

JULIE L. To, Counsel (SBN 219482)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6916

**FILED**

NOV 08 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

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

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

1.

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           A. Guadalupe R. Transaction: On or about January 2,  
2 2009, Guadalupe R. (hereinafter "G.R.") paid to "Joe Swearingen"  
3 and PFIG an advance fee of \$2,000.00, pursuant to an agreement  
4 signed by G.R. and "Joe Swearingen" as agent for PFIG for "loan  
5 modification of Client's [G.R.'s] mortgage(s) or settlement  
6 refinance of Client's mortgage(s)" with respect to a loan  
7 secured by real property located at 44860 Felspar Street,  
8 Riverside, CA 92509. On or about June 5, 2009, G.R. received a  
9 communication from her lender that a review of her loan could  
10 not be completed due to missing items which were to be provided  
11 by PFIG. To date, no loan modification has been completed and  
12 PFIG has not issued a refund to G.R.

13                               7.

14           Respondents SWEARINGEN and PFIG collected the advance  
15 fees described in Paragraph 6, above, pursuant to the provisions  
16 of a written agreement which constitutes an advance fee  
17 agreement within the meaning of Code Section 10085 and 10085.5.

18                               8.

19           Respondents PFIG and DORSEY failed to submit the  
20 written agreement described in Paragraph 6, above, to the  
21 Commissioner ten days before using it, a violation of Code  
22 Section 10085 and Section 2970, Title 10, Chapter 6, Code of  
23 Regulations ("Regulations").

24                               9.

25           The conduct, acts, and/or omissions of Respondent  
26 SWEARINGEN, as set forth in Paragraph 6, in soliciting borrowers  
27 and performing services for those borrowers and/or those  
28 borrowers' lenders in connection with loans secured directly or

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 through 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 December, 2011.

14  
15   
16 Maria Suarez  
17 Deputy Real Estate Commissioner  
18  
19  
20  
21  
22  
23  
24

25 CC: PREMIER FINANCIAL & INVESTMENT GROUP, INC.  
26 MARLON DORSEY  
27 Maria Suarez  
28 Sacto.  
Raymond Joseph Swearingen