

FILED

SEP 26 2023

DEPT. OF REAL ESTATE

By _____

1 LAURENCE D. HAVESON, Counsel (SBN 152631)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 Direct: (213) 576-6854
7 Fax: (213) 576-6917
8 Email: Laurence.Haveson@dre.ca.gov
9 *Attorney for Complainant*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

No. H-05717-SD

ACROPOLIS ENTERPRISE INC.,
C & C CAPITAL MORTGAGE &
REALTY INC., FARUQ DARCUIEL,
individually and as designated officer
of Acropolis Enterprise Inc. and C & C
Capital Mortgage & Realty Inc., and
LAWAN KENTON BROWN,

FIRST AMENDED ACCUSATION

Respondents.

This First Amended Accusation amends the Accusation filed on December 14, 2022.

The Accusation filed on December 14, 2022 (“Original Accusation”) is amended to add: a new footnote 1 to confirm the status of each Respondent; a new subparagraph (d) to Paragraph 8 to provide further terms from the Stipulation and Waiver agreed to by Respondent LAWAN KENTON BROWN, in DRE Case No. H-05122-SD; information to the heading for each cause of accusation alleged to designate which Respondent(s) such cause of accusation is alleged against; a Fifth, Sixth, and Seventh Cause of Accusation, alleging new Paragraphs 40 through 64, based on evidence discovered on and after July 31, 2023. Footnote 1 and Paragraph 40 from the Original Accusation have been renumbered to Footnote 2 and Paragraph 65. No other parts of the Original Accusation are affected.

///

1 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the
2 Department of Real Estate (“Department” or “DRE”) of the State of California, for cause of
3 Accusation against ACROPOLIS ENTERPRISE INC. (“AEI”), C & C CAPITAL MORTGAGE &
4 REALTY INC. (“C&C”), FARUQ DARCUIEL (“DARCUIEL”), individually and as designated
5 officer of Acropolis Enterprise Inc. and C & C Capital Mortgage & Realty Inc.,^{1/} and LAWAN
6 KENTON BROWN (“BROWN”), collectively, “Respondents,” is informed and alleges in her
7 official capacity as follows:

8 1. The Complainant, Veronica Kilpatrick, acting in her official capacity as a
9 Supervising Special Investigator, makes this Accusation against Respondents.

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

12 **LICENSE HISTORY**

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

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

24 4. Respondent C&C has been licensed by the Department as a REC, License ID
25 01524401, from on or about May 19, 2006, through the present, with C&C’s license scheduled to

26 ^{1/} On August 22, 2023, the Real Estate Commissioner signed a Decision adopting a Stipulation and Agreement entered
27 into by Respondents AEI, C&C, and DARCUIEL, effective September 18, 2023, for the purpose of settling the
28 Accusation filed on December 14, 2022 as against these Respondents only. This matter is still proceeding against
Respondent LAWAN KENTON BROWN. The allegations against Respondents AEI, C&C, and DARCUIEL are
retained in this First Amended Accusation because they are referenced in the Stipulation and Agreement entered into
by Respondents AEI, C&C, and DARCUIEL, and also have some relevance for Respondent BROWN.

1 expire on May 18, 2026, unless renewed. C&C is licensed through the REB license of DARCUIEL,
2 who is also the D.O. of C&C. According to Department records to date, C&C has two branch
3 offices, employs three (3) broker associates and six (6) salespersons, and maintains no fictitious
4 business names with the DRE.

5 5. Respondent DARCUIEL has been licensed by the Department as a REB, License ID
6 01401759, from on or about February 24, 2005, through the present, with DARCUIEL's license
7 scheduled to expire on February 23, 2025, unless renewed. According to Department records to
8 date, DARCUIEL maintains the licensed fictitious business name, "C & C Capital Mortgage &
9 Realty" which has been active as of June 7, 2005. DARCUIEL was previously licensed as a real
10 estate salesperson ("RES") from on or about October 17, 2003, to February 23, 2005.

11 6. Respondent BROWN has been licensed by the Department as a Restricted RES,
12 License ID 02080684, from on or about November 19, 2020, through the present with BROWN's
13 license scheduled to expire on November 18, 2024, unless renewed. On or about April 16, 2021,
14 the DRE received a Prospective Employing Broker Certification for BROWN, signed by
15 DARCUIEL stating:

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

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

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

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

27 a. On or about March 11, 2016, BROWN was convicted in the Commonwealth
28 of Virginia, General District Court, Fairfax County, Case No. GT15247213-00, for violation

1 of Virginia Code section 18.2-266 (Driving Motor Vehicle While Intoxicated), a
2 misdemeanor.

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

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

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

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

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

23 (1) BROWN's conviction (including a plea of nolo contendere) of a
24 crime which bears a substantial relationship to BROWN's fitness or capacity as a
25 real estate licensee; or

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

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

5 c. With BROWN's application for license, or with the application for transfer
6 to a new responsible broker, BROWN shall submit a statement signed by the prospective
7 responsible broker on a form approved by the Department wherein the responsible broker
8 shall certify as follows:

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

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

14 d. Respondent shall notify the Commissioner in writing within seventy-two (72)
15 hours of any arrest by sending a certified letter to the Commissioner at the Department of
16 Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth
17 the date of Respondent's arrest, the crime for which Respondent was arrested and the name
18 and address of the arresting law enforcement agency. Respondent's failure to timely file
19 written notice shall constitute an independent violation of the terms of the restricted license
20 and shall be grounds for the suspension or revocation of that license.

21 9. On or about November 4, 2020, the Commissioner signed the Stipulation and Waiver
22 and ordered that a restricted RES license be issued to BROWN.

23 10. On or about November 19, 2020, the DRE issued the Restricted RES license to
24 BROWN.

25 11. As alleged above in paragraph 6, on or about April 16, 2021, the DRE received a
26 Prospective Employing Broker Certification for BROWN, which was signed by DARCUIEL, and
27 on or about April 27, 2021, the DRE received a Restricted Salesperson Change Application from
28 BROWN, listing AEI as BROWN's new sponsoring broker.

1 **BROKERAGE: AEI**

2 12. At all times mentioned, in San Diego County, AEI acted as a real estate broker,
3 conducting licensed activities within the meaning of Code section 10131(a): selling and buying real
4 property for others. At all times mentioned, AEI conducted such licensed activities for compensation
5 or in expectation of compensation. At all times mentioned, AEI acted by and through DARCUIEL
6 as its D.O. pursuant to Code Section 10159.2, and DARCUIEL was responsible for ensuring
7 compliance with the Real Estate Law.

8 **BROKERAGE: C&C**

9 13. At all times mentioned, in the Counties of San Diego, Fresno, and Imperial, C&C
10 acted as a real estate broker, conducting licensed activities within the meaning of Code section
11 10131(a): selling and buying real property for others. At all times mentioned, C&C conducted such
12 licensed activities for compensation or in expectation of compensation. At all times mentioned,
13 C&C acted by and through DARCUIEL as its D.O. pursuant to Code Section 10159.2, and
14 DARCUIEL was responsible for ensuring compliance with the Real Estate Law.

15 **FACTS DISCOVERED BY DRE**

16 14. On or about April 15, 2022, the DRE received an anonymous complaint alleging that
17 BROWN, on behalf of a buyer, submitted an offer to purchase property located at 4765 Bayard
18 Street, San Diego, California ("Bayard Property") to the seller, but BROWN listed his broker as
19 C&C, which was inconsistent with the licensing information provided on the DRE public website
20 showing that BROWN was licensed under AEI. The P.E.^{2/} Living Trust, the seller of the Bayard
21 Property, received multiple offers, but the offer received from BROWN's client was the highest
22 offer, and the seller wanted to make a decision. The listing agent and broker for the seller of the
23 Bayard Property made numerous attempts to contact BROWN and DARCUIEL to discuss the issue
24 of BROWN listing his broker as C&C on the offer to purchase when BROWN was not licensed
25 under C&C, but was in fact licensed under AEI, however, the listing agent and broker for the seller
26 of the Bayard Property never received a response from BROWN or DARCUIEL.

27 _____
28 ^{2/} 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 Transactions Involving BROWN

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

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

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

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

18 19. Also, on or about May 26, 2022, SPI, represented by BROWN as the Buyer's Agent,
19 and C&C as the Buyer's Broker, executed an RPA offering to purchase property located at 643
20 Hubbard Avenue, San Diego, California ("Hubbard Property"), for \$843,000.00. At the time of
21 executing this RPA, BROWN was not licensed under nor employed by C&C.

22 Transactions Involving Failure to Disclose Interest in SPI

23 20. On or about February 1, 2022, W.R. and E.R. ("Buyers"), represented by AEI as the
24 Buyer's Broker, executed an RPA offering to purchase property located at 642 Mariposa Circle,
25 Chula Vista, California ("Mariposa Property"), from SPI ("Seller") for \$920,000.00, and escrow
26 closed on or about March 22, 2022. The Seller, SPI, was also represented by AEI as the Seller's
27 Broker. In a Statement of Information filed for SPI with the California Secretary of State on July
28 15, 2020, DARCUIEL is listed as SPI's chief financial officer and as a director. AEI did not disclose

1 to the Buyers of the Mariposa Property that DARCUIEL had an ownership interest in the property
2 as the Seller while also representing the Buyers.

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

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

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

27 ///

28 ///

1 Advertising Violations

2 24. On or about October 25, 2022, on RES Peterson's Facebook page, Peterson failed to
3 disclose his DRE license identification number and responsible broker's identity and Peterson used
4 the unlicensed fictitious business names "Checkmate Real Estate," and "Loguya Estates," in
5 violation of **Code sections 10140.6 and 10159.5**. On November 22, 2022, Peterson was also using
6 the unlicensed fictitious business name "Loguya Estates" on the website loguyaestates.com, and he
7 also failed to disclose his DRE license identification number and responsible broker's identity on
8 the website loguyaestates.com, in violation of **Code sections 10140.6 and 10159.5 and Regulation**
9 **2731**.

10 25. On or about October 25, 2022, RES Bale was using the unlicensed fictitious business
11 name "Ameritage Realty" on the website johnbale.com, in violation of **Code section 10159.5 and**
12 **Regulation 2731**.

13 26. On or about October 25, 2022, on RES English's website <https://engishestates.us>,
14 English used the unlicensed fictitious business name "English Estates," English's DRE license
15 identification number is listed at the bottom of the webpage in a type size that is smaller than the
16 next smallest type size used on the page, and English failed to disclose his responsible broker's
17 identity, in violation of **Code section 10159.5 and Regulations 2731 and 2773**.

18 27. On or about October 25, 2022, on RES McNichols's website anthonymcnichols.com,
19 McNichols used the unlicensed fictitious business name "McNichols Group," which also does not
20 meet the requirements for a team name, in violation of **Code sections 10159.5 and 10159.6, and**
21 **Regulation 2731**. McNichols also listed the unlicensed branch office location of 601-C E Palomar
22 St. #243, Chula Vista, CA 91911 on the website anthonymcnichols.com, in violation of **Code**
23 **sections 10162 and 10163**.

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

26 ///

27 ///

28 ///

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

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

5 **FIRST CAUSE OF ACCUSATION AGAINST BROWN**

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

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

16 **SECOND CAUSE OF ACCUSATION AGAINST AEI**

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

20 33. At all relevant times herein, while acting as a real estate broker and agent of the
21 Buyers of the Mariposa, Cartwright, Lithrop, and Via Mindanao Properties, AEI owed the Buyers
22 fiduciary duties, including, but not limited to the following: duty of reasonable care and skill; duty
23 of good faith; duty of loyalty; duty of diligence; duty to avoid conflicts of interest; duty of fullest
24 disclosure of all material facts affecting the Buyers' rights and interests, and all material facts
25 affecting the value of the properties.

26 34. AEI's acts and/or omissions in failing to disclose to the Buyers that AEI had an
27 ownership interest in each property as the Seller through DARCUIEL are in violation of **Code**
28 **sections 10176(a), 10177(o), and 10177(d) and/or 10177(g)**, constitute a breach of AEI's fiduciary

1 duties to the Buyers, and constitute cause to suspend or revoke the real estate licenses and license
2 rights of Respondent AEI pursuant to **Code sections 10176(a), 10177(o), and 10177(d) and/or**
3 **10177(g).**

4 THIRD CAUSE OF ACCUSATION AGAINST C&C

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

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

13 FOURTH CAUSE OF ACCUSATION AGAINST DARCUIEL

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

17 38. DARCUIEL as the broker and designated officer of AEI and C&C, as alleged above
18 in paragraphs 3 through 6, and 11 through 36, and in the First, Second, and Third Causes of
19 Accusation, did not exercise adequate supervision and control over the real estate activities
20 conducted on behalf of AEI and C&C by their employees and licensees to ensure compliance with
21 the Real Estate Laws and Regulations. DARCUIEL as the broker and designated officer of AEI and
22 C&C, in signing the Prospective Employing Broker Certification for BROWN, did not exercise
23 adequate supervision and control over the real estate activities conducted by BROWN, as alleged in
24 paragraphs 14 through 19.

25 39. DARCUIEL failed to establish policies, rules, procedures, and systems to review,
26 oversee, inspect, and manage transactions requiring a real estate license by AEI's and C&C's
27 licensees and employees. DARCUIEL's acts and/or omissions are in violation of **Code sections**
28 **10159.2, 10177(h), and 10177(d) and/or 10177(g), and Regulation 2725**, and constitute cause to

1 suspend or revoke the real estate licenses and license rights of Respondent DARCUIEL pursuant to
2 **Code sections 10177(h) and 10177(d) and/or 10177(g).**

3 FIFTH CAUSE OF ACCUSATION AGAINST BROWN

4 (CRIMINAL CONVICTIONS)

5 40. On or about March 17, 2023, in San Diego County Superior Court, Case No.
6 SCD298293 (“Case No. SCD298293”), a felony complaint was filed against Respondent BROWN
7 alleging:

8 a. In Count 1: that BROWN violated Vehicle Code section 23153(a) (driving
9 under the influence of alcohol causing injury), a felony, with special allegations that
10 BROWN proximately caused bodily injury or death to more than one victim, to wit: Megan
11 Gotiangco (and Samantha Nelson), within the meaning of Vehicle Code section 23558, that
12 BROWN had a blood alcohol concentration of 0.15 percent or more, by weight, within the
13 meaning of Vehicle Code section 23578, and that BROWN did willfully refuse a peace
14 officer's request to submit to, and failed to complete the chemical tests pursuant to Vehicle
15 Code section 23612, within the meaning of Vehicle Code section 23577.

16 b. In Count 2: that BROWN violated Vehicle Code section 23153(b) (driving
17 with a measurable blood alcohol causing injury), a felony, with special allegations that
18 BROWN proximately caused bodily injury or death to more than one victim, to wit Megan
19 Gotiangco (and Samantha Nelson), within the meaning of Vehicle Code section 23558, that
20 BROWN had a blood alcohol concentration of 0.15 percent or more, by weight, within the
21 meaning of Vehicle Code section 23578, and that BROWN did willfully refuse a peace
22 officer's request to submit to, and failed to complete the chemical tests pursuant to Vehicle
23 Code section 23612, within the meaning of Vehicle Code section 23577.

24 41. On or about May 10, 2023, in San Diego County Superior Court, Case No.
25 SCD298293, Respondent BROWN was convicted based on his guilty plea to violating Vehicle Code
26 sections 23153(b) (driving with a measurable blood alcohol causing injury), 23558 (causing bodily
27 injury or death to more than one victim), 23578 (blood alcohol concentration of 0.15% or more),

28 ///

1 and 23612 and 23577 (refusal to submit to and failure to complete breath or urine tests for blood
2 alcohol), all of which are felonies.

3 42. On or about June 16, 2023, in San Diego County Superior Court, Case No.
4 SCD299404 (“Case No. SCD299404”), a felony complaint was filed against Respondent BROWN
5 alleging:

6 a. In Count 1: that BROWN violated Vehicle Code section 23152(a) (driving
7 under influence of alcohol, specified felony driving prior within 10 years), a felony, with
8 special allegations that within ten (10) years of the commission of the above offense,
9 BROWN was convicted of a felony violation of Vehicle Code section 23153(b), to wit: (Date
10 of Offense) 10-16-2022, (Date of Conviction) 05-10-2023, (Docket No.) SCD298293, in the
11 Superior Court, County of San Diego, State of California, thus raising the present offense to
12 the status of a felony within the meaning of Vehicle Code sections 23626 and 23550.5(a),
13 that the above felony offense was committed while BROWN was released from custody on
14 bail, and on his own recognizance pending final judgment on an earlier felony offense (Court
15 Case Number CD298293), within the meaning of Penal Code section 12022.1(b).

16 b. In Count 2: that BROWN violated Vehicle Code section 23152(b) (driving
17 while having a measurable blood alcohol, specified felony driving prior within 10 years), a
18 felony, with special allegations that within ten (10) years of the commission of the above
19 offense, BROWN was convicted of a felony violation of Vehicle Code section 23153(b), to
20 wit: (Date of Offense) 10-16-2022, (Date of Conviction) 05-10-2023, (Docket No.)
21 SCD298293, in the Superior Court, County of San Diego, State of California, thus raising
22 the present offense to the status of a felony within the meaning of Vehicle Code sections
23 23626 and 23550.5(a), and that the above felony offense was committed while BROWN was
24 released from custody on bail, and on his own recognizance pending final judgment on an
25 earlier felony offense (Court Case Number CD298293), within the meaning of Penal Code
26 section 12022.1(b).

27 43. On or about June 28, 2023, in San Diego County Superior Court, Case No.
28 SCD299404, Respondent BROWN was convicted based on his guilty plea to violating Vehicle Code

1 sections 23152(a) and 23152(b), both felonies, with enhancements for Vehicle Code section
2 23550.5(a) (separate violation of Vehicle Code section 23153 punished as a felony), and Penal Code
3 section 12022.1(b) (arrest for secondary offense committed while released from custody on primary
4 offense).

5 44. On or about July 27, 2023, in San Diego County Superior Court Case Nos.
6 SCD298293 and SCD299404, the court suspended sentence, placed Respondent BROWN on formal
7 probation for three (3) years, and committed BROWN to the San Diego County Sheriff for 365 days,
8 with credit for 65 days, subject to terms and conditions including but not limited to paying restitution
9 to the victim(s). The court also remanded Respondent BROWN to the custody of the San Diego
10 County Sheriff without bail for 150 days. The court ordered the sentence in Case No. SCD298293
11 to be served concurrently with Case No. SCD299404.

12 45. The convictions, as described in Paragraphs 41 and 43 above, bear a substantial
13 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
14 qualifications, functions or duties of a real estate licensee.

15 46. The crimes, for which Respondent BROWN was convicted, as described in
16 Paragraphs 41 and 43 above, constitute cause under Code sections 490 and 10177(b) for the
17 suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

18 SIXTH CAUSE OF ACCUSATION AGAINST BROWN

19 (FAILURE TO REPORT FELONY CHARGES AND CONVICTIONS)

20 47. The Complainant realleges and incorporates by reference all of the allegations
21 contained in paragraphs 1 through 46 above, with the same force and effect as though fully set forth
22 herein.

23 48. Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, “The
24 bringing of a criminal complaint . . . charging a felony against the licensee” and “[t]he conviction
25 of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or
26 misdemeanor” to the Department within thirty (30) days of the bringing of the felony complaint, or
27 the conviction. Respondent BROWN failed to report in writing to the Department the felony
28 complaints charging one or more felonies against Respondent BROWN in San Diego County

1 Superior Court Case Nos. SCD298293 and SCD299404, and the convictions described in
2 Paragraphs 41 and 43 above, within thirty (30) days of the bringing of each felony complaint, and
3 within thirty (30) days of the conviction dates in San Diego County Superior Court Case Nos.
4 SCD298293 and SCD299404.

5 49. Respondent BROWN's failure to timely report the bringing of the felony complaints
6 charging felonies against him, and his convictions, in San Diego County Superior Court Case Nos.
7 SCD298293 and SCD299404, constitutes cause under Code sections 10186.2 and 10177(d) for the
8 suspension or revocation of the license and license rights of Respondent BROWN under the Real
9 Estate Law.

10 SEVENTH CAUSE OF ACCUSATION AGAINST BROWN

11 (VIOLATION OF TERMS CONTAINED IN ORDER GRANTING A RESTRICTED LICENSE)

12 50. The Complainant realleges and incorporates by reference all of the allegations
13 contained in paragraphs 1 through 49 above, with the same force and effect as though fully set forth
14 herein.

15 51. On or about November 19, 2020, a restricted real estate salesperson ("RRES")
16 license was issued to Respondent BROWN by the Department to Respondent on the terms,
17 conditions, and restrictions set forth in the Real Estate Commissioner's Order adopting the
18 Stipulation and Waiver, filed on November 12, 2020, in DRE Case No.H-05122-SD ("Order").

19 52. The Order, which became effective on November 4, 2020, granted Respondent
20 BROWN the right to the issuance of a restricted real estate salesperson license subject to the
21 provisions of Code section 10156.7 and to enumerated additional terms, conditions, and restrictions
22 imposed under authority of Code section 10156.6. The terms, conditions, and restrictions of the
23 Order included the following, in relevant part:

24 1. The restricted license shall not confer any property right in the privileges to be
25 exercised including the right of renewal, and the Commissioner may by
26 appropriate order suspend the right to exercise any privileges granted under the
restricted license in the event of:

27 a. Respondent's conviction (including a plea of nolo contendere) of a crime
28 which bears a substantial relationship to Respondent's fitness or capacity as
a real estate licensee; or

1 b. The receipt of evidence that Respondent has violated provisions of the
2 California Real Estate Law, the Subdivided Lands Law, Regulations of the
3 Commissioner, or conditions attaching to the restricted license.

4 [¶] . . . [¶]

5 4. Respondent shall notify the Commissioner in writing within seventy-two (72)
6 hours of any arrest by sending a certified letter to the Commissioner at the
7 Department of Real Estate, Post Office Box 137013, Sacramento, CA 95813-
8 7013. The letter shall set forth the date of Respondent's arrest, the crime for
9 which Respondent was arrested and the name and address of the arresting law
10 enforcement agency. Respondent's failure to timely file written notice shall
11 constitute an independent violation of the terms of the restricted license and shall
12 be grounds for the suspension or revocation of that license.

13 53. On or about March 10, 2022, May 25, 2022, and May 26, 2022, SPI, represented by
14 BROWN as the Buyer's Agent, and C&C as the broker, executed four separate RPAs, also signed
15 by BROWN, offering to purchase the Bayard, Fontanelle, James, and Hubbard Properties, at times
16 when BROWN was not licensed under nor employed by C&C, in violation of Code sections
17 10176(a), and 10177(d) and/or 10177(g).

18 54. On or about October 16, 2022, Respondent BROWN was arrested by the San Diego
19 Police Department for violation of Vehicle Code section 23152(a) (DUI alcohol), a misdemeanor.

20 55. On or about May 10, 2023, in San Diego County Superior Court, Case No.
21 SCD298293, Respondent BROWN was convicted based on his guilty plea to violating Vehicle Code
22 sections 23153(b) (driving with a measurable blood alcohol causing injury), 23558 (causing bodily
23 injury or death to more than one victim), 23578 (blood alcohol concentration of 0.15% or more),
24 and 23612 and 23577 (refusal to submit to and failure to complete breath or urine tests for blood
25 alcohol), all of which are felonies.

26 56. On or about June 14, 2023, Respondent BROWN was arrested by the California
27 Highway Patrol for violation of Vehicle Code sections 23152(a) (driving under the influence),
28 23152(b) (driving with a blood alcohol level of 0.08% or more), and 12500(a) (driving without a
valid driver's license), all of which are misdemeanors.

57. On or about June 28, 2023, in San Diego County Superior Court, Case No.
SCD299404, Respondent BROWN was convicted based on his guilty plea to violating Vehicle Code
sections 23152(a) and 23152(b), both felonies, with enhancements for Vehicle Code section

1 23550.5(a) (separate violation of Vehicle Code section 23153 punished as a felony), and Penal Code
2 section 12022.1(b) (arrest for secondary offense committed while released from custody on primary
3 offense).

4 58. Also, on or about June 28, 2023, Respondent BROWN was arrested by the San Diego
5 County Sheriff's Department pursuant to an order of remand into the custody of the Sheriff by the
6 San Diego County Superior Court.

7 59. On or about July 27, 2023, in San Diego County Superior Court Case Nos.
8 SCD298293 and SCD299404, the court suspended sentence, placed Respondent BROWN on formal
9 probation for three (3) years, and committed BROWN to the San Diego County Sheriff for 365 days,
10 with credit for 65 days, subject to terms and conditions including but not limited to paying restitution
11 to the victim(s). The court also remanded Respondent BROWN to the custody of the San Diego
12 County Sheriff without bail for 150 days. The court ordered the sentence in Case No. SCD298293
13 to be served concurrently with Case No. SCD299404.

14 60. Pursuant to Paragraph 4 of the Order, Respondent BROWN was required to notify
15 the Commissioner in writing by certified letter within seventy-two (72) hours of each of his arrests
16 on October 16, 2022, June 14, 2023, and June 28, 2023. However, Respondent BROWN failed to
17 notify the Commissioner in writing within seventy-two (72) hours of each of these arrests.

18 61. On August 24, 2023, the Department filed an Order Suspending Respondent
19 BROWN's restricted real estate salesperson license in which the Commissioner determined that as
20 of the dates of Respondent's felony convictions on May 10, 2023, and June 28, 2023, Respondent
21 BROWN was in violation of Code section 10177(k). Respondent BROWN's failure to timely report
22 his October 16, 2022, June 14, 2023, and June 28, 2023, arrests constitute independent violations of
23 the terms of his restricted license under Code section 10177(k).

24 62. Respondent BROWN has been incarcerated since on or about July 27, 2023, having
25 been remanded by the San Diego County Superior Court to the custody of the San Diego County
26 Sheriff without bail on July 27, 2023, for 150 days, with an expected release date on or about
27 December 25, 2023. Pursuant to Code section 10186.1, because Respondent was incarcerated after
28 his conviction of felonies, his restricted real estate salesperson license was suspended automatically.

1 63. Respondent BROWN's convictions in San Diego County Superior Court Case Nos.
2 SCD298293 and SCD299404 bear a substantial relationship under Section 2910, Title 10, Chapter
3 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

4 64. Respondent BROWN's failure to comply with the terms and conditions set forth in
5 the Order constitutes cause pursuant to Code section 10177(k), for the suspension or revocation of
6 Respondent BROWN's restricted real estate salesperson license and license rights under the Real
7 Estate Law.

8 COSTS

9 (INVESTIGATION AND ENFORCEMENT COSTS)

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

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

20 Dated 09/26/2023, at San Diego, California..

21 *Veronica Kilpatrick*

22 _____
23 Veronica Kilpatrick
Supervising Special Investigator

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