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FILED

APR -5 1994

DEPARTMENT OF REAL ESTATE
BY C. Bay

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

◆ ◆ ◆

In the Matter of the Application of)	
)	No. H-25643 LA
SUMINDA ARIYA SELLAHEWA,)	
)	STIPULATION AND WAIVER
)	
Respondent.)	
)	

I, SUMINDA ARIYA SELLAHEWA, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on November 29, 1993, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
8 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
9 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
10 license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations and restrictions will attach to a restricted
12 license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the right
14 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
15 exercise any privileges granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
19 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
20 attaching to this restricted license.
- 21 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
22 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
23 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker,
25 respondent shall submit a statement signed by the prospective employing broker on a form
26 approved by the Department of Real Estate wherein the employing broker shall certify as follows:
 - 27 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted

1 license; and

- 2 b. That broker will carefully review all transaction documents prepared by the restricted licensee
3 and otherwise exercise close supervision over the licensee's performance of acts for which
4 a license is required.

5 DATED this 1st day of MARCH, 19 94.

6
7 Suminda Sellahewa
8 Respondent, SUMINDA ARIYA SELLAHEWA

9 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
10 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
11 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
12 restricted real estate salesperson license to respondent.

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
14 respondent SUMINDA ARIYA SELLAHEWA if respondent has otherwise fulfilled
15 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted
16 as specified in the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 DATED this 25th day of March, 19 94.

19
20 CLARK WALLACE
Real Estate Commissioner

21 Clark Wallace
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)
SUMINDA ARIYA SELLAHEWA,)
Case No. H-25643 LA)
OAH No. L-62200)

JAN 28 1994

BY C. Leong

Respondent (s)

NOTICE OF CONTINUED HEARING ON APPLICATION

To the above-named Respondent (s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on Tuesday, March 8, 1994, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: January 28, 1994

By

Chris K.D. Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: Suminda Ariya Sellahewa
C. David Serena, Esq.
✓ Sacto.
OAH

CEB

RE 501 (LA Mac 11/92)

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEC 17 1993

In the Matter of the Application of)
SUMINDA ARIYA SELLAHEWA,)
_____)

Case No. H-25643 LA DEC 17 1993
OAH No. L-62200 DEPT. OF REAL ESTATE
BY CR

Respondent (s)

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent (s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on Tuesday, January 25, 1994, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: December 17, 1993

By Christopher K.D. Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: Suminda Ariya Sellahewa
Bennett-Boswell & Associates Inc.
✓ Sacto.
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CHRISTOPHER K.D. LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

NOV 23 1993

DEPARTMENT OF REAL ESTATE
BY *C. King*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-25643 LA
SUMINDA ARIYA SELLAHEWA,)	<u>STATEMENT OF ISSUES</u>
))
))
Respondent.))

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against SUMINDA ARIYA SELLAHEWA (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues against Respondent in his official capacity.

II

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about March 10, 1993.

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CONVICTIONS

III

On or about August 14, 1991, in the Los Angeles Municipal Court, California, Respondent was charged with violations of Sections 182 and 484(a) of the California Penal Code (hereinafter "PC") (Conspiracy and petty theft); subsequently, in a plea bargain, Respondent was convicted for one count of violation of Section 602(j) (Trespass).

IV

The conduct which led to the conviction, above, bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

APPLICATION

V

In response to Question 27, Additional Information, of said application, to wit: "Detailed explanation of items 24-26 ...", Respondent stated:

"On 23rd June 1990 I received a call from my friend who works as a security guard at GTE in Santa Monica, and wanted me to bring him dinner as he can't leave work. I didn't know I wasn't supposed to be on this property I was charged for being on the property, saying I was trespassing. This was a misdemeanor and disposition was 25 hours of community service an unfortunate situation and I learned a good lesson."

VI

In fact, Respondent and two other co-conspirators used a

1 stolen gasoline card to steal gasoline from GTE's company gas pump.

2 VII

3 Respondent's misstatement of the details set forth in
4 Paragraphs V and VI, above, in said application, constitutes the
5 procurement of a real estate license by fraud,
6 misrepresentation, deceit, or by making a material misstatement
7 of fact in said application, which failure to reveal is cause
8 for denial of Respondent's application for a real estate license
9 under Sections 480(a), 480(c), 498 and 10177(a) of the
10 California Business and Professions Code.

11 VIII

12 Respondent's conduct which led to the conviction, as
13 alleged in Paragraph III, above, warrants the denial of
14 Respondent's application for a real estate license under
15 Sections 480(a), 10177(b) and/or 10177(f) of the Business and
16 Professions Code of the State of California.

17
18 These proceedings are brought under the provisions of
19 Section 10100, Division 4 of the Business and Professions Code
20 of the State of California and Sections 11500 through 11528 of
21 the Government Code.

22 Dated at Los Angeles, California
23 this 29th day of November, 1993

24
25 STEVEN J. ELLIS

Deputy Real Estate Commissioner

26 cc: Suminda Ariya Sellahewa
27 Bennett-Boswell & Associates Inc./Clark L. Bennett
Sacto.
TD