

By [Signature]

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NO. H-30128 LA
1-2003060438

On September 9, 2004, a restricted real estate salesperson license was issued by the Department of Real Estate to respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision of July 29, 2004, in case No. H-30128 LA, effective August 26, 2004. This Order granted Respondent the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and

1 restrictions imposed under authority of Section 10156.6 of
2 said Code. Among those terms, conditions and restrictions,
3 Respondent was required to take and pass the Professional
4 Responsibility Examination administered by the Department
5 within six (6) months from August 26, 2004. The Commissioner
6 has determined that as of June 29, 2005, Respondent has failed
7 to satisfy these conditions, and as such, is in violation of
8 Section 10177(k) of the Business and Professions Code.
9 Respondent has no right to renew the restricted license if
10 this condition is not satisfied by the date of its expiration
11 (Section 10156.7 of the Business and Professions Code).

12 In addition to those terms, conditions and
13 restrictions stated above, Respondent was further required,
14 within nine months from August 26, 2004, to present evidence
15 satisfactory to the Real Estate Commissioner that Respondent
16 has taken and successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real Estate
18 Law for renewal of a real estate license. The Commissioner
19 has determined that as of June 29, 2005, Respondent has failed
20 to satisfy these conditions, and as such, is in violation of
21 Section 10177(k) of the Business and Professions Code.

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1 NOW, THEREFORE, IT IS ORDERED under authority of
2 Section 10156.7 of the Business and Professions Code of the
3 State of California that the restricted real estate
4 salesperson license heretofore issued to respondent and the
5 exercise of any privileges thereunder is hereby suspended
6 until such time as Respondent provides proof satisfactory to
7 the Department of having taken and passed the Professional
8 Responsibility Examination administered by the Department and
9 having taken and successfully completed the continuing
10 education requirements, as referred to above, or pending final
11 determination made after hearing (see "Hearing Rights" set
12 forth below).

13 IT IS FURTHER ORDERED that all license certificates
14 and identification cards issued by Department which are in the
15 possession of respondent be immediately surrendered by
16 personal delivery or by mailing in the enclosed, self-
17 addressed envelope to:

18 Department of Real Estate
19 Attn: Flag Section
20 P. O. Box 187000
 Sacramento, CA 95818-7000

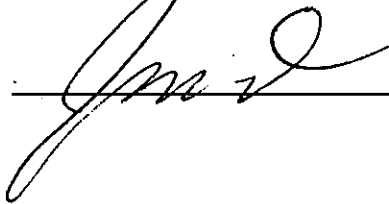
21 HEARING RIGHTS: Pursuant to the provisions of Section
22 10156.7 of the Business and Professions Code, you have the
23 right to a hearing to contest the Commissioner's determination
24 that you are in violation of Section 10177(k). If you desire
25 a hearing, you must submit a written request. The request may
26 be in any form, as long as it is in writing and indicates that
27

1 you want a hearing. Unless a written request for a hearing,
2 signed by or on behalf of you, is delivered or mailed to the
3 Department at 320 West Fourth Street, Suite 350, Los Angeles,
4 California, within 20 days after the date that this Order was
5 mailed to or served on you, the Department will not be
6 obligated or required to provide you with a hearing.

7 This Order shall be effective immediately.

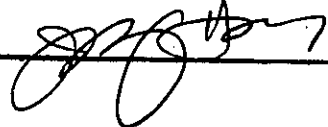
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9 DATED: 8-1, 2005

10 JEFF DAVI
11 Real Estate Commissioner

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FILED
MAY - 3 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

NO. H-30128 LA

THILINA BALASURIYA)

Respondent)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: NAME: THILINA BALASURIYA

On September 9, 2004, a restricted real estate salesperson license was issued by the Department of Real Estate to respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision of July 29, 2004, in case No. H-30128 LA, effective August 26, 2004. This Order granted Respondent the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of

1 said Code. Among those terms, conditions and restrictions,
2 Respondent was required to take and pass the Professional
3 Responsibility Examination administered by the Department
4 within six (6) months from August 26, 2004. The Commissioner
5 has determined that as of March 28, 2005, Respondent has
6 failed to satisfy these conditions, and as such, is in
7 violation of Section 10177(k) of the Business and Professions
8 Code. Respondent has no right to renew the restricted license
9 if this condition is not satisfied by the date of its
10 expiration (Section 10156.7 of the Business and Professions
11 Code.)

12
13 NOW, THEREFORE, IT IS ORDERED under authority of
14 Section 10156.7 of the Business and Professions Code of the
15 State of California that the restricted real estate
16 salesperson license heretofore issued to respondent and the
17 exercise of any privileges thereunder is hereby suspended
18 until such time as Respondent provides proof satisfactory to
19 the Department of having taken and passed the Professional
20 Responsibility Examination administered by the Department, as
21 referred to above, or pending final determination made after
22 hearing (see "Hearing Rights" set forth below).

23 IT IS FURTHER ORDERED that all license certificates
24 and identification cards issued by Department which are in the
25 possession of respondent be immediately surrendered by
26 personal delivery or by mailing in the enclosed, self-
27 addressed envelope to:

1 Department of Real Estate
2 Attn: Flag Section
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 HEARING RIGHTS: Pursuant to the provisions of Section
6 10156.7 of the Business and Professions Code, you have the
7 right to a hearing to contest the Commissioner's determination
8 that you are in violation of Section 10177(k). If you desire
9 a hearing, you must submit a written request. The request may
10 be in any form, as long as it is in writing and indicates that
11 you want a hearing. Unless a written request for a hearing,
12 signed by or on behalf of you, is delivered or mailed to the
13 Department at 320 West Fourth Street, Suite 350, Los Angeles,
14 California, within 20 days after the date that this Order was
15 mailed to or served on you, the Department will not be
16 obligated or required to provide you with a hearing.

17 This Order shall be effective immediately.

18 DATED: April 28, 2005

19 JEFF DAVI
20 Real Estate Commissioner

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1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6914

FILED
AUG 6 2004
DEPARTMENT OF REAL ESTATE

By Jana B. Dean

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) DRE No. H-30128 LA
13 THILINA BALASURIYA and) OAH No. L-2003060438
14 METRO SERENDIB CORPORATION,)
15) STIPULATION AND AGREEMENT
16 Respondents.)

17 It is hereby stipulated by and between METRO SERENDIB
18 CORPORATION, (herein "Respondent"), acting by and through Paul
19 J. Carter, Esq., Berkvist and Carter, and the Complainant,
20 acting by and through Martha J. Rosett, Counsel for the
21 Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on May 30, 2003
23 in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and
26 Respondent at a formal hearing on the Accusation, which hearing
27 was to be held in accordance with the provisions of the

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement.

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA
6 and the Accusation filed by the Department of Real Estate in
7 this proceeding.

8 3. On June 11, 2003, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for
10 the purpose of requesting a hearing on the allegations in the
11 Accusation. In order to effectuate this settlement, Respondent
12 hereby freely and voluntarily withdraws said Notice of Defense.
13 Respondent acknowledges that it understands that by withdrawing
14 said Notice of Defense, it will thereby waive its rights to
15 require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that it will waive other rights
18 afforded to it in connection with the hearing such as the right
19 to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

21 4. Respondent, pursuant to the limitations set forth
22 below, although not admitting or denying the truth of the
23 allegations, will not contest the factual allegations contained
24 in the Accusation filed in this proceeding and the Real Estate
25 Commissioner shall not be required to provide further evidence
26 of such allegations.
27

1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 his Decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate licenses and license
5 rights as set forth in the below "Order". In the event that
6 the Commissioner in his discretion does not adopt the
7 Stipulation and Agreement, it shall be void and of no effect,
8 and Respondent shall retain the right to a hearing and
9 proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any stipulation or waiver made
11 herein.

12 6. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement shall not constitute an estoppel, merger or bar to
15 any further administrative proceedings by the Department of
16 Real Estate with respect to any matters which were not
17 specifically alleged to be causes for accusation in this
18 proceeding.

19 7. The Stipulation herein, and Respondent's decision
20 not to contest the Accusation, are made solely for the purpose
21 of reaching an agreed disposition of this proceeding and are
22 expressly limited to this proceeding and any other proceeding
23 or case in which the Department of Real Estate or another
24 licensing agency of this state, another state or if the federal
25 government is involved, and otherwise shall not be admissible
26 in any other criminal or civil proceedings.

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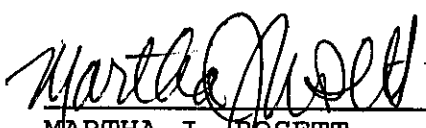
1 Department prior to the effective date of the Decision in this
2 matter.

3 c. No further cause for disciplinary action against
4 the real estate license of Respondent occurs within two years
5 of the Decision in this matter.

6 d. If Respondent fails to pay the monetary penalty
7 in accordance with the terms and conditions of the Decision,
8 the Commissioner may, without a hearing, order the immediate
9 execution of all or any part of the stayed suspension in which
10 event the Respondent shall not be entitled to any repayment nor
11 credit, prorated or otherwise, for the money paid to the
12 Department under the terms of this Decision.

13 e. If Respondent pays the monetary penalty and if no
14 further cause for disciplinary action against the real estate
15 license of Respondent occurs within two years from the
16 effective date of the Decision, the stay hereby granted shall
17 become permanent.

18
19 DATED: 7/16/04


20 MARTHA J. ROSETT
Counsel for Complainant

21 * * *

22 I have read the Stipulation and Agreement, have
23 discussed it with my attorney, and its terms are understood by
24 me and are agreeable and acceptable to me. I understand that I
25 am waiving rights given to me by the California Administrative
26 Procedure Act (including but not limited to Sections 11506,
27

1 11508, 11509 and 11513 of the Government Code), and I
2 willingly, intelligently and voluntarily waive those rights,
3 including the right of requiring the Commissioner to prove the
4 allegations in the Accusation at a hearing at which I would
5 have the right to cross-examine witnesses against me and to
6 present evidence in defense and mitigation of the charges.

7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation and Agreement by faxing
9 a copy of its signature page, as actually signed by Respondent,
10 to the Department at the following fax number (213) 576-6917.
11 Respondent agrees, acknowledges and understands that by
12 electronically sending to the Department a fax copy of its actual
13 signature as it appears on the Stipulation, that receipt of the
14 faxed copy by the Department shall be as binding on Respondent as
15 if the Department had received the original signed Stipulation
16 and Agreement.

17
18 DATED:

6-17-2004

Mukesh C. Patel
METRO SERENDIB CORPORATION, by
Mukesh Patel, designated officer

19
20 DATED:

June 21, 2004

Dee Carter
PAUL J. CARTER, ESQ.
Attorney for Respondent
(Approved as to form and content)

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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become
effective at 12 o'clock noon on AUG 26 2004.

IT IS SO ORDERED

July 29, 2004

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6914

FILED
AUG 6 2004

DEPARTMENT OF REAL ESTATE

By Laura B. Oliva

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 THILINA BALASURIYA and)
13 METRO SERENDIB CORPORATION,)

) DRE No. H-30128 LA
) OAH No. L-2003060438

14) STIPULATION AND AGREEMENT
15)
16)

Respondents.)

17 It is hereby stipulated by and between THILINA
18 BALASURIYA, aka Tony Balasuriya, herein "Respondent", acting by
19 and through Paul J. Carter, Esq., Berkvist & Carter, and the
20 Complainant, acting by and through Martha J. Rosett, Counsel
21 for the Department of Real Estate, as follows for the purpose
22 of settling and disposing of the Accusation filed on May 30,
23 2003 in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and
26 Respondent at a formal hearing on the Accusation, which hearing
27 was to be held in accordance with the provisions of the

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement.

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA
6 and the Accusation filed by the Department of Real Estate in
7 this proceeding.

8 3. On June 11, 2003, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for
10 the purpose of requesting a hearing on the allegations in the
11 Accusation. In order to effectuate this settlement, Respondent
12 hereby freely and voluntarily withdraws said Notice of Defense.
13 Respondent acknowledges that he understands that by withdrawing
14 said Notice of Defense, he will thereby waive his right to
15 require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that he will waive other rights
18 afforded to him in connection with the hearing such as the
19 right to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

21 4. Respondent, pursuant to the limitations set forth
22 below, although not admitting or denying the truth of the
23 allegations, will not contest the factual allegations contained
24 in the Accusation filed in this proceeding and the Real Estate
25 Commissioner shall not be required to provide further evidence
26 of such allegations.

27

1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 his Decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license
5 rights as set forth in the below "Order." In the event that
6 the Commissioner in his discretion does not adopt the
7 Stipulation and Agreement, it shall be void and of no effect,
8 and Respondent shall retain the right to a hearing and
9 proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any stipulation or waiver made
11 herein.

12 6. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement shall not constitute an estoppel, merger or bar to
15 any further administrative proceedings by the Department of
16 Real Estate with respect to any matters which were not
17 specifically alleged to be causes for accusation in this
18 proceeding.

19 7. The Stipulation herein, and Respondent's decision
20 not to contest the Accusation, are made solely for the purpose
21 of reaching an agreed disposition of this proceeding and are
22 expressly limited to this proceeding and any other proceeding
23 or case in which the Department of Real Estate or another
24 licensing agency of this state, another state or if the federal
25 government is involved, and otherwise shall not be admissible
26 in any other criminal or civil proceedings.

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

6 2. The restricted license issued to Respondent may
7 be suspended prior to hearing by Order of the Commissioner on
8 evidence satisfactory to the Commissioner that Respondent has
9 violated provisions of the California Real Estate Law, the
10 Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor for the
14 removal of any of the conditions, limitations or restrictions
15 of a restricted license until two (2) years have elapsed from
16 the effective date of this Decision.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing broker, a statement signed by the
20 prospective employing real estate broker on a form approved by
21 the Department of Real Estate which shall certify:

22 (a) That the employing broker has read the Decision
23 of the Commissioner which granted the right to a
24 restricted license; and

25 (b) That the employing broker will exercise close
26 supervision over the performance by the restricted
27

licensee relating to the activities for which a real estate license is required.

5. Respondent shall, within nine months from the
effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

6. Respondent shall, within six months from the
effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

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1 II. Any restricted license issued to Respondent
2 pursuant to this Decision shall be suspended for thirty (30)
3 days from the date of issuance of said restricted license,
4 provided, however, that if Respondent petitions, said
5 suspension (or a portion thereof) shall be stayed upon
6 condition that:

7 1. Respondent pays a monetary penalty pursuant to
8 Section 10175.2 of the Business and Professions Code at
9 the rate of \$100.00 for each day of the suspension for a
10 total monetary penalty of \$3,000.00.

11 2. Said payment shall be in the form of a cashier's
12 check or certified check made payable to the Recovery
13 Account of the Real Estate Fund. Said check must be
14 received by the Department prior to the effective date of
15 the Decision in this matter.

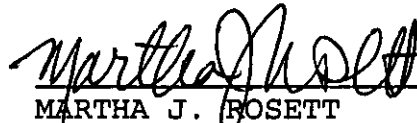
16 3. No further cause for disciplinary action against
17 the real estate license of Respondent occurs within two
18 years from the effective date of the Decision in this
19 matter.

20 4. If Respondent fails to pay the monetary penalty
21 in accordance with the terms and conditions of the
22 Decision, the Commissioner may, without a hearing, order
23 the immediate execution of all or any part of the stayed
24 suspension in which event the Respondent shall not be
25 entitled to any repayment nor credit, prorated or
26 otherwise, for money paid to the Department under the
27 terms of this Decision.

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

6
7 DATED:

7/16/04



MARTHA J. ROSETT
Counsel for Complainant

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9 * * *

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

21 Respondent may signify acceptance and approval of the
22 terms and conditions of this Stipulation and Agreement by faxing
23 a copy of its signature page, as actually signed by Respondent,
24 to the Department at the following fax number (213) 576-6917.
25 Respondent agrees, acknowledges and understands that by
26 electronically sending to the Department a fax copy of his actual
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1 signature as it appears on the Stipulation, that receipt of the
2 faxed copy by the Department shall be as binding on Respondent as
3 if the Department had received the original signed Stipulation
4 and Agreement.

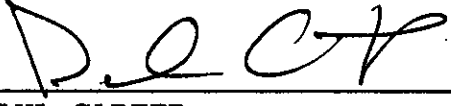
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6 DATED:

06/10/04


THILINA BALASURIYA
Respondent

7
8 DATED:

June 21, 2004


PAUL CARTER
Attorney for Respondent
(Approved as to content and form)

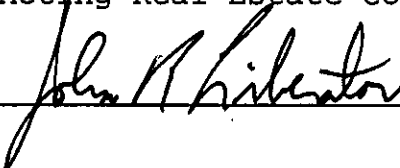
11 * * *

12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision in this matter and shall become
14 effective at 12 o'clock noon on AUG 26 2004.

15 IT IS SO ORDERED

July 29, 2004.

16 JOHN R. LIBERATOR
17 Acting Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN - 9 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation)

Case No. H-30128 LA)

OAH No. L-2003060438)

THILINA BALASURIYA, et al.,)

Respondent(s).)

By Laura B. Clome

NOTICE OF CONTINUED HEARING ON ACCUSATION

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, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California**, on **JULY 26, 2004**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

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.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: January 9, 2004.

DEPARTMENT OF REAL ESTATE

By:

MARTHA J. ROSETT

MARTHA J. ROSETT, Counsel

cc: Thilina Balasuriya
Metro Serendib Corporation
Paul J. Carter, Esq.
Sacto., OAH

RE Form 501 (Rev. 8-97) MJR:lbo

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILE
JUL 24 2003
DEPARTMENT OF REAL EST.
By Sandra B. Cho

In the Matter of the Accusation)

Case No. H-30128 LA

THILINA BALASURIYA,

OAH No. L-2003060438

Respondent(s).)

NOTICE OF HEARING ON ACCUSATION

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, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on JANUARY 7, 2004, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

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.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: July 24, 2003

DEPARTMENT OF REAL ESTATE

By:

Marttha J. Rosett
MARTHA J. ROSETT, Counsel

cc: Thilina Balasuriya
Metro Serendib Corporation
Sacto., OAH

RE Form 501 (Rev. 8-97) MJR:lbo

Handwritten signature/initials

FILED
MAY 30 2003
DEPARTMENT OF REAL ESTATE

Handwritten signature: Laura B. Chua

MARTHA J. ROSETT, Counsel (SBN 142072)
Department of Real Estate
320 West Fourth Street, Suite #350
Los Angeles, California 90013-1105

(213) 576-6982
(213) 576-6914

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)	No. H-30128 LA
)	
THILINA BALASURIYA and)	
METRO SERENDIB CORPORATION,)	
)	<u>A C C U S A T I O N</u>
)	
Respondents.)	
)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against THILINA BALASURIYA and METRO SERENDIB CORPORATION, aka Metro Serendib Inc., is informed and alleges as follows:

1.

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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1 2.

2 At all times material herein, Respondent THILINA
3 BALASURIYA, aka Tony Balasuriya (hereinafter "BALASURIYA"), was
4 and now is presently licensed and/or has license rights under the
5 Real Estate Law, Part 1 of Division 4 of the California Business
6 and Professions Code (hereinafter "Code"), as a real estate
7 salesperson. Respondent was first licensed as a real estate
8 salesperson on August 10, 1993. Respondent has been without any
9 broker affiliation since March 15, 2002. Over the past five
10 years, his broker affiliations have been as follows:

11 2/8/02-3/14/02: Mukesh Chinubhai Patel (REB)

12 2/23/01-12/22/01: P&P Financial Services Inc. (REC)

13 8/2/00-2/15/01: Bennett-Boswell & Assoc. Inc. (REC)

14 12/23/97-8/01/00: Dato Property Management, Inc. (REC)

15 3.

16 At all times material herein, Respondent BALASURIYA was
17 and is Chief Executive Officer and Chief Financial Officer of
18 METRO SERENDIB CORPORATION. METRO SERENDIB CORPORATION was
19 incorporated and registered as a California Corporation beginning
20 on or before February 22, 1991. From that time through May 8,
21 2002, METRO SERENDIB CORPORATION was not licensed as a corporate
22 real estate broker and was not otherwise authorized under
23 California law to perform property management services for others
24 or any activities requiring a real estate broker license as set
25 forth in Section 10131 of the Code. During the period when they
26 were not licensed, and continuing thereafter, METRO SERENDIB
27 CORPORATION also used the name, "Metro Serendib Inc.," though

1 this name was not and is not registered with the Department of
2 Real Estate as a fictitious business name.

3 4.

4 Beginning on or about May 9, 2002, Respondent METRO
5 SERENDIB CORPORATION (hereinafter "METRO") was and now is
6 presently licensed and/or has license rights under the Real
7 Estate Law as a corporate real estate broker. Respondent METRO
8 is currently authorized to act by and through Mukesh Chinubhai
9 Patel as the designated officer and broker responsible, pursuant
10 to the provisions of Code Section 10159.2 for the supervision and
11 control of the activities conducted on behalf of METRO by METRO's
12 officers and employees. Respondent METRO also uses the name,
13 "Metro Serendib Inc.", though this is not registered with the
14 Department as a fictitious business name.

15 Unlicensed Property Management

16 5.

17 Between June 2000 and February of 2002, Respondent
18 BALASURIYA, acting on behalf of Respondent METRO, and using the
19 name, "Metro Serendib Inc.", engaged in property management
20 activities for or in expectation of compensation on behalf of
21 owners of rental property. Respondents BALASURIYA and METRO
22 managed 39 properties with 456 units for some 20 owners,
23 including but not limited to the following:

24 a) Brian Angel of 6 Angels LLC, owners of 5527 W.
25 Jefferson Blvd., Los Angeles, California (8/28/98-12/31/01);

26 b) Clyde Bruner and Genene Meyer, owners of 421 W. 6th
27 Street, Long Beach, California (6/01/01-2/02);

1 c) E. Barris and Allied Properties, owners of 3920
2 Hillcrest Dr., Los Angles, CA 90008 (6/15/01-12/31/01);

3 d) Pilgrim Cooperative, owners of 649 Pilgrim Terrace,
4 Santa Barbara, California, 93101 (7/3/01-12/31/01);

5 and e) Paul Turner, owner of 2115-17 West 102nd Street,
6 Los Angeles, California 90047 (6/26/00-7/31/01).

7 6.

8 On or about June 26, 2000, Respondent BALASURIYA,
9 acting on behalf of METRO, entered into a Property Management
10 Agreement with Paul Turner for the management of rental property
11 owned by Turner located at 2115-17 West 102nd Street, Los
12 Angeles, California 90047. The agreement called for payment of
13 an agent's fee of 6% of the rents collected at the building. The
14 agents, METRO acting by and through Respondent BALASURIYA were to
15 collect rents, maintain bank accounts, budget cash flow, prepare
16 reports, and perform upkeep and maintenance of the property.

17 7.

18 On or before June 26, 2000 until on or about July 23,
19 2001, Respondent BALASURIYA engaged in property management on
20 behalf of Turner, collecting rents and performing maintenance on
21 the property. On or about July 11, 2000, Respondents BALASURIYA
22 and/or METRO opened a business deposit account located at Bank of
23 America, Westchester Office, 8946 S. Sepulveda Blvd., Los
24 Angeles, California, Account Number 0337-01637, entitled, "Metro
25 Serendib Inc. Agent for 2115-17 W. 102nd St., Los Angeles".
26 Respondent BALASURIYA and two other non-licensed individuals were
27 authorized signatories on this account. Trust funds including

1 rents collected from tenants of 2115-17 W. 102nd Street were
2 deposited into this account and disbursements were made from this
3 account. On or about July 23, 2001, this account was closed.

4 8.

5 Respondent BALASURIYA's employing real estate broker on
6 record with the Department of Real Estate from on or about
7 December 23, 1997 through August 1, 2000 was Dato Property
8 Management, and the designated broker between on or about June
9 26, 2000 and August 1, 2000 was Dinker M. Shaw. Respondent METRO
10 was never licensed to operate under Dinker M. Shaw's broker
11 license nor under Dato Property Management. Respondent
12 BALASURIYA engaged in the property management activities set
13 forth in Paragraphs 5, 6 and 7 above for compensation without the
14 knowledge or supervision of his supervising broker at the time.
15 He accepted compensation for licensed activities from individuals
16 and/or entities other than his employing broker.

17 9.

18 Respondent BALASURIYA's employing real estate broker on
19 record with the Department between August 2, 2000 and February
20 15, 2001 was Bennett-Boswell & Associates, Inc., whose designated
21 broker officer at that time was Clark Lynn Bennett. Respondent
22 BALASURIYA carried out the property management activities set
23 forth above in Paragraphs 5, 6 and 7 without the knowledge or
24 supervision of his supervising broker at the time. He accepted
25 compensation for licensed activities from individuals and/or
26 entities other than his employing broker.

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10.

Respondent BALASURIYA's employing real estate broker on record with the Department between February 23, 2001 and December 22, 2001 was P&P Financial Services, Inc., whose designated broker of record at the time was Perfecto Ferrer Gallardo. Respondent BALASURIYA carried out the property management activities set forth above in Paragraphs 5, 6 and 7 without the knowledge or supervision of his supervising broker at the time. He accepted compensation for activities requiring a real estate license from individuals and/or entities other than his employing broker.

11.

At all times set forth in Paragraphs 5 through 7, Respondent METRO was not licensed by the Department in any capacity and was not operating as a "dba" of any other licensed individual or entity.

12.

The conduct, acts and/or omissions of Respondent BALASURIYA in performing acts requiring a real estate broker license when he neither had a real estate broker license nor was working with the knowledge and supervision of a licensed real estate broker by whom he was employed, and in accepting compensation for performing licensed activities from individuals other than his employing broker is in violation of Code Section 10130 and 10145 (c) and constitutes grounds for the suspension or revocation of Respondent BALASURIYA's real estate license and license rights pursuant to Code Sections 10137 and 10177(d).

13.

The conduct, acts and/or omissions of Respondent BALASURIYA in performing acts requiring a real estate broker license when he was employed by licensed brokers but performing and accepting compensation for acts requiring a license without their knowledge or supervision constitutes grounds for revocation or suspension of Respondent's license pursuant to Code Sections 10176(i) and/or 10177(j).

14.

The conduct, acts and/or omissions of Respondent METRO in engaging in property management activities for others for compensation when it was not in fact licensed by the Department and operating through a designated broker-officer of record as set forth herein is in violation of Code Section 10130 and Title 10, Chapter 6 of the California Code of Regulations (hereinafter "Regulations"), Regulation 2740(a) and is grounds for revocation or suspension of Respondent METRO's license and license rights pursuant to Code Sections 10177(f) and 10177(d).

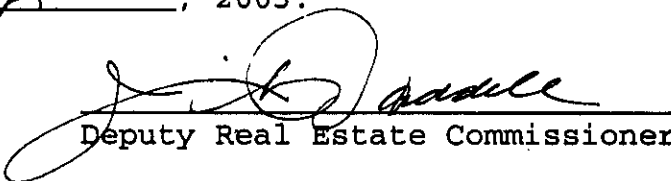
15.

The conduct, acts and/or omissions of Respondents BALASURIYA and METRO SERENDIB CORPORATION in using the false and fictitious names of "Metro Serendib Inc.," and "Metro Serendib Corporation" as set forth herein above when they were not the holders of a license bearing that fictitious name is grounds for suspension or revocation of Respondent BALASURIYA's and Respondent METRO's real estate licenses pursuant to Code Section 10177(d) for violation of Regulation 2731(b).

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 THILINA BALASURIYA and Respondent METRO SERENDIB CORPORATION
6 under the Real Estate Law, and for such other and further relief
7 as may be proper under other applicable provisions of law.

8 Dated at Los Angeles, California

9 this 23rd day of May, 2003.

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11 
12 Deputy Real Estate Commissioner
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22 cc: Thilina Balasuriya
23 Metro Serendib Corporation
24 Mukesh Chinubhai Patel
25 Janice Waddell
26 Sacto.
27 CT