



**LICENSE HISTORY**

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2           3.       Respondent AEI has been licensed by the Department as a real estate corporation  
3 (“REC”), license identification number (“License ID”) 02054166, from on or about May 1, 2018,  
4 through the present, with AEI’s license scheduled to expire on April 30, 2026, unless renewed. AEI  
5 is licensed through the real estate broker (“REB”) license of DARCUIEL, License ID 01401759,  
6 and DARCUIEL is AEI’s designated officer (“D.O.”). According to Department records to date,  
7 AEI has no branch offices, maintains no fictitious business names with the DRE, employs one (1)  
8 broker associate, and employs twenty-six (26) salespersons, including but not limited to:

- 9                   a.       Ronald Loguya Peterson (“Peterson”), License ID 02114963;  
10                   b.       John Paul Bale (“Bale”), License ID 01809512;  
11                   c.       Keaton Rodney English (“English”), License ID 02026461; and,  
12                   d.       Anthony Allen McNichols II (“McNichols”), License ID 02120507.

13           4.       Respondent C&C has been licensed by the Department as a REC, License ID  
14 01524401, from on or about May 19, 2006, through the present, with C&C’s license scheduled to  
15 expire on May 18, 2026, unless renewed. C&C is licensed through the REB license of DARCUIEL,  
16 who is also the D.O. of C&C. According to Department records to date, C&C has two branch  
17 offices, employs three (3) broker associates and six (6) salespersons, and maintains no fictitious  
18 business names with the DRE.

19           5.       Respondent DARCUIEL has been licensed by the Department as a REB, License ID  
20 01401759, from on or about February 24, 2005, through the present, with DARCUIEL’s license  
21 scheduled to expire on February 23, 2025, unless renewed. According to Department records to  
22 date, DARCUIEL maintains the licensed fictitious business name, “C & C Capital Mortgage &  
23 Realty” which has been active as of June 7, 2005. DARCUIEL was previously licensed as a real  
24 estate salesperson (“RES”) from on or about October 17, 2003 to February 23, 2005.

25           6.       Respondent BROWN has been licensed by the Department as a Restricted RES,  
26 License ID 02080684, from on or about November 19, 2020, through the present with BROWN’s  
27 license scheduled to expire on November 18, 2024, unless renewed. On or about April 16, 2021,

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1 the DRE received a Prospective Employing Broker Certification for BROWN, signed by  
2 DARCUIEL stating:

3 I will carefully review all transaction documents which the restricted salesperson  
4 licensee or holder of a restricted endorsement prepares and will otherwise exercise  
5 close supervision over the licensed activity of the above named salesperson. Should  
6 he/she violate any of the conditions of the restricted license and/or endorsement, I  
7 will immediately notify the Real Estate Commissioner in writing.

8 On or about April 27, 2021, the DRE received a Restricted Salesperson Change Application from  
9 BROWN, listing AEI as BROWN's new sponsoring broker. From on or about April 27, 2021,  
10 BROWN has been employed by and licensed under AEI. According to Department records to date,  
11 BROWN has not at any time been employed by or licensed under C&C.

12 **PRIOR DISCIPLINE OF BROWN: DRE CASE NO. H-05122-SD**

13 7. On or about January 16, 2020, in DRE Case No. H-05122-SD, the DRE filed a  
14 Statement of Issues against BROWN, alleging the following:

15 a. On or about March 11, 2016, BROWN was convicted in the Commonwealth  
16 of Virginia, General District Court, Fairfax County, Case No. GT15247213-00, for violation  
17 of Virginia Code section 18.2-266 (Driving Motor Vehicle While Intoxicated), a  
18 misdemeanor.

19 b. On or about May 5, 2016, BROWN was convicted in the Commonwealth of  
20 Virginia, General District Court, Fairfax County, Case No. GC16079044-00, for violation  
21 of Virginia Code section 18.2-206 (Procuring an Animal, Aircraft, Vehicle or Boat with  
22 Intent to Defraud), a misdemeanor.

23 c. On or about April 17, 2017, BROWN was convicted in the Superior Court of  
24 California, County of Sonoma, Case No. SCR696967, for violation of California Penal Code  
25 section 243(b) (Battery Against Specified Officers), a misdemeanor.

26 d. The above convictions bear a substantial relationship under section 2910,  
27 Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties  
28 of a real estate licensee, and constitute cause for denial of Respondent's application for a  
real estate license under Business and Professions Code sections 475(a)(2)-(3), 480(a)(1)-  
(2), and 10177(b)(1).

1           8. On or about November 12, 2020, in DRE Case No. H-05122-SD, the DRE filed a  
2 Stipulation and Waiver for BROWN. Under the terms of the Stipulation and Waiver, BROWN  
3 admitted that the allegations of the Statement of Issues filed against him in DRE Case No. H-05122-  
4 SD were true and correct and requested that the Real Estate Commissioner (“Commissioner”) in his  
5 discretion issue a restricted RES license to BROWN pursuant to Code section 10156.5. Under the  
6 terms of the Stipulation and Waiver, BROWN agreed and understood, among other things, that:

7           a. The Commissioner may suspend the right to exercise any privileges granted  
8 under the restricted license in the event of:

9                   (1) BROWN’s conviction (including a plea of nolo contendere) of a  
10 crime which bears a substantial relationship to BROWN’s fitness or capacity as a  
11 real estate licensee; or

12                   (2) The receipt of evidence that BROWN has violated provisions of the  
13 California Real Estate Law, the Subdivided Lands Law, Regulations of the  
14 Commissioner, or conditions attaching to the restricted license.

15           b. BROWN shall not be eligible to petition for the issuance of an unrestricted  
16 real estate license nor the removal of any of the conditions, limitations, or restrictions  
17 attaching to the restricted license until two (2) years have elapsed from the date of issuance  
18 of the restricted license to BROWN.

19           c. With BROWN’s application for license, or with the application for transfer  
20 to a new responsible broker, BROWN shall submit a statement signed by the prospective  
21 responsible broker on a form approved by the Department wherein the responsible broker  
22 shall certify as follows:

23                   (1) That the broker has read the Statement of Issues which is the basis for  
24 the issuance of the restricted license; and

25                   (2) That the broker will carefully review all transaction documents  
26 prepared by the restricted licensee and otherwise exercise close supervision over the  
27 licensee’s performance of acts for which a license is required.

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1 showing that BROWN was licensed under AEI. The P.E.<sup>1/</sup> Living Trust, the seller of the Bayard  
2 Property, received multiple offers, but the offer received from BROWN's client was the highest  
3 offer, and the seller wanted to make a decision. The listing agent and broker for the seller of the  
4 Bayard Property made numerous attempts to contact BROWN and DARCUIEL to discuss the issue  
5 of BROWN listing his broker as C&C on the offer to purchase when BROWN was not licensed  
6 under C&C, but was in fact licensed under AEI, however, the listing agent and broker for the seller  
7 of the Bayard Property never received a response from BROWN or DARCUIEL.

8 Transactions Involving BROWN

9 15. Based on information obtained during DRE's investigation of the complaint, by  
10 agreement dated December 20, 2020, BROWN signed an Independent Contractor Agreement with  
11 C&C. C&C never notified the DRE that BROWN was employed by C&C.

12 16. On or about March 10, 2022, Skylark Partners Inc. ("SPI") ("Buyer"), represented  
13 by BROWN as the Buyer's Agent, and C&C as the Buyer's Broker, executed California Residential  
14 Purchase Agreement ("RPA") offering to purchase the Bayard Property from the P.E. Living Trust  
15 for \$1,160,000.00. At the time of executing this RPA, BROWN was not licensed under nor  
16 employed by C&C.

17 17. On or about May 25, 2022, SPI, represented by BROWN as the Buyer's Agent, and  
18 C&C as the Buyer's Broker, executed an RPA offering to purchase property located at 13825  
19 Fontanelle Place, San Diego, California ("Fontanelle Property"), for \$1,350,000.00. At the time  
20 of executing this RPA, BROWN was not licensed under nor employed by C&C.

21 18. On or about May 26, 2022, SPI, represented by BROWN as the Buyer's Agent, and  
22 C&C as the Buyer's Broker, executed an RPA offering to purchase property located at 211 James  
23 Street, San Diego, California ("James Property"), for \$693,000.00. At the time of executing this  
24 RPA, BROWN was not licensed under nor employed by C&C.

25 19. Also on or about May 26, 2022, SPI, represented by BROWN as the Buyer's Agent,  
26 and C&C as the Buyer's Broker, executed an RPA offering to purchase property located at 643

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28 <sup>1/</sup> Initials are used in place of an individual's full name to protect their privacy. Documents containing the individuals' full names will be provided during the discovery phase of this case to Respondents and/or their attorney(s), after service of a timely and proper request for discovery on Complainant's counsel.

1 Hubbard Avenue, San Diego, California (“Hubbard Property”), for \$843,000.00. At the time of  
2 executing this RPA, BROWN was not licensed under nor employed by C&C.

3 Transactions Involving Failure to Disclose Interest in SPI

4 20. On or about February 1, 2022, W.R. and E.R. (“Buyers”), represented by AEI as the  
5 Buyer’s Broker, executed an RPA offering to purchase property located at 642 Mariposa Circle,  
6 Chula Vista, California (“Mariposa Property”), from SPI (“Seller”) for \$920,000.00, and escrow  
7 closed on or about March 22, 2022. The Seller, SPI, was also represented by AEI as the Seller’s  
8 Broker. In a Statement of Information filed for SPI with the California Secretary of State on July  
9 15, 2020, DARCUIEL is listed as SPI’s chief financial officer and as a director. AEI did not disclose  
10 to the Buyers of the Mariposa Property that DARCUIEL had an ownership interest in the property  
11 as the Seller while also representing the Buyers.

12 21. On or about March 11, 2022, B.N. and A.N. (“Buyers”), represented by AEI as the  
13 Buyer’s Broker, executed an RPA offering to purchase property located at 6891 Cartwright Street,  
14 San Diego, California (“Cartwright Property”), from SPI (“Seller”) for \$1,275,000.00, and escrow  
15 closed on or about April 8, 2022. The Seller, SPI, was also represented by AEI as the Seller’s  
16 Broker. In a Statement of Information filed for SPI with the California Secretary of State on July  
17 15, 2020, DARCUIEL is listed as SPI’s chief financial officer and as a director. AEI did not disclose  
18 to the Buyers of the Cartwright Property that DARCUIEL had an ownership interest in the property  
19 as the Seller while also representing the Buyers.

20 22. On or about April 6, 2022, J.E. and J.M. (“Buyers”), represented by AEI as the  
21 Buyer’s Broker, executed an RPA offering to purchase property located at 4731 Lithrop Place, San  
22 Diego, California (“Lithrop Property”), from SPI (“Seller”) for \$995,000.00, and escrow closed on  
23 or about April 29, 2022. The Seller, SPI, was also represented by AEI as the Seller’s Broker. In a  
24 Statement of Information filed for SPI with the California Secretary of State on July 15, 2020,  
25 DARCUIEL is listed as SPI’s chief financial officer and as a director. AEI did not disclose to the  
26 Buyers of the Cartwright Property that DARCUIEL had an ownership interest in the property as the  
27 Seller while also representing the Buyers.

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1           23.     On or about April 28, 2022, S.H. and A.C. (“Buyers”), represented by AEI as the  
2 Buyer’s Broker, executed an RPA offering to purchase property located at 5159 Via Mindanao,  
3 Oceanside, California (“Via Mindanao Property”), from SPI (“Seller”) for \$1,101,000.00, and  
4 escrow closed on or about June 1, 2022. The Seller, SPI, was also represented by AEI as the  
5 Seller’s Broker. In a Statement of Information filed for SPI with the California Secretary of State  
6 on July 15, 2020, DARCUIEL is listed as SPI’s chief financial officer and as a director. AEI did  
7 not disclose to the Buyers of the Via Mindanao Property that DARCUIEL had an ownership  
8 interest in the property as the Seller while also representing the Buyers.

9     Advertising Violations

10           24.     On or about October 25, 2022, on RES Peterson’s Facebook page, Peterson failed to  
11 disclose his DRE license identification number and responsible broker’s identity and Peterson used  
12 the unlicensed fictitious business names “Checkmate Real Estate,” and “Loguya Estates,” in  
13 violation of **Code sections 10140.6 and 10159.5**. On November 22, 2022, Peterson was also using  
14 the unlicensed fictitious business name “Loguya Estates” on the website loguyaestates.com, and he  
15 also failed to disclose his DRE license identification number and responsible broker’s identity on  
16 the website loguyaestates.com, in violation of **Code sections 10140.6 and 10159.5 and Regulation**  
17 **2731**.

18           25.     On or about October 25, 2022, RES Bale was using the unlicensed fictitious business  
19 name “Ameritage Realty” on the website johnbale.com, in violation of **Code section 10159.5 and**  
20 **Regulation 2731**.

21           26.     On or about October 25, 2022, on RES English’s website <https://engishstates.us>,  
22 English used the unlicensed fictitious business name “English Estates,” English’s DRE license  
23 identification number is listed at the bottom of the webpage in a type size that is smaller than the  
24 next smallest type size used on the page, and English failed to disclose his responsible broker’s  
25 identity, in violation of **Code section 10159.5 and Regulations 2731 and 2773**.

26           27.     On or about October 25, 2022, on RES McNichols’s website [anthonymcnichols.com](http://anthonymcnichols.com),  
27 McNichols used the unlicensed fictitious business name “McNichols Group,” which also does not  
28 meet the requirements for a team name, in violation of **Code sections 10159.5 and 10159.6, and**

1 **Regulation 2731.** McNichols also listed the unlicensed branch office location of 601-C E Palomar  
2 St. #243, Chula Vista, CA 91911 on the website anthonymcnichols.com, in violation of Code  
3 sections 10162 and 10163.

4 28. DARCUIEL informed the DRE that he did not review his salespersons' advertising,  
5 however, he did review some of the salespersons' social media advertising.

6 **VIOLATIONS OF THE REAL ESTATE LAW – CAUSES FOR DISCIPLINE**

7 29. In the course of the activities described above in Paragraphs 11 and 12, and based on  
8 the facts discovered by the DRE, as described in Paragraphs 13 through 27 above, Respondents  
9 acted in violation of the Code and Regulations as follows.

10 **FIRST CAUSE OF ACCUSATION**

11 30. The Complainant realleges and incorporates by reference all of the allegations  
12 contained in paragraphs 1 through 29 above with the same force and effect as though fully set forth  
13 herein.

14 31. BROWN's acts and/or omissions in executing RPAs for the Bayard, Fontanelle,  
15 James, and Hubbard Properties as the Buyer's Agent, and listing the Buyer's Broker as C&C, when  
16 BROWN was not licensed under nor employed by C&C, and in failing to respond to inquiries by  
17 the Seller of the Bayard Property when BROWN's client had made the highest offer on the Bayard  
18 Property, are in violation of Code sections 10176(a), and 10177(d) and/or 10177(g) and constitute  
19 cause to suspend or revoke the real estate licenses and license rights of Respondent BROWN  
20 pursuant to Code sections 10176(a), 10177(d) and/or 10177(g).

21 **SECOND CAUSE OF ACCUSATION**

22 32. The Complainant realleges and incorporates by reference all of the allegations  
23 contained in paragraphs 1 through 31 above with the same force and effect as though fully set forth  
24 herein.

25 33. At all relevant times herein, while acting as a real estate broker and agent of the  
26 Buyers of the Mariposa, Cartwright, Lithrop, and Via Mindanao Properties, AEI owed the Buyers  
27 fiduciary duties, including, but not limited to the following: duty of reasonable care and skill; duty  
28 of good faith; duty of loyalty; duty of diligence; duty to avoid conflicts of interest; duty of fullest

1 disclosure of all material facts affecting the Buyers' rights and interests, and all material facts  
2 affecting the value of the properties.

3 34. AEI's acts and/or omissions in failing to disclose to the Buyers that AEI had an  
4 ownership interest in each property as the Seller through DARCUIEL are in violation of **Code**  
5 **sections 10176(a), 10177(o), and 10177(d) and/or 10177(g)**, constitute a breach of AEI's fiduciary  
6 duties to the Buyers, and constitute cause to suspend or revoke the real estate licenses and license  
7 rights of Respondent AEI pursuant to **Code sections 10176(a), 10177(o), and 10177(d) and/or**  
8 **10177(g)**.

9 THIRD CAUSE OF ACCUSATION

10 35. The Complainant realleges and incorporates by reference all of the allegations  
11 contained in paragraphs 1 through 34 above with the same force and effect as though fully set  
12 forth herein.

13 36. C&C's acts and/or omissions in failing to notify the DRE that BROWN entered  
14 into the employ of C&C within five days of executing the Independent Contractor Agreement with  
15 BROWN are in violation of **Code section 10161.8 and Regulation 2752**, and constitute cause to  
16 suspend or revoke the real estate licenses and license rights of Respondent C&C pursuant to **Code**  
17 **sections 10177(d) and/or 10177(g)**.

18 FOURTH CAUSE OF ACCUSATION

19 37. The Complainant realleges and incorporates by reference all of the allegations  
20 contained in paragraphs 1 through 36 above with the same force and effect as though fully set  
21 forth herein.

22 38. DARCUIEL as the broker and designated officer of AEI and C&C, as alleged  
23 above in paragraphs 3 through 6, and 11 through 36, and in the First, Second, and Third Causes of  
24 Accusation, did not exercise adequate supervision and control over the real estate activities  
25 conducted on behalf of AEI and C&C by their employees and licensees to ensure compliance with  
26 the Real Estate Laws and Regulations. DARCUIEL as the broker and designated officer of AEI  
27 and C&C, in signing the Prospective Employing Broker Certification for BROWN, did not

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1 exercise adequate supervision and control over the real estate activities conducted by BROWN, as  
2 alleged in paragraphs 14 through 19.

3 39. DARCUIEL failed to establish policies, rules, procedures, and systems to review,  
4 oversee, inspect, and manage transactions requiring a real estate license by AEI's and C&C's  
5 licensees and employees. DARCUIEL's acts and/or omissions are in violation of **Code sections**  
6 **10159.2, 10177(h), and 10177(d) and/or 10177(g), and Regulation 2725**, and constitute cause to  
7 suspend or revoke the real estate licenses and license rights of Respondent DARCUIEL pursuant  
8 to **Code sections 10177(h) and 10177(d) and/or 10177(g)**.

9 COSTS

10 (INVESTIGATION AND ENFORCEMENT COSTS)

11 40. **Code section 10106** provides, in pertinent part that in any order issued in resolution  
12 of a disciplinary proceeding before the DRE, the Commissioner may request the administrative law  
13 judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed  
14 the reasonable costs of investigation and enforcement of the case.

15 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this  
16 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against  
17 all the licenses and license rights of Respondents ACROPOLIS ENTERPRISE INC., C & C  
18 CAPITAL MORTGAGE & REALTY INC., FARUQ DARCUIEL, and LAWAN KENTON  
19 BROWN under the Real Estate Law, for the costs of investigation and enforcement as permitted by  
20 law, and for such other and further relief as may be proper under other applicable provisions of law.

21 Dated at San Diego, California this 13 day of December, 2022.

22 *Veronica Kilpatrick*

23 \_\_\_\_\_  
24 Veronica Kilpatrick  
Supervising Special Investigator

25 cc: ACROPOLIS ENTERPRISE INC.  
26 C & C CAPITAL MORTGAGE & REALTY INC.  
27 FARUQ DARCUIEL  
LAWAN KENTON BROWN  
28 Veronica Kilpatrick  
Sacto.