accusation
2 in her official capacity.

3 LICENSE HISTORY

4 2.

5 A. At all times mentioned, Respondents PREMIER
6 FINANCIAL & INVESTMENT GROUP, INC. (hereinafter Respondent
7 "PFIG"), MARLON DORSEY (hereinafter Respondent "DORSEY"), and
8 RAYMOND J. SWEARINGEN (hereinafter Respondent "SWEARINGEN") were
9 licensed or had license rights issued by the Department of Real
10 Estate (hereinafter "Department").

11 B. PFIG is presently licensed and/or has license
12 rights under the Real Estate Law (Part 1 of Division 4 of the
13 Business and Professions Code) as a corporate real estate
14 broker. Respondent PFIG was originally licensed as a corporate
15 real estate broker by the Department of Real Estate (hereinafter
16 "Department") on or about July 13, 2000. Respondent PFIG's
17 corporate real estate broker license includes the d.b.a. Prime
18 Star Realty. At all times relevant herein, Respondent PFIG was
19 authorized to act by and through Respondent DORSEY as its
20 designated broker pursuant to Business and Professions Code
21 (hereinafter "Code") Sections 10211 and 10159.2 to supervise the
22 activities requiring a real estate license conducted on behalf
23 of PFIG and to be responsible for ensuring compliance with the
24 Real Estate Law. PFIG is a registered foreign corporation
25 incorporated under the laws of the State of California with its
26 Statement and Designation by Foreign Corporation filed with the
27 Secretary of State on or about February 7, 2000. The Statement
28

1 of Information filed with the Secretary of State on or about
2 February 28, 2007 lists PFIG's address as 1501 W. Cameron Ave.,
3 Suite 220, West Covina, CA 91790. The Statement of Information
4 also lists SWEARINGEN as the Chief Executive Officer and Agent
5 for Service of Process and DORSEY as the Secretary. PFIG has
6 no Fictitious Business Name Statements filed with Los Angeles
7 County.

8 C. Respondent DORSEY is presently licensed and/or has
9 license rights under the Real Estate Law (Part 1 of Division 4
10 of the Code) as a real estate broker. Respondent DORSEY was
11 originally licensed as a real estate salesperson by the
12 Department on or about February 6, 2003 and as a real estate
13 broker on or about November 18, 2003. DORSEY is presently the
14 designated officer for PFIG pursuant to Code Section 10159.2,
15 responsible for ensuring compliance with the Real Estate Law.

16 D. Respondent SWEARINGEN is presently licensed and/or
17 has license rights under the Real Estate Law (Part 1 of Division
18 4 of the Code) as a real estate salesperson. Respondent
19 SWEARINGEN was originally licensed as a restricted real estate
20 salesperson by the Department on or about December 6, 1995,
21 pursuant to the Decision in Department Case Number H-26242 LA.
22 Respondent SWEARINGEN was employed by and licensed to PFIG since
23 July 30, 2007.

24 3.

25 All further references to "Respondents" herein include
26 the parties identified in Paragraph 2 above, and also include
27 the officers, directors, employees, agents and real estate
28 licensees employed by or associated with said parties and who at

1 all times herein mentioned were engaged in the furtherance of
2 the business or operations of said parties and who were acting
3 within the course and scope of their authority and employment.

4 4.

5 At all times relevant herein, Respondent DORSEY, as
6 the officer designated by Respondent PFIG pursuant to Section
7 10211 of the Code, was responsible for the supervision and
8 control of the activities conducted on behalf of Respondent PFIG
9 by its officers and employees as necessary to secure full
10 compliance with the Real Estate Law as set forth in Section
11 10159.2 of the Code.

12 5.

13 Respondent DORSEY ordered, caused, authorized or
14 participated in the conduct of Respondent PFIG as is alleged in
15 this Accusation.

16 FIRST CAUSE OF ACCUSATION

17 (Advance Fee Violation)

18 6.

19 At all times mentioned, in the City of West Covina,
20 Los Angeles County, PFIG, DORSEY, and SWEARINGEN acted as real
21 estate brokers and conducted licensed activities pursuant to
22 Code Section 10131(d) and 10131.2 in that PFIG engaged in the
23 business of claiming, demanding, charging, receiving, collecting
24 or contracting for the collection of advance fees, within the
25 meaning of Code Section 10026, including, but not limited to,
26 the following loan activities with respect to loans which were
27 secured by liens on real property:

1 collaterally by one or more liens on real property, and
2 charging, demanding, or collecting advance fees for the services
3 to be provided, are acts which require a real estate broker
4 license under Sections 10131(d) and 10131.2 of the Code, during
5 a period of time when Respondent SWEARINGEN was not licensed by
6 the Department as a real estate broker, in violation of Section
7 10130. In addition, the conduct, acts, and/or omissions of
8 Respondent SWEARINGEN, as set forth above, are cause for the
9 suspension or revocation of the licenses and license rights of
10 SWEARINGEN pursuant to Code Sections 10085, 10177(d), and/or
11 10177(g).

12 10.

13 The conduct, acts and/or omissions of Respondent PFIG
14 and DORSEY, as set forth above in Paragraphs 6 though 8, are in
15 violation of Code Section 10085 and Regulation 2970 and cause
16 for the suspension or revocation of the licenses and license
17 rights of PFIG and DORSEY pursuant to Code Sections 10085,
18 10177(d), and/or 10177(g).

19 11.

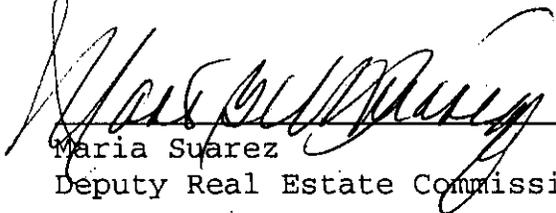
20 The conduct, acts and/or omissions of Respondent
21 DORSEY in failing to exercise reasonable supervision over the
22 activities of Respondent PFIG, as more fully set forth above,
23 are cause for the suspension or revocation of the licenses and
24 license rights of Respondent DORSEY pursuant to Code sections
25 10177(d), (g) and/or (h) for violation of Code section 10159.2
26 and Regulation 2725.

27 ///

28 ///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondents PREMIER FINANCIAL & INVESTMENT GROUP, INC., RAYMOND
6 JOSEPH SWEARINGEN, and MARLON DORSEY, individually and as
7 designated broker-officer of PREMIER FINANCIAL & INVESTMENT
8 GROUP, INC., under the Real Estate Law (Part 1 of Division 4 of
9 the Business and Professions Code), and for such other and
10 further relief as may be proper under other applicable
11 provisions of law.

12 Dated at Los Angeles, California
13 this 7th day of September, 2011.

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15 
16 Maria Suarez
17 Deputy Real Estate Commissioner
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25 cc: PREMIER FINANCIAL & INVESTMENT GROUP, INC.
26 MARLON DORSEY
27 Maria Suarez
28 Sacto.
Raymond Joseph Swearingen