

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 443-9271

FILED

APR 16 2025

DEPT. OF REAL ESTATE

By—



8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of

DRE No. H-42937 LA

12 **CHER MARIE RUSH,**

13 Respondent.

14 **STIPULATION AND AGREEMENT**
IN SETTLEMENT AND ORDER

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16 It is hereby stipulated by and between Respondent **CHER MARIE RUSH**
17 (“Respondent”) and the Complainant, acting by and through Kevin H. Sun, Counsel for the
18 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation
19 filed on September 5, 2024 in this matter (Case No. H-42937 LA):

20 1. All issues which were to be contested and all evidence which was to be presented
21 by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be
22 held in accordance with the provisions of the Administrative Procedure Act (“APA”), shall instead
23 and in place thereof be submitted on the basis of the provisions of this Stipulation and Agreement
24 in Settlement and Order (“Stipulation”).

25 2. Respondent has received, read and understands the Statement to Respondent, the
26 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this
27 proceeding.

1 3. On or about September 17, 2024, Respondent filed a Notice of Defense pursuant
2 to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
5 will thereby waive his rights to require the Commissioner to prove the allegations in the Accusation
6 at a contested hearing held in accordance with the provisions of the APA and that she will waive
7 other rights afforded to him in connection with the hearing such as the right to present evidence in
8 defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. This Stipulation is based on the factual allegations contained in the Accusation.
10 In the interest of expedience and economy, Respondent chooses not to contest these allegations, but
11 to remain silent, and understands that, as a result thereof, these factual allegations, without being
12 admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein.
13 The Real Estate Commissioner shall not be required to provide further evidence to prove said
14 factual allegations.

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

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

26 7. The Order or any subsequent Order of the Real Estate Commissioner made
27 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Department of Real Estate with respect to any matters
2 which were not specifically alleged to be causes for accusation in this proceeding.

3 **DETERMINATION OF ISSUES**

4 By reason of the foregoing stipulations, admissions and waivers and solely for the
5 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
6 the following determination of issues shall be made:

7 The conduct of Respondent, as described in the Accusation, is in violation of
8 California Business and Professions Code ("Code") Section 490 and is ground for the suspension or
9 revocation of the real estate license and license rights of Respondent under the provision of Code
10 Sections 10177(b) and 10186.2.

11 **ORDER**

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 All licenses and licensing rights of Respondent CHER MARIE RUSH under the
14 Real Estate Law are hereby revoked; provided, however, a restricted real estate salesperson license
15 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if
16 Respondent makes application therefor and pays to the Department of Real Estate the appropriate
17 fee for said license within ninety (90) days from the effective date of this Decision. The restricted
18 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
19 Business and Professions Code and to the following limitations, conditions and restrictions
20 imposed under authority of Section 10156.6 of that Code:

21 1. The restricted license issued to Respondent may be suspended prior to hearing by
22 Order of the Real Estate Commissioner in the event of Respondent's conviction or plea
23 of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
24 real estate licensee.

25 2. The restricted license may be suspended prior to hearing by Order of the Real
26 Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated
27 provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real

1 Estate Commissioner or conditions attaching to said restricted license.

2 3. Respondent shall not be eligible for the issuance of any unrestricted real estate
3 license nor for the removal of any of the conditions, limitations or restrictions of the restricted
4 license until at least **three (3) years** have elapsed from the effective date of this Decision.
5 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching
6 to the license have been removed.

7 4. All licenses and licensing rights of Respondent are indefinitely suspended
8 unless or until Respondent pays the sum of **\$2,377.65** for the Commissioner's reasonable cost of
9 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
10 the form of a cashier's check made payable to the Department of Real Estate. The investigative and
11 enforcement costs must be delivered to the Department of Real Estate, Flag Section at 651 Bannon
12 Street, Suite 504, Sacramento, CA 95811, prior to the effective date of this Order.

13 5. Respondent shall notify the Commissioner in writing within 72 hours of any
14 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Flag
15 Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811. The letter shall set forth the date
16 of Respondent's arrest, the crime for which Respondent was arrested and the name and address of
17 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
18 constitute an independent violation of the terms of the restricted license and shall be grounds for the
19 suspension or revocation of that license.

20 6. Respondent shall, within nine (9) months from the effective date of this Order,
21 present evidence satisfactory to the Commissioner that Respondent has, since the most recent
22 issuance of an original or renewal real estate license, taken and successfully completed the
23 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
24 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
25 license shall automatically be suspended until Respondent presents evidence satisfactory to the
26 Commissioner of having taken and successfully completed the continuing education requirements.
27 Proof of completion of the continuing education courses must be delivered to the Department of

1 Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.

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3 DATED: 3/7/2025

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5 Kevin H. Sun, Counsel for
6 Department of Real Estate

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8 **EXECUTION OF THE STIPULATION**

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

16 Respondent shall mail the original signed signature page of the stipulation herein to
17 Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
18 Los Angeles, California 90013-1105.

19 In the event of time constraints before an administrative hearing, Respondent can
20 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by
21 emailing a scanned copy of the signature page, as actually signed by Respondent, to the
22 Department counsel assigned to this case. Respondent agrees, acknowledges and understands that
23 by electronically sending the Department a scan of Respondent's actual signature as it appears on
24 the Stipulation and Agreement that receipt of the scan by the Department shall be binding on
25 Respondent as if the Department had received the original signed Stipulation. Respondent shall also
26 mail the original signed signature page of this Stipulation to the Department counsel.

27 Respondent's signature below constitute acceptance and approval of the terms and
conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing

1 this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this
2 agreement is not subject to rescission or amendment at a later date except by a separate Decision
3 and Order of the Real Estate Commissioner.

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5 DATED: 2-28-25


6 CHER MARIE RUSH
Respondent

7 * * *

8 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
9 Respondent CHER MARIE RUSH in this matter and shall become effective at 12 o'clock noon on
10 MAY 16 2025, 2025.

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12 IT IS SO ORDERED 4/9/2025, 2025.

13 CHIKA SUNQUIST
14 REAL ESTATE COMMISSIONER

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17 By: Marcus L. McCarther
18 Chief Deputy Real Estate Commissioner
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