

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

v.

Formal Complaint No. C-21-015

APRYLL H. BOGGS,
Licensed Real Estate Broker
License No. WVB190300578
Respondent.

CONSENT DECREE

Respondent Apryll H. Boggs (“Respondent”) 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 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 is a licensed real estate broker in the State of West Virginia, holding license number WVB190300578.
2. At all times relevant, Respondent served as the responsible broker for Red Door Properties, LLC, in Hurricane, West Virginia.
3. Real estate licenses must be renewed annually, on or before June 30.
4. Respondent failed to renew her license on active status on or before June 30, 2020, for the 2021 licensure year. Thus, her license expired on July 1, 2020.

6. On October 6, 2020, Commission staff discovered that Respondent's license had expired and inquired of Respondent about her listings and sales between July 1, 2020, and October 2020.

7. Respondent informed Commission staff that she was the listing agent on two properties and selling agent on one property during the period that her license was expired.

8. On October 22, 2020, Commission staff discovered that Respondent had changed the address of her brokerage on without notifying the Commission.

9. Respondent renewed her broker's license on October 28, 2020.

10. Respondent notified the Commission of her change of address on November 16, 2020.

11. On November 18, 2020, the Commission initiated the present Complaint against Respondent.

12. On December 22, 2020, Respondent submitted her response to the Complaint and acknowledged her oversight in failing to timely renew her license and notify the Commission of her change of address for her brokerage.

13. At its regularly-scheduled meeting on January 20, 2021, the Commission determined there was probable cause to conclude that Respondent violated the *West Virginia Real Estate License Act*, and authorized the proposal of this Consent Decree.

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)(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[.]”

4. 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.” By Legislative Rule, licensed real estate brokers are required to notify the Commission of any change of company address within 10 days of the change. W.Va. Code R. § 174-1-10.4.

5. Respondent’s continuation in practice after the expiration of her license violates West Virginia Code § 30-40-19(a)(23).

6. Respondent’s failure to timely notify the Commission of her change of address violates Legislative Rule, 174-1-10.4.

CONSENT

By signing below, Respondent 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 she may pursue this matter through appropriate administrative proceedings and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

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 is hereby reprimanded and shall pay a fine in the amount \$500.00, payable to the State of West Virginia.

2. Respondent shall also reimburse the Commission its costs associated with this Complaint, and its attorney fees, in the amount of \$390.00.

3. Respondent shall pay the above fine and costs within thirty (30) days of the entry of this Consent Decree by the Commission by certified check or money order made payable to the State of West Virginia and sent directly to the Commission's Office.

4. 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 Respondents 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 §§ 30-1-8 and 30-40-1 *et seq.* and any procedural rules promulgated by the Commission.

CONSENT DECREE AGREED TO BY:



Apryll H. Boggs

04-05-21

Date

ENTERED into the records of the Real Estate Commission this:

22nd day of April, 2021.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Jerry A. Forren, Executive Director