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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)
13 PREMIER FINANCIAL & INVESTMENT) A C C U S A T I O N
14 GROUP, INC., a corporate real)
15 estate broker;)
16)
17 MARLON DORSEY, individually)
18 and as designated officer of)
19 Premier Financial & Investment)
20 Group; and)
21)
22 RAYMOND J. SWEARINGEN)
23 Respondents.)
24)

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.

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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