

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint
No. 25-040-C

ANDREW DARRYL LAPKOFF,
Licensed Real Estate Broker
License No. WV0028523

And

KRISTINA L. GRANADOS,
Licensed Real Estate Salesperson
License No. WVS210301461

Respondents.

CONSENT DECREE

Respondent Andrew Darryl Lapkoff (“Respondent Lapkoff”) and the West Virginia Real Estate Commission (“Commission”) enter into the following Consent Decree for the purpose of resolving the above-styled complaint. As reflected in this Consent Decree, the parties have reached an agreement in which each Respondent agrees and stipulates to the Findings of Fact, Conclusions of Law, and disposition of this matter. The Commission, having approved such agreement, does hereby Find and Order as follows:

FINDINGS OF FACT

1. Respondent Lapkoff is a licensed real estate broker in the State of West Virginia, holding license number WV0028523.

2. Respondent Granados is a licensed real estate salesperson in the State of West Virginia, holding license number WVS210301461.

3. At all times relevant, Respondent Lapkoff served as the broker for RE/MIL, LLC dba Achievers, in Harpers Ferry, West Virginia. Respondent Granados, at all times relevant, practiced under Respondent Lapkoff's supervision as a salesperson in the brokerage.

4. Real estate licenses must be renewed annually, on or before June 30.

5. On July 1, 2024, Respondent Granados renewed her license late on inactive status. Licensees on inactive status are not permitted to practice real estate.

6. Respondent Granados contacted the Commission office on November 19, 2024, requesting a copy of her license, which had not been renewed back to active status. Between January 22, 2025, and January 24, 2025, Commission staff exchanged emails with Respondent Lapkoff and Respondent Granados regarding Respondent Granados' failure to renew her license on active status.

7. During the period that Respondent Granados was on inactive status, she had one listing that was later withdrawn.

8. On March 19, 2025, the Commission initiated the present complaint against both Respondent Lapkoff and Respondent Granados.

9. At its meeting on May 21, 2025, the Commission determined there was probable cause to conclude that both Respondent Lapkoff and Respondent Granados violated the *West Virginia Real Estate License Act*, and authorized the proposal of a consent decree to informally resolve the matter.

10. Respondent Lapkoff has expressed a willingness to execute a proposed Consent Decree to resolve this matter. Respondent Granados has not. Accordingly, this Consent Decree resolves the above-styled Complaint as it relates to Respondent Lapkoff only.

CONCLUSIONS OF LAW

1. Pursuant to the *West Virginia Real Estate License Act*, West Virginia Code § 30-40-1, et seq., the Commission is charged with the regulation of the practice of real estate brokerage in this State, and, thus, has jurisdiction over this Formal Complaint.

2. In relevant part, West Virginia Code § 30-40-7(l) authorizes the Commission to impose sanctions for violations of the *West Virginia Real Estate License Act*, including, but not limited to, an administrative fine not to exceed \$1,000 per day per violation; probation; revocation; suspension; restitution; additional education; denial of future license; downgrade of license; reprimand; and/or the return of compensation collected from an injured consumer.

3. West Virginia Code § 30-40-19(a)(19) authorizes the Commission to sanction a licensee if the licensee “[v]iolates any of the provisions of the *West Virginia Real Estate License Act*], any rule or order or final decision issued by the commission.” West Virginia Code § 30-40-17(a)(5) mandates that a real estate broker “[m]aintain in his or her custody and control the license of each associate broker and salesperson employed by him or her[.]”

4. West Virginia Code § 30-40-19(a)(23) authorizes the Commission to sanction a licensee if the licensee “[c]ontinues in the capacity of or accepts the services of any broker, associate broker, or salesperson who is not properly licensed[.]”

5. Also with respect to a broker, West Virginia Code § 30-40-19(a)(30) authorizes the Commission to sanction a licensee if the licensee “[f]ails to adequately supervise all associate brokers and salespersons employed by him or her[.]”

6. By allowing Respondent Granados to participate in a listing agreement while her license was inactive, Respondent Lapkoff violated West Virginia Code §§ 30-40-17(a)(5), 30-40-19(a)(23), and 30-40-19(a)(30).

CONSENT

By signing below, Respondent Lapkoff agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he may pursue this matter through appropriate administrative proceedings and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

8.

2. Respondent acknowledges the Findings of Fact set forth above, admits that there is probable cause to conclude that the violations set forth above in the Conclusions of Law occurred, and consents to the entry of the following Order:

ORDER

On the basis of the foregoing, the Commission hereby ORDERS as follows:

1. Respondent Lapkoff is fined in the amount \$500.00, payable to the State of West Virginia.

2. Unless extended in writing by the Commission, the fines shall be paid within thirty (30) days of the entry of this Consent Decree by the Commission. The fines shall be paid by certified check made payable to the State of West Virginia and sent directly to the Commission's Office.

3. Any deviation from the requirements of this Consent Decree, without the prior written consent of the Commission, shall constitute a violation of an order of the Commission and may result in further disciplinary action, including, but not limited to, suspension of Respondent's license. The Commission shall immediately notify Respondent via certified mail of the alleged violation of the Consent Decree. In the event Respondent contests the alleged violation of the Consent Decree, Respondent is entitled to a hearing to challenge the alleged violation. Such hearing shall be scheduled and conducted in accordance with the provisions of W. Va. Code §§ 301-8 and 30-40-1 *et seq.* and any procedural rules promulgated by the Commission.

CONSENT DECREE AGREED TO BY:

DocuSigned by:

EA0ADCC53640427

Andrew Darryl Lapkoff, Broker

6/20/2025

Date

ENTERED into the records of the Real Estate Commission this:

23 day of June, 2025.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
Keri L. Ferro, Executive Director