

FILED

JUL 30 2025

DEPT. OF REAL ESTATE

By- [REDACTED]

Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105
Telephone: (213) 559-5990

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-12753 SF
)	
RUSHMYFILE, INC.; and)	
ANDREW ADRIAN DIOLI,)	<u>STIPULATION AND</u>
individually and as designated officer)	<u>AGREEMENT IN SETTLEMENT</u>
for Rushmyfile, Inc.,)	<u>AND ORDER</u>
)	
Respondents.)	
)	

It is hereby stipulated by and between Respondents RUSHMYFILE, INC. and ANDREW ADRIAN DIOLI, individually and as the Designated Officer of Rushmyfile, Inc. (sometimes collectively referred to as "Respondents"), acting in pro per, and the Complainant, acting by and through Kathy Yi, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of Accusation filed on January 22, 2025 ("Accusation"), in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of

1 this Stipulation and Agreement ("Stipulation").

2 2. Respondents have received, read and understand the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
4 ("Department") in this proceeding.

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

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that the
14 factual allegations in the Accusation filed in this proceeding are true and correct and the Real
15 Estate Commissioner shall not be required to provide further evidence of such allegations.

16 5. This Stipulation is made for the purpose of reaching an agreed disposition of
17 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
18 in which the Department, or another licensing agency of this state, another state, or the federal
19 government is involved, and otherwise shall not be admissible in any criminal or civil
20 proceeding.

21 6. It is understood by the parties that the Real Estate Commissioner may adopt
22 this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on
23 Respondents' real estate licenses and license rights as set forth in the below "Order." In the
24 event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall
25 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the
26 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
27 made herein.

1 7. The Order or any subsequent Order of the Real Estate Commissioner made
2 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
3 administrative or civil proceedings by the Department with respect to any matters which were
4 not specifically alleged to be causes for accusation in this proceeding.

5 **DETERMINATION OF ISSUES**

6 By reason of the foregoing, and solely for the purpose of settlement of the
7 pending Accusation without a hearing, it is stipulated and agreed that the following
8 Determination of Issues shall be made:

9 The conduct, acts or omissions of Respondent RUSHMYFILE, INC., as set forth
10 in the Accusation, are in violation of California Business and Professions Code ("Code")
11 sections 10232.25(d), 10232.3(b), 10232.4(a), 10232.45, 10238(f), 10238(l) and are a basis for
12 discipline of Respondent RUSHMYFILE, INC.'s licenses and licensing rights pursuant to Code
13 sections 10177(d), 10177(g), and/or 10177(h).

14 The conduct, acts or omissions of Respondent ANDREW ADRIAN DIOLI, as set
15 forth in the Accusation, are in violation of Code section 10159.2 and Regulation section 2725
16 and are a basis for discipline of Respondent ANDREW ADRIAN DIOLI's licenses and licensing
17 rights pursuant to Code sections 10177(d), 10177(g), and/or 10177(h).

18 **ORDER**

19 **WHEREFORE, THE FOLLOWING ORDER is hereby made:**

20 **(RUSHMYFILE, INC.)**

21 **I. STAYED SUSPENSION OF REAL ESTATE LICENSE**

22 All licenses and licensing rights of Respondent RUSHMYFILE, INC. under the
23 Real Estate Law are suspended for a period of **thirty (30) days** from the effective date of this
24 Decision; provided, however, that all thirty (30) days of said suspension shall be **stayed** upon the
25 following terms and conditions:

26 ///

1. Respondent RUSHMYFILE, INC. shall pay a monetary penalty pursuant to Code section 10175.2 in the amount of **\$1,000.00**.

2. Said payment shall be in the form of a cashier's check made payable to the Department of real Estate. Said check must be delivered to the Department of Real Estate, Flag Section, 651 Bannon Street, Suite 504, Sacramento, CA 95811, **prior to the effective date of this Decision and Order.**

3. No further cause for disciplinary action against the real estate license of Respondent RUSHMYFILE, INC. occurs within two (2) years from the effective date of this Decision in this matter.

4. If Respondent RUSHMYFILE, INC. fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the suspension shall go into effect automatically with regard to said Respondent. Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision and Order.

5. If Respondent RUSHMYFILE, INC. pays the monetary penalty and if no further cause for disciplinary action against the real estate license of said Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

II. AUDIT COSTS

Pursuant to Code section 10148, Respondent RUSHMYFILE, INC. shall, jointly and severally with Respondent ANDREW ADRIAN DIOLI, pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of **\$2,815.00**. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. If Respondent RUSHMYFILE, INC. fails to satisfy this condition in a timely manner as provided for herein, Respondent RUSHMYFILE, INC.'s real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise

1 is adopted following a hearing held pursuant to this condition.

2 III. SUBSEQUENT AUDIT COSTS

3 Pursuant to Code section 10148, Respondent RUSHMYFILE, INC. shall, jointly
4 and severally with Respondent ANDREW ADRIAN DIOLI, pay the Commissioner's reasonable
5 costs, not to exceed **\$3,518.75**, for a subsequent audit to determine if Respondents have corrected
6 the violations found in the Determination of Issues. In calculating the amount of the
7 Commissioner's reasonable costs, the Commissioner may use the estimated average hourly
8 salary for all persons performing audits of real estate brokers, and shall include an allocation for
9 travel time to and from the auditor's place of work. Respondent RUSHMYFILE, INC. shall pay
10 such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. If
11 Respondent RUSHMYFILE, INC. fails to satisfy this condition in a timely manner as provided
12 for herein, Respondent RUSHMYFILE, INC.'s real estate licenses shall automatically be
13 suspended until payment is made in full, or until a decision providing otherwise is adopted
14 following a hearing held pursuant to this condition.

15 IV. INVESTIGATION AND ENFORCEMENT COSTS

16 Respondent RUSHMYFILE, INC. shall pay, jointly and severally with
17 Respondent ANDREW ADRIAN DIOLI, the sum of **\$1,870.85** for the Commissioner's
18 reasonable costs of the investigation and enforcement that led to this disciplinary action. Said
19 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
20 The investigative and enforcement costs must be delivered to the Department of Real Estate,
21 Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, **prior to the effective**
22 **date of this Decision and Order.** Payment of investigation and enforcement costs should not be
23 made until the Stipulation has been approved by the Commissioner. If Respondent
24 RUSHMYFILE, INC. fails to satisfy this condition in a timely manner as provided for herein,
25 Respondent RUSHMYFILE, INC.'s real estate licenses shall automatically be suspended until
26 payment is made in full, or until a decision proving otherwise is adopted following a hearing
27 pursuant to this condition.

1 (ANDREW ADRIAN DIOLI)

2 I. STAYED SUSPENSION OF REAL ESTATE LICENSE

3 All licenses and licensing rights of Respondent ANDREW ADRIAN DIOLI
4 under the Real Estate Law are suspended for a period of **thirty (30) days** from the effective date
5 of this Decision; provided, however, that all thirty (30) days of said suspension shall be **stayed**
6 upon the following terms and conditions:

7 1. Respondent ANDREW ADRIAN DIOLI shall pay a monetary penalty
8 pursuant to Code section 10175.2 in the amount of **\$1,000.00**.

9 2. Said payment shall be in the form of a cashier's check made payable to the
10 Department of real Estate. Said check must be delivered to the Department of Real Estate, Flag
11 Section, 651 Bannon Street, Suite 504, Sacramento, CA 95811, **prior to the effective date of**
12 **this Decision and Order**.

13 3. No further cause for disciplinary action against the real estate license of
14 Respondent ANDREW ADRIAN DIOLI occurs within two (2) years from the effective date of
15 this Decision in this matter.

16 4. If Respondent ANDREW ADRIAN DIOLI fails to pay the monetary
17 penalty in accordance with the terms and conditions of the Decision, the suspension shall go into
18 effect automatically with regard to said Respondent. Respondent shall not be entitled to any
19 repayment nor credit, prorated or otherwise, for money paid to the Department under the terms
20 of this Decision and Order.

21 5. If Respondent ANDREW ADRIAN DIOLI pays the monetary penalty and
22 if no further cause for disciplinary action against the real estate license of said Respondent
23 occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall
24 become permanent.

25 II. AUDIT COSTS

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27 jointly and severally with Respondent RUSHMYFILE, INC., pay the Commissioner's

1 reasonable costs for the audit which led to this disciplinary action in the amount of **\$2,815.00**.
2 Respondents shall pay such costs within sixty (60) days of receiving an invoice therefor from the
3 Commissioner. Payment of the audit costs should not be made until Respondents receive the
4 invoice. If Respondent ANDREW ADRIAN DIOLI fails to satisfy this condition in a timely
5 manner as provided for herein, Respondent ANDREW ADRIAN DIOLI's real estate licenses
6 shall automatically be suspended until payment is made in full, or until a decision providing
7 otherwise is adopted following a hearing held pursuant to this condition.

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10 jointly and severally with Respondent RUSHMYFILE, INC., pay the Commissioner's
11 reasonable costs, not to exceed **\$3,518.75**, for a subsequent audit to determine if Respondents
12 have corrected the violations found in the Determination of Issues. In calculating the amount of
13 the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly
14 salary for all persons performing audits of real estate brokers, and shall include an allocation for
15 travel time to and from the auditor's place of work. Respondent ANDREW ADRIAN DIOLI
16 shall pay such costs within sixty (60) days of receiving an invoice therefor from the
17 Commissioner. If Respondent ANDREW ADRIAN DIOLI fails to satisfy this condition in a
18 timely manner as provided for herein, Respondent ANDREW ADRIAN DIOLI's real estate
19 licenses shall automatically be suspended until payment is made in full, or until a decision
20 providing otherwise is adopted following a hearing held pursuant to this condition.

21 IV. INVESTIGATION AND ENFORCEMENT COSTS

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23 Respondent RUSHMYFILE, INC., the sum of **\$1,870.85** for the Commissioner's reasonable
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25 be in the form of a cashier's check made payable to the Department of Real Estate. The
26 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
27 Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, **prior to the effective date of**

1 **this Decision and Order.** Payment of investigation and enforcement costs should not be made
2 until the Stipulation has been approved by the Commissioner. If Respondent ANDREW
3 ADRIAN DIOLI fails to satisfy this condition in a timely manner as provided for herein,
4 Respondent ANDREW ADRIAN DIOLI's real estate licenses shall automatically be suspended
5 until payment is made in full, or until a decision proving otherwise is adopted following a
6 hearing pursuant to this condition.

7
8 DATED: 04/23/2025


Kathy Yi, Counsel for
Department of Real Estate

10 * * *

11 **EXECUTION OF THE STIPULATION**

12 Respondents have read the Stipulation, have discussed it with their counsel, and
13 its terms are understood by Respondents and are agreeable and acceptable to Respondents.
14 Respondents understand that Respondents are waiving rights given to them by the California
15 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
16 11513 of the Government Code), and Respondents willingly, intelligently and voluntarily waive
17 those rights, including the right of requiring the Commissioner to prove the allegations in the
18 Accusation at a hearing at which Respondents would have the right to cross-examine witnesses
19 against them and to present evidence in defense and mitigation of the charges.

20 Respondents agree, acknowledge, and understand that Respondents cannot
21 rescind or amend this Stipulation and Agreement. By signing this Stipulation, Respondents
22 understand and agree that Respondents may not withdraw Respondents' agreement or seek to
23 rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to
24 the effective date of the Stipulation and Order.

25 Respondents can signify acceptance and approval of the terms and conditions of
26 this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as
27 actually signed by Respondents, to the Department. Respondents agree, acknowledge, and

1 understand that by electronically sending to the Department an electronic copy of Respondents'
2 actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the
3 Department shall be as binding on Respondents as if the Department had received the original
4 signed Stipulation. Alternatively, Respondents can signify acceptance and approval of the terms
5 and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and
6 Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite 350, Los
7 Angeles, California 90013-1105.

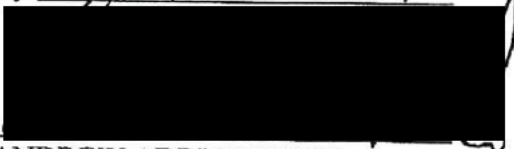
8
9 Dated: 4-15-2025


RUSHMYFILE, INC.

Respondent

By: Andrew Dioli

10
11
12
13 Dated: 4-15-2025


ANDREW ADRIAN DIOLI
Respondent


14
15
16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondents RUSHMYFILE, INC. and ANDREW ADRIAN DIOLI, individually and as
19 Designated Officer of RUSHMYFILE, INC. and shall become effective at 12 o'clock noon on

20 AUG 19 2025

21 IT IS SO ORDERED

22
23 CHIKA SUNQUIST
24 REAL ESTATE COMMISSIONER

25 
26 By: MARCUS L. McCARTHER
27 Chief Deputy Real Estate Commissioner