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FILED

SEP 05 2024

DEPT. OF REAL ESTATE

By—

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-42937 LA
	)	
CHER MARIE RUSH,	)	<u>ACCUSATION</u>
	)	
Respondent.	)	
_____	)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against CHER MARIE RUSH also known as “Cheryl Marie Rush” and “Cher Marie Busch” (“Respondent”) alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

All references to the “Code” are to the California Business and Professions Code and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

LICENSE HISTORY

3.

a. At all times herein mentioned, Respondent was and still is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and

ACCUSATION

1 Professions Code, as a real estate salesperson ("RES"), Department of Real Estate¹
2 ("Department") license ID 01068237.

3 b. The Department originally issued Respondent's RES license on or about
4 March 10, 1990.

5 c. Respondent's RES license will expire on April 26, 2027, unless renewed.

6 CAUSE FOR DISCIPLINE

7 (CRIMINAL CONVICTION)

8 4.

9 June 28, 2023; Penal Code ("PC") Sections 530.5 and 368(e)(1) - Misdemeanors

10 a. On or about December 23, 2021, in the Superior Court of California,
11 Riverside County, in Case No. **INF2102272**, entitled The People of the State of California v.
12 Cheryl Marie Rush et. al., a felony complaint was brought against Respondent for violation of
13 (1) PC Section 530.5 (identity theft), a felony, (2) PC Section 368(d)(1) (elder abuse – fraud
14 and embezzlement), a felony, and (3) PC Section 368(e)(1) (elder abuse – fraud and
15 embezzlement above \$950), a felony.

16 b. On or about June 28, 2023, the charges were reduced to misdemeanors and
17 Respondent pled to and was convicted for violation of (1) PC Section 530.5 (identity theft), a
18 misdemeanor, and (2) PC Section 368(e)(1) (elder abuse – fraud and embezzlement above
19 \$950), a misdemeanor.

20 c. Also on or about June 28, 2023, the Court suspended the imposition of
21 sentence and placed Respondent on summary probation for 12 months under certain terms and
22 conditions, including, in part, 1 day jail, payment of restitution, stay away from victim, and
23 payment of fines and fees.

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25 ///

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27 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate
under the Department of Consumer Affairs.

1 d. On or about July 22, 2024, the conviction was expunged per PC 1203.4.

2 5.

3 The crimes of which Respondent were convicted, in Paragraph 4, by their facts
4 and circumstances, bear substantial relationship under Section 2910, Title 10, Chapter 6,
5 California Code of Regulations to the qualifications, functions or duties of a real estate licensee
6 and constitutes cause under **Code Sections 490 and 10177(b)** for the suspension or revocation
7 of the license and license rights of Respondent under the Real Estate Law.

8 SECOND CAUSE FOR DISCIPLINE

9 (FAILURE TO REPORT)

10 6.

11 Respondent did not report in writing to the Department of a felony complaint
12 being brought against her within thirty (30) days (December 23, 2021).

13 7.

14 Respondent's failure to report the felony complaint against her constitutes a
15 cause for discipline under **Code Section 10186.2²** of the license and license rights of
16 Respondent under the Real Estate Law.

17 8.

18 These proceedings are brought under the provisions of Section 10100, Division
19 4 of the Business and Professions Code of the State of California and Sections 11500 through
20 11528 of the California Government Code.

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24 _____
25 ² Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the
26 department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The
27 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or
misdemeanor. (c) Any disciplinary action taken by another licensing entity or authority of this state or of another
state or an agency of the federal government. (2) The report required by this subdivision shall be made in writing
within 30 days of the date of the bringing of the indictment or the charging of a felony, the conviction, or the
disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline.

1 COSTS

2 9.

3 **Code Section 10106** provides, in pertinent part, that in any order issued in
4 resolution of a disciplinary proceeding before the Department, the Commissioner may request
5 the administrative law judge to direct a licensee found to have committed a violation of this
6 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the
7 case.

8 PRAYER

9 WHEREFORE, Complainant prays that a hearing be conducted on the
10 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
11 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of
12 Division 4 of the California Business and Professions Code) of Respondent CHER MARIE
13 RUSH, for the cost of investigation and enforcement as permitted by law, and for such other
14 and further relief as may be proper under applicable provisions of law.

15
16 Dated at San Diego, California this 4 day of September, 2024.

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18 _____
19 Veronica Kilpatrick
Supervising Special Investigator

20 cc: CHER MARIE RUSH
21 Veronica Kilpatrick
22 Sacto.
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