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STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF BUSINESS OVERSIGHT

TO: Pineapple Park LV LLC
Douglas Brian Irvin Jr., Managing Member
2438 Allegretto Avenue
Henderson, Nevada 89052

DESIST AND REFRAIN ORDER
(For violation of Corporations Code section 31110)

The Commissioner of Business Oversight finds that:

1. Pineapple Park LV LLC (Pineapple Park LV) is a Nevada limited liability company formed on February 6, 2015, with its principal place of business at 10550 Southern Highlands Parkway, Suite 110, Las Vegas, Nevada 89141. Its business status is currently revoked by the Nevada Secretary of State.

2. At all relevant times, Douglas Brian Irvin Jr. was an individual residing in Nevada and a managing member of Pineapple Park LV.

3. The Commissioner has jurisdiction over the registration, offer, and sale of franchises in California under the Franchise Investment Law (FIL) (Corp. Code, § 31000 et seq.).

4. Corporations Code section 31110 provides that it is “unlawful for any person to offer or sell any franchise in this state unless the offer of the franchise has been registered” or is exempt from registration.

5. A franchise is a contract or agreement by which (1) a franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by a franchisor; (2) the operation of the franchisee’s business is substantially associated with the franchisor’s commercial symbol, such as a trademark, service mark, trade name, logotype, or advertising; and (3) the franchisee is required to pay a franchise fee. (Corp. Code, § 31005, subd. (a).)

6. In July 2016, Irvin, on behalf of Pineapple Park LV, offered and sold a franchise to a

1 California resident (franchisee).

2 7. The franchise agreement granted the right to operate a restaurant under the trade name
3 “Pineapple Park.”

4 8. The agreement required the franchisee to offer and sell approved frozen desserts,
5 breakfast foods, blended fruit beverages, and other food and beverage products under the “Pineapple
6 Park” trade name; use approved signage, interior graphics, fixtures, equipment, and employee
7 uniforms; buy inventory and equipment from approved suppliers; pay a portion of gross revenue to
8 Pineapple Park LV for marketing and advertising; and operate the restaurant in accordance with
9 Pineapple Park LV’s standards, specifications, policies, and procedures as described in its operations
10 manual.

11 9. The franchisee paid a \$35,000.00 franchise fee as required under the agreement.

12 10. The agreement constitutes a franchise within the meaning of Corporations Code
13 section 31005.

14 11. The offer of the franchise was not registered under the FIL. The offer was not exempt
15 from registration.

16 12. Under Corporations Code section 31402, “[i]f, in the opinion of the commissioner, the
17 offer of any franchise is subject to registration under this law and it is being, or it has been, offered
18 for sale without the offer first being registered, the commissioner may order the franchisor or offeror
19 of that franchise to desist and refrain from the further offer or sale of that franchise unless and until
20 the offer has been duly registered under this law.”

21 Based on the foregoing, the Commissioner is of the opinion that Pineapple Park LV LLC and
22 Douglas Brian Irvin Jr. offered a franchise for sale in California, that such offer was subject to
23 registration under the FIL, and that the offer was not first registered in violation of Corporations Code
24 section 31110.

25 Accordingly, under Corporations Code section 31402, Pineapple Park LV LLC and Douglas
26 Brian Irvin Jr. are ordered to desist and refrain from the further offer or sale of Pineapple Park
27 franchises unless and until the offer has been duly registered under the FIL.

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