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8 Attorneys for Complainant

9 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION  
10 OF THE STATE OF CALIFORNIA

12 In the Matter of: ) FIL ORG ID: 33649, 26267, 110487, 293487,  
292987, 339827, 99696, 365318, 403947  
13 THE COMMISSIONER OF FINANCIAL )  
PROTECTION AND INNOVATION, )  
14 Complainant, ) CONSENT ORDER  
15 v. )  
16 360 PAINTING, LLC, PRO-LIFT DOORS )  
FRANCHISE, LLC, MAID RIGHT, LLC, )  
17 HANDYMAN PRO, LLC, KITCHEN WISE, )  
LLC, RENEW CREW, LLC, RUBBISH )  
18 WORKS, LLC, AND PAUL FLICK, an )  
individual, )  
19 Respondents. )  
20

21 This Consent Order is entered into between the Commissioner of Financial Protection and  
22 Innovation (Commissioner) and 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid Right,  
23 LLC, Handyman Pro, LLC, Kitchen Wise, LLC, Renew Crew, LLC, Rubbish Works, LLC, and Paul  
24 Flick (Respondents) (collectively the Parties) and is made with respect to the following facts:

25 **I.**

26 **Recitals**

27 A. The Commissioner is the head of the Department of Financial Protection and  
28 Innovation (Department) and is responsible for administering and enforcing the Franchise

1 Investment Law (FIL) (Corp. Code, § 31000 et seq.), and registering the offer and sale of franchises  
2 in California.

3 B. To register a franchise, a franchisor must file an application which includes a  
4 Uniform Franchise Disclosure Document (FDD) with the Department for review and approval, in  
5 accordance with Corporations Code sections 31111 and 31114.

6 C. Every application for registration must include a proposed FDD that contains material  
7 information and disclosures to prospective franchisees in accordance with the Uniform Franchise  
8 Disclosure Document Guidelines, as adopted by the North American Securities Administrators  
9 Association, Inc. on June 22, 2007 and effective July 1, 2007 [See Corp. Code, § 31114 and Cal.  
10 Code Regs., tit. 10, § 310.111, subd. (b)] (hereinafter, FDD Guidelines) and the amended Franchise  
11 Rule, 16 C.F.R. 436.

12 D. The FIL, FDD Guidelines, and amended Franchise Rule (collectively, Franchise  
13 Guidelines) require franchisors to disclose certain material information which is intended to provide  
14 prospective franchisees with facts upon which to make an informed decision to purchase a franchise.

15 E. 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid Right, LLC, Handyman  
16 Pro, LLC, Kitchen Wise, LLC, Renew Crew, LLC, and Rubbish Works, LLC (collectively,  
17 Franchisors) are Delaware limited liability companies with their principal places of business located  
18 at 630 Peter Jefferson Parkway, Suite 200, Charlottesville, Virginia 22911, and 126 Garrett Street,  
19 Suite J, Charlottesville, Virginia 22902.

20 F. The Franchisors offer and sell franchises under their brand names.

21 G. Premium Service Brands, LLC (PSB) is a Delaware limited liability company and the  
22 100% owner of the Franchisors.

23 H. 360 Painting, LLC, Maid Right, LLC, Kitchen Wise, LLC, Renew Crew, LLC, and  
24 Rubbish Works, LLC have either an initial or renewal franchise registration applications pending  
25 with the Department.

26 I. Pro-Lift Doors Franchise, LLC and Handyman Pro, LLC were previously registered  
27 to offer and sell franchises in California, but their franchise registration expired as of April 21, 2021.  
28 Pro-Lift Doors Franchise, LLC and Handyman Pro, LLC did not file a franchise renewal application

1 with the Department.

2 J. Paul Flick (Flick) resides in Charlottesville, Virginia. Flick is the Chief Executive  
3 Officer and owner of PSB and the Franchisors, and as such, is authorized to enter into this Consent  
4 Order on behalf of the Franchisors and in his individual capacity.

5 K. Flick certified the Franchisors’ initial registration and renewal applications, and  
6 swore under penalty of law that all the material facts stated in the initial and renewal applications  
7 and accompanying documents were accurate; and the applications and documents did not contain  
8 any material omissions.

9 L. Under Corporations Code section 31200, it is unlawful for any person willfully to  
10 make any untrue statement of a material fact in any application, notice or report filed with the  
11 commissioner under this law, or willfully to omit to state in any such application, notice, or report  
12 any material fact which is required to be stated therein, or fail to notify the commissioner of any  
13 material change as required by Section 31123.

14 M. Corporations Code section 31123 requires franchisors to promptly notify the  
15 Commissioner in writing, by an application to amend the registration, of any material change in the  
16 information contained in the application as originally submitted, amended or renewed. The  
17 Commissioner may by rule further define what shall be considered a material change for such  
18 purposes, and the circumstances under which a revised offering prospectus must accompany such  
19 application.

20 N. Under the Franchise Guidelines, franchisors must disclose certain material  
21 information in the FDD filed with the Department, including, but not limited to any pending,  
22 administrative, criminal, and material civil action(s); and any administrative, criminal and material  
23 civil action(s) for the 10-year period immediately before the disclosure document’s issuance date.  
24 Franchisors must disclose whether the franchisor, their predecessor, parent, affiliate(s), or any person  
25 identified in Item 2 of the FDD was a party to the action(s).

26 O. The Department discovered that Flick, PSB, and some of the Franchisors have a long  
27 history of litigation. The Respondents repeatedly failed to disclose several material lawsuits in Item  
28 3 of the FDDs filed with the Department, in violation of Corporations Code sections 31200 and

1 31123. The Department found that some of these lawsuits involved former franchisees, and/or  
2 involved allegations of fraud, unfair or deceptive practices, negligence, or comparable allegations  
3 against Flick and/or 360 Painting, LLC. The Respondents were inconsistent in making the  
4 disclosures. The following lawsuits were not disclosed:

5 P. 360 Painting, LLC filed registration applications with the Department in June of  
6 2017, April of 2018, April of 2019, October of 2019 and June of 2020. There were a total of 24  
7 times the lawsuits were not disclosed.

8 Q. 360 Painting, LLC failed to disclose 4 lawsuits in the FDD filed in June of 2017:

- 9 (1) *Administrative Action by the Minnesota Commissioner of Commerce and*
- 10 *Consent Order executed by 360 Painting, LLC et al.*
- 11 (2) *MMG-360 LLC, et al. v. Paul Flick, Home Service Franchising, Inc.*
- 12 (3) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 13 (4) *YP, LLC d/b/a yellowpages.com, LLC v. 360 Painting, LLC*

14 R. 360 Painting, LLC failed to disclose 2 lawsuits in the FDD filed in April of 2018, one  
15 of the lawsuits involved a former franchisee, and/or involved allegations of fraud, unfair or deceptive  
16 practices, negligence, or comparable allegations:

- 17 (1) *YP, LLC d/b/a yellowpages.com, LLC v. 360 Painting, LLC*
- 18 (2) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

19 S. 360 Painting, LLC failed to disclose 5 lawsuits in the FDD filed in April of 2019,  
20 some of the lawsuits involved former franchisees, and/or involved allegations of fraud, unfair or  
21 deceptive practices, negligence, or comparable allegations:

- 22 (1) *Dispatch Technologies, Inc. v. Premium Service Brands, LLC*
- 23 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*
- 24 (3) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 25 (4) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*
- 26 (5) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

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1 T. 360 Painting, LLC failed to promptly amend its registration application in September  
2 of 2019 to disclose the 2 lawsuits related to Gregory Longe, who was the President and Chief  
3 Development Officer of PSB from September 9, 2019 to November 29, 2019:

4 (1) *Martin Tankersley, et al. v. John R. Lynch, Gregory A. Longe, et al.*

5 (2) *In the Matter of: Collision on Wheels, Debtor, Fred J. Deery, Trustee, vs John*  
6 *Lynch, et al.*

7 U. 360 Painting, LLC failed to disclose 8 lawsuits in the FDD filed in October of 2019,  
8 some of the lawsuits involved former franchisees, and/or involved allegations of fraud, unfair or  
9 deceptive practices, negligence, or comparable allegations:

10 (1) *Deborah Carreno v. 360 Painting, LLC, et al.*

11 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*

12 (3) *360 Painting, LLC v. R Sterling Enterprises, Inc. and Robert Sterling*

13 (4) *Martin Tankersley, et al. v. John R. Lynch, Gregory A. Longe, et al.*

14 (5) *In the Matter of: Collision on Wheels, Debtor, Fred J. Deery, Trustee, vs John*  
15 *Lynch, et al.*

16 (6) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

17 (7) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

18 (8) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

19 V. 360 Painting, LLC failed to disclose 3 lawsuits involving former franchisees, and/or  
20 involving allegations of fraud, unfair or deceptive practices, negligence, or comparable allegations,  
21 in the FDD filed in June of 2020:

22 (1) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

23 (2) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

24 (3) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

25 W. Pro-Lift Doors Franchise, LLC filed registration applications with the Department in  
26 July of 2017, April of 2018, April of 2019, October of 2019 and June of 2020. There were a total of  
27 29 times the lawsuits were not disclosed.

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1 X. Pro-Lift Doors Franchise, LLC failed to disclose 9 lawsuits in the FDD filed in July  
2 of 2017, some of these lawsuits involved former franchisees, and/or involved allegations of fraud,  
3 unfair or deceptive practices, negligence, or comparable allegations:

- 4 (1) *Administrative action by the Securities Commissioner of Maryland and*  
5 *Consent Order executed by 360 Painting, LLC et al.*
- 6 (2) *Administrative action by the Minnesota Commissioner of Commerce and*  
7 *Consent Order executed by 360 Painting, LLC et al.*
- 8 (3) *MMG-360 LLC, et al. v. Paul Flick, Home Service Franchising, Inc.*
- 9 (4) *Leslie Owens Brown, et al v. 360 Painting Inc. and Paul Flick*
- 10 (5) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 11 (6) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*
- 12 (7) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*
- 13 (8) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. RWSJA, LLC and Ryan*  
14 *Anderson*
- 15 (9) *YP, LLC d/b/a yellowpages.com, LLC v. 360 Painting, LLC*

16 Y. Pro-Lift Doors Franchise, LLC failed to disclose 2 lawsuits in the FDD filed on April  
17 of 2018, one of the lawsuits involved a former franchisee, and/or involved allegations of fraud,  
18 unfair or deceptive practices, negligence, or comparable allegations:

- 19 (1) *YP, LLC d/b/a yellowpages.com, LLC v. 360 Painting, LLC*
- 20 (2) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

21 Z. Pro-Lift Doors Franchise, LLC failed to disclose 5 lawsuits in the FDD filed on April  
22 of 2019, some of the lawsuits involved former franchisees, and/or involved allegations of fraud,  
23 unfair or deceptive practices, negligence, or comparable allegations:

- 24 (1) *Dispatch Technologies, Inc. v. Premium Service Brands, LLC*
- 25 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*
- 26 (3) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 27 (4) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*
- 28 (5) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

1 AA. Pro-Lift Doors Franchise, LLC failed to promptly amend its registration application  
2 in September of 2019 to disclose the 2 lawsuits related to Gregory Longe, who was the President and  
3 Chief Development Officer of PSB from September 9, 2019 to November 29, 2019:

4 (1) *Martin Tankersley, et al. v. John R. Lynch, Gregory A. Longe, et al.*

5 (2) *In the Matter of: Collision on Wheels, Debtor, Fred J. Deery, Trustee, vs John*  
6 *Lynch, et al.*

7 BB. Pro-Lift Doors Franchise, LLC failed to disclose 8 lawsuits in the FDD filed on  
8 October of 2019, some of the lawsuits involved former franchisees, and/or involved allegations of  
9 fraud, unfair or deceptive practices, negligence, or comparable allegations:

10 (1) *Deborah Carreno v. 360 Painting, LLC, et al.*

11 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*

12 (3) *360 Painting, LLC v. R Sterling Enterprises, Inc. and Robert Sterling*

13 (4) *Martin Tankersley, et al. v. John R. Lynch, Gregory A. Longe, et al.*

14 (5) *In the Matter of: Collision on Wheels, Debtor, Fred J. Deery, Trustee, vs John*  
15 *Lynch, et al.*

16 (6) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

17 (7) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

18 (8) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

19 CC. Pro-Lift Doors Franchise, LLC failed to disclose 3 lawsuits involving former  
20 franchisees, and/or involving allegations of fraud, unfair or deceptive practices, negligence, or  
21 comparable allegations, in the FDD filed on June of 2020:

22 (1) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

23 (2) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

24 (3) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

25 DD. Maid Right, LLC filed registration applications with the Department in February of  
26 2017, February of 2018, July of 2018, April of 2019, December of 2019, June of 2020, and April  
27 2021. PSB and Paul Flick purchased Maid Right, LLC in April of 2018. Maid Right, LLC was not  
28 affiliated with PSB or Paul Flick prior to April of 2018. There were a total of 21 times the lawsuits

1 were not disclosed.

2 EE. Maid Right, LLC failed to disclose 2 lawsuits in the FDD filed in July of 2018, one of  
3 the lawsuits involved a former franchisee, and/or involved allegations of fraud, unfair or deceptive  
4 practices, negligence, or comparable allegations:

- 5 (1) *YP, LLC d/b/a yellowpages.com, LLC v. 360 Painting, LLC*
- 6 (2) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

7 FF. Maid Right, LLC failed to disclose 5 lawsuits in the FDD filed in April of 2019, some  
8 of the lawsuits involved former franchisees, and/or involved allegations of fraud, unfair or deceptive  
9 practices, negligence, or comparable allegations:

- 10 (1) *Dispatch Technologies, Inc. v. Premium Service Brands, LLC*
- 11 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*
- 12 (3) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 13 (4) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*
- 14 (5) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

15 GG. Maid Right, LLC failed to promptly amend its registration application in September  
16 of 2019 to disclose the 2 lawsuits related to Gregory Longe, who was the President and Chief  
17 Development Officer of PSB from September 9, 2019 to November 29, 2019:

- 18 (1) *Martin Tankersley, et al. v. John R. Lynch, Gregory A. Longe, et al.*
- 19 (2) *In the Matter of: Collision on Wheels, Debtor, Fred J. Deery, Trustee, vs John*  
20 *Lynch, et al.*

21 HH. Maid Right, LLC failed to disclose 6 lawsuits in the FDD filed in December of 2019,  
22 some of the lawsuits involved former franchisees, and/or involved allegations of fraud, unfair or  
23 deceptive practices, negligence, or comparable allegations:

- 24 (1) *Deborah Carreno v. 360 Painting, LLC, et al.*
- 25 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*
- 26 (3) *360 Painting, LLC v. R Sterling Enterprises, Inc. and Robert Sterling*
- 27 (4) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 28 (5) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*



1 (6) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

2 II. Maid Right, LLC failed to disclose 3 lawsuits involving former franchisees, and/or  
3 involving allegations of fraud, unfair or deceptive practices, negligence, or comparable allegations,  
4 in the FDD filed in June of 2020 and April of 2021:

5 (1) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

6 (2) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

7 (3) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

8 JJ. Handyman Pro, LLC filed registration applications with the Department in June 2018,  
9 April 2019, November of 2019, and June of 2020. There were a total of 21 times the lawsuits were  
10 not disclosed.

11 KK. Handyman Pro, LLC failed to disclose 2 lawsuits in the FDD filed in June of 2018,  
12 one of the lawsuits involved a former franchisee, and/or involved allegations of fraud, unfair or  
13 deceptive practices, negligence, or comparable allegations:

14 (1) *YP, LLC d/b/a yellowpages.com, LLC v. 360 Painting, LLC*

15 (2) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

16 LL. Handyman Pro, LLC failed to disclose 5 lawsuits in the FDD filed in April 2019,  
17 some of the lawsuits involved former franchisees, and/or involved allegations of fraud, unfair or  
18 deceptive practices, negligence, or comparable allegations:

19 (1) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*

20 (2) *Dispatch Technologies, Inc. v. Premium Service Brands, LLC*

21 (3) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

22 (4) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

23 (5) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

24 MM. Handyman Pro, LLC failed to promptly amend its registration application in  
25 September of 2019 to disclose 2 lawsuits related to Gregory Longe, who was the President and Chief  
26 Development Officer of PSB from September 9, 2019 to November 29, 2019:

27 (1) *Martin Tankersley, et al. v. John R. Lynch, Gregory A. Longe, et al.*

28 (2) *In the Matter of: Collision on Wheels, Debtor, Fred J. Deery, Trustee, vs John*

1 *Lynch, et al.*

2 NN. Handyman Pro, LLC failed to disclose 8 lawsuits in the FDD filed in November of  
 3 2019, some of the lawsuits involved former franchisees, and/or involved allegations of fraud, unfair  
 4 or deceptive practices, negligence, or comparable allegations:

- 5 (1) *Deborah Carreno v. 360 Painting, LLC, et al.*
- 6 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*
- 7 (3) *360 Painting, LLC v. R Sterling Enterprises, Inc. and Robert Sterling*
- 8 (4) *Martin Tankersley, et al. v. John R. Lynch, Gregory A. Longe, et al.*
- 9 (5) *In the Matter of: Collision on Wheels, Debtor, Fred J. Deery, Trustee, vs John*  
 10 *Lynch, et al.*
- 11 (6) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 12 (7) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*
- 13 (8) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

14 OO. Handyman Pro, LLC failed to disclose 4 lawsuits in the FDD filed in June of 2020,  
 15 some of the lawsuits involved former franchisees, and/or involved allegations of fraud, unfair or  
 16 deceptive practices, negligence, or comparable allegations:

- 17 (1) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*
- 18 (2) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*
- 19 (3) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*
- 20 (4) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

21 PP. Kitchen Wise, LLC filed registration applications with the Department in December  
 22 of 2019, October of 2020, and April of 2021. There were a total of 12 times the lawsuits were not  
 23 disclosed.

24 QQ. Kitchen Wise, LLC failed to disclose 6 lawsuits in the FDD filed in December of  
 25 2019, some of which involved former franchisees, and/or involved allegations of fraud, unfair or  
 26 deceptive practices, negligence, or comparable allegations:

- 27 (1) *Deborah Carreno v. 360 Painting, LLC, et al.*
- 28 (2) *Pro-Lift Doors Franchise, LLC v. Baus and Kim Micheloni*

1 (3) *360 Painting, LLC v. R Sterling Enterprises, Inc. and Robert Sterling*

2 (4) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

3 (5) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

4 (6) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

5 RR. Kitchen Wise, LLC failed to disclose 3 lawsuits involving former franchisees, and/or  
6 involving allegations of fraud, unfair or deceptive practices, negligence, or comparable allegations in  
7 the FDD filed in October of 2020, and April of 2021:

8 (1) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

9 (2) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

10 (3) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

11 SS. Renew Crew, LLC filed registration applications with the Department in April of  
12 2017, April of 2018, December of 2018, April of 2019, June of 2020 and April of 2021. PSB and  
13 Paul Flick purchased Renew Crew, LLC in January of 2020. Renew Crew, LLC was not affiliated  
14 with PSB or Paul Flick prior to January of 2020. There were a total of 6 times the lawsuits were not  
15 disclosed.

16 TT. Renew Crew, LLC failed to disclose 3 lawsuits involving former franchisees, and/or  
17 involving allegations of fraud, unfair or deceptive practices, negligence, or comparable allegations,  
18 in the FDD filed in June of 2020 and April of 2021:

19 (1) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

20 (2) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

21 (3) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

22 UU. Rubbish Works, LLC filed a registration application with the Department in April of  
23 2021, and failed to disclose 3 lawsuits involving former franchisees, and/or involving allegations of  
24 fraud, unfair or deceptive practices, negligence, or comparable allegations in the FDD filed in 2021:

25 (1) *Two Dogs Enterprises, Inc. v. 360 Painting, LLC and Paul Flick*

26 (2) *360 Painting, LLC, f/k/a 360 Painting, Inc. v. Peloquin Ventures, Inc. et al.*

27 (3) *Painting, LLC, f/k/a 360 Painting, Inc. v. William Caldwell*

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1           VV. Under Corporations Code section 31201, it is unlawful for any person to offer or sell  
2 a franchise in this state by means of any written or oral communication not enumerated in Section  
3 31200 which includes an untrue statement of a material fact or omits to state a material fact  
4 necessary in order to make the statements made, in the light of the circumstances under which they  
5 were made, not misleading.

6           WW. The Department further discovered that 360 Painting, LLC and Flick provided a  
7 proforma to at least one California franchisee with inaccurate financial projections in 2017. Item 19  
8 of the FDD dated April 20, 2017, failed to disclose any earnings projections as required by  
9 California Code of Regulations, title 10, section 310.111, and the Federal Trade Commission  
10 Compliance Guide (16 C.F.R. Part 436). California Code of Regulations, title 10, section 310.111  
11 requires that all registration applications be filed in accordance with the Franchise Guidelines.

12           XX. In addition, the 2017 FDD provided to the California franchisees failed to disclose  
13 lawsuits, as required by the Franchise Guidelines. Item 3 of the 2017 FDD provided to at least one  
14 California franchisee contained different lawsuits than the 2017 FDD filed with the Department.

15           YY. 360 Painting, LLC represented to, and assured at least one California franchisee that  
16 it would assist and guide the franchisee in obtaining a contractor's license (C-33 license), which  
17 was a required license. The franchisee relied on the representation and assurance by 360 Painting,  
18 LLC and its representative, and purchased a 360 Painting, LLC franchise. However, 360 Painting,  
19 LLC failed to provide any assistance or guidance to obtain the required C-33 license.

20           ZZ. Based upon the foregoing, the Commissioner finds that the Respondents failed to  
21 disclose all the administrative, criminal and/or civil actions, and failed to file Post-Effective  
22 Amendments, in violation of Corporations Code sections 31200 and 31123. There were about 116  
23 times the lawsuits were not disclosed.

24           AAA. The Commissioner further finds that 360 Painting, LLC and Flick made material  
25 misrepresentations and omissions by providing franchisees with inaccurate financial projections,  
26 failing to disclose lawsuits in the FDD, providing a different FDD to a California franchisee, and  
27 failing to follow through with their assurance of assisting franchisees obtain a C-33 license, in  
28 violation of Financial Code section 31201.



1           4.       Attorney’s Fees and Costs. 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid  
2 Right, LLC, Handyman Pro, LLC, Kitchen Wise, LLC, Renew Crew, LLC, Rubbish Works, LLC,  
3 and Paul Flick, jointly and severally, are hereby ordered to pay the Commissioner attorney’s fees  
4 and costs totaling \$10,500.00, no later than 15 days after the Effective Date of this Consent Order.  
5 The payment shall be made in the form of a cashier’s check or Automated Clearing House deposit to  
6 the “Department of Financial Protection and Innovation,” and transmitted to the attention of:  
7 Accounting - Litigation, at the Department of Financial Protection and Innovation, located at 2101  
8 Arena Boulevard, Sacramento, California 95834. Notice of payment shall be sent concurrently to  
9 Afsaneh Eghbaldari, by email at: [affi.eghbaldari@dfpi.ca.gov](mailto:affi.eghbaldari@dfpi.ca.gov). In the event the payment due date  
10 falls on a weekend or holiday, the payment shall be due the next business day.

11           5.       Disgorgement. 360 Painting, LLC and Paul Flick, jointly and severally, are hereby  
12 ordered to disgorge and refund all initial franchise fees (Fees) to all California franchisees that  
13 entered into a franchise agreement from 2017 to the present, including all active, terminated,  
14 abandoned and/or cancelled franchises (Franchisee Class). 360 Painting, LLC and Paul Flick agree  
15 not to enforce or collect any existing or future judgement(s) from any California franchisees in the  
16 Franchisee Class. 360 Painting, LLC and Paul Flick shall pay all Fees to the Franchisee Class no  
17 later than 30 days after the Effective Date of this Consent Order. 360 Painting, LLC and Paul Flick  
18 shall submit the following to the Department:

19           a.       A list of all California franchisees that entered into a franchise agreement  
20 from 2017 to the present, including all active, terminated, abandoned or cancelled franchises. The  
21 list should include franchisee names and contact information, and the franchise and marketing fees  
22 and royalty amount(s) collected from each franchisee;

23           b.       Satisfactory proof that 360 Painting, LLC and/or Paul Flick refunded all Fees  
24 to the franchisees in the Franchisee Class; and

25           c.       The list and satisfactory proof of refunds shall be sent to Afsaneh Eghbaldari,  
26 by email at: [affi.eghbaldari@dfpi.ca.gov](mailto:affi.eghbaldari@dfpi.ca.gov), no later than 45 days from the Effective Date of this  
27 Consent Order.

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1           6.       Disclosures. 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid Right, LLC,  
2 Handyman Pro, LLC, Kitchen Wise, LLC, Renew Crew, LLC, Rubbish Works, LLC, and Paul Flick  
3 shall submit to the Commissioner the following lists and information, no later than 30 days after the  
4 Effective Date of this Consent Order:

5               a.       A list of all pending or concluded actions brought by any governmental  
6 agency against Paul Flick, 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid Right, LLC,  
7 Handyman Pro, LLC, Kitchen Wise, LLC, Renew Crew, LLC, and/or Rubbish Works, LLC, and/or  
8 any predecessor; parent, affiliate, and/or officer, or general partner of the Franchisors, or any other  
9 individual who has or had management responsibility relating to the sale or operation of franchises  
10 was a party to the action(s). For each action include the case name and number, names of the parties,  
11 jurisdiction the action was filed, filing date, and a brief description and status of each action;

12               b.       A list of all pending administrative, criminal and civil action(s) where Paul  
13 Flick, 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid Right, LLC, Handyman Pro, LLC,  
14 Kitchen Wise, LLC, Renew Crew, LLC, or Rubbish Works, LLC, or any predecessor; parent,  
15 affiliate, and/or officer, or general partner of the Franchisors, or any other individual who has or had  
16 management responsibility relating to the sale or operation of franchises is a party to the action(s).  
17 For each action include the case name and number, names of the parties, jurisdiction the action was  
18 filed, filing date, and a brief description and status of each action;

19               c.       A list of all administrative, criminal and civil action(s) from September of  
20 2011 to the present, where Paul Flick, 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid  
21 Right, LLC, Handyman Pro, LLC, Kitchen Wise, LLC, Renew Crew, LLC, and Rubbish Works,  
22 LLC, and any predecessor; parent, affiliate, and/or officer, or general partner of the Franchisors, or  
23 any other individual who has or had management responsibility relating to the sale or operation of  
24 franchises was a party to the action(s). For each action include the case name and number, names of  
25 the parties, jurisdiction the action was filed, filing date, and a brief description and status of each  
26 action;

27               d.       A list of all bankruptcies or debt discharges filed by Paul Flick, 360 Painting,  
28 LLC, Pro-Lift Doors Franchise, LLC, Maid Right, LLC, Handyman Pro, LLC, Kitchen Wise, LLC,

1 Renew Crew, LLC, and Rubbish Works, LLC, and any parent; predecessor; affiliate; officer, or  
2 general partner of the Franchisors, or any other individual who had or has management  
3 responsibility relating to the sale or operation of franchises; and

4 e. The above lists shall be sent to the attention of: Afsaneh Eghbaldari, by email  
5 at: [affi.eghbaldari@dfpi.ca.gov](mailto:affi.eghbaldari@dfpi.ca.gov), no later than 30 days after the Effective Date of this Consent Order.

6 7. Stop Order. Pursuant to Corporations Code section 31115, the Commissioner enters a  
7 final Stop Order Denying the Effectiveness of all pending franchise registration application(s) filed  
8 by 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid Right, LLC, Handyman Pro, LLC,  
9 Kitchen Wise, LLC, Renew Crew, LLC, and Rubbish Works, LLC with the Commissioner in 2020  
10 and/or 2021. The Commissioner also enters a final Stop Order Revoking the Effectiveness of any  
11 and all franchise registrations issued to 360 Painting, LLC, Pro-Lift Doors Franchise, LLC, Maid  
12 Right, LLC, Handyman Pro, LLC, Kitchen Wise, LLC, Renew Crew, LLC, and Rubbish Works,  
13 LLC. The Commissioner further enters a final Stop Order Denying the Effectiveness of any and all  
14 pending franchise registration application(s) of, and Revoking the Effectiveness of any and all  
15 franchise registrations issued to any entity owned, operated, controlled, or managed by Paul Flick.

16 8. Bar Order. Paul Flick agrees to be barred from any position of employment,  
17 management or control of any franchisor, franchise broker, or franchise business, in the State of  
18 California, for a period of 36 months from the Effective Date of this Consent Order. Paul Flick  
19 further agrees not to, directly or indirectly, offer or sell any franchises in the State of California, or  
20 file franchise registration with the Commissioner for a period of 36 months from the Effective Date  
21 of this Consent Order.

22 9. Waiver of Hearing Rights. Respondents acknowledge that the Commissioner is  
23 ready, willing, and able to proceed with the filing of an administrative enforcement action on the  
24 charges contained in this Consent Order. Respondents hereby waive the right to any hearings, and to  
25 any reconsideration, appeal, or other right to review which may be afforded pursuant to the FIL, the  
26 California Administrative Procedure Act, the California Code of Civil Procedure, or any other  
27 provision of law. Respondents further expressly waive any requirement for the filing of an  
28 Accusation pursuant to Government Code section 11415.60, subdivision (b). By waiving such rights,



1 Respondents effectively consent to this Consent Order and the Desist and Refrain Order becoming  
2 final.

3 10. Failure to Comply with Consent Order. Respondents agree that if they fail to comply  
4 with the terms of this Consent Order, the Commissioner may, in addition to all other available  
5 remedies it may invoke under the FIL, summarily suspend/revoke its FIL registration (if applicable)  
6 or deny FIL applications (if applicable) until Respondents are in compliance. Respondents waive any  
7 notice and hearing rights to contest such summary suspensions which may be afforded under the  
8 FIL, the California Administrative Procedure Act, the California Code of Civil Procedure, or any  
9 other provision of law in connection therewith.

10 11. Information Willfully Withheld or Misrepresented. This Consent Order may be  
11 revoked, and the Commissioner may pursue any and all remedies available under law against  
12 Respondents if the Commissioner discovers that Respondents knowingly or willfully withheld or  
13 misrepresented information used for and relied upon in this Consent Order.

14 12. Future Actions by Commissioner. If Respondents fail to comply with any terms of  
15 the Consent Order, the Commissioner may institute proceedings for any and all violations otherwise  
16 resolved under this Consent Order. The Commissioner reserves the right to bring any future actions  
17 against Respondents, or any of their partners, owners, officers, shareholders, directors, employees, or  
18 successors for any and all unknown violations of the FIL.

19 13. Assisting Other Agencies. Nothing in this Consent Order limits the Commissioner’s  
20 ability to assist any other government agency (whether city, county, state, or federal) with any  
21 administrative, civil or criminal action brought by that agency against Respondents or any other  
22 person based upon any of the activities alleged in this matter or otherwise.

23 14. Headings. The headings to the paragraphs of this Consent Order are inserted for  
24 convenience only and will not be deemed a part hereof or affect the construction or interpretation of  
25 the provisions hereof.

26 15. Binding. This Consent Order is binding on all heirs, assigns, and/or successors in  
27 interest.

28 16. Reliance. Each of the Parties represents, warrants, and agrees that in executing this

1 Consent Order it has relied solely on the statements set forth herein and the advice of its own  
2 counsel. Each of the Parties further represents, warrants, and agrees that in executing this Consent  
3 Order it has placed no reliance on any statement, representation, or promise of any other party, or  
4 any other person or entity not expressly set forth herein, or upon the failure of any party or any other  
5 person or entity to make any statement, representation or disclosure of anything whatsoever. The  
6 Parties have included this clause: (1) to preclude any claim that any party was in any way  
7 fraudulently induced to execute this Consent Order; and (2) to preclude the introduction of parol  
8 evidence to vary, interpret, supplement, or contradict the terms of this Consent Order.

9       17. Full Integration. This Consent Order is the final written expression and the complete  
10 and exclusive statement of all the agreements, conditions, promises, representations, and covenant  
11 between the Parties with respect to the subject matter hereof, and supersedes all prior or  
12 contemporaneous agreements, negotiations, representations, understandings, and discussions  
13 between and among the Parties, their respective representatives, and any other person or entity with  
14 respect to the subject matter covered hereby.

15       18. Waiver, Amendments, and Modifications. No waiver, amendment, or modification of  
16 this Consent Order will be valid or binding unless it is in writing and signed by each of the Parties.  
17 The waiver of any provision of this Consent Order will not be deemed a waiver of any other  
18 provision. No waiver by either party of any breach of, or of compliance with, any condition  
19 or provision of this Consent Order by the other party will be considered a waiver of any other  
20 condition or provision or of the same condition or provision at another time.

21       19. Governing Law. This Consent Order will be governed by and construed in  
22 accordance with California law. Each of the Parties hereto consents to the jurisdiction of such court,  
23 and hereby irrevocably waives, to the fullest extent permitted by law, the defense of an inconvenient  
24 forum to the maintenance of such action or proceeding in such court.

25       20. Counterparts. This Consent Order may be executed in one or more separate  
26 counterparts, each of which when so executed, shall be deemed an original. Such counterparts shall  
27 together constitute a single document.

28       21. Effect Upon Future Proceedings. If Respondents apply for any license, registration,

1 permit, or qualification under the Commissioner’s current or future jurisdiction, or are the subject of  
2 any future action by the Commissioner to enforce this Consent Order, then the subject matter hereof  
3 shall be admitted for the purpose of such application(s) or enforcement proceeding(s).

4 22. Voluntary Agreement. Respondents enter into this Consent Order voluntarily and  
5 without coercion and acknowledge that no promises, threats or assurances have been made by the  
6 Commissioner or any officer, or agent thereof, about this Consent Order. The parties each represent  
7 and acknowledge that he, she or it is executing this Consent Order completely voluntarily and  
8 without any duress or undue influence of any kind from any source.

9 23. Third Party Actions. This Consent Order does not create or give rise to any private rights  
10 or remedies against the Respondents, create any liability for the Respondents, or limit the defenses of the  
11 Respondents, for any person or entity not a party to this Consent Order.

12 24. Notice. Any notice required under this Consent Order shall be provided to each party  
13 at the following addresses:

14 To Respondents: Robert Lauer, Esq.  
15 Haynes and Boone, LLP  
16 600 Congress Avenue, Suite 1300  
17 Austin, Texas 78701-3285  
18 rob.lauer@haynesboone.com

19 To the Commissioner: Afsaneh Eghbaldari, Senior Counsel  
20 Department of Financial Protection and  
21 Innovation  
22 1455 Frazee Road, Suite 315  
23 San Diego, California 92108  
24 Affi.eghbaldari@dfpi.ca.gov

25 25. Signatures. A fax or electronic mail signature shall be deemed the same as an  
26 original signature.

27 26. Public Record. Respondents hereby acknowledge that this Consent Order is and will  
28 be a matter of public record.

29 27. Effective Date. This Consent Order shall become final and effective when signed by  
30 all Parties and delivered by the Commissioner’s agent via e-mail to Respondents’ counsel, Robert  
31 Lauer, at rob.lauer@haynesboone.com.

1           28.    Authority to Sign. Each signatory hereto covenants that he/she possesses all  
2 necessary capacity and authority to sign and enter into this Consent Order and undertake the  
3 obligations set forth herein.

4 Dated: November 19, 2021

CHRISTOPHER S. SHULTZ  
Acting Commissioner of Financial Protection and  
Innovation

By: \_\_\_\_\_

MARY ANN SMITH  
Deputy Commissioner  
Enforcement Division

10 Dated: November 16, 2021

360 PAINTING, LLC, PRO-LIFT DOORS  
FRANCHISE, LLC, MAID RIGHT, LLC,  
HANDYMAN PRO, LLC, KITCHEN WISE, LLC,  
RENEW CREW, LLC, RUBBISH WORKS, LLC,  
AND PAUL FLICK

By: \_\_\_\_\_

PAUL FLICK  
Chief Executive Officer, individually and on behalf  
of the Franchisors

17 APPROVED AS TO FORM AND CONTENT:

18 By: \_\_\_\_\_

Robert A. Lauer, Esq. Attorney for the Respondents