

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA REAL ESTATE COMMISSION,**  
*Complainant,*

**V.**

**Formal Complaint No. C-22-017**

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

**CONSENT DECREE**

Respondent Apryll H. Boggs (“Respondent Boggs”) 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 the 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 Boggs is a licensed real estate broker in the State of West Virginia, holding license number WVB190300578.
2. At all times relevant, Respondent Boggs served as the responsible broker for Red Door Properties, LLC, located in Hurricane, West Virginia.
3. Real estate licenses must be renewed annually, on or before June 30.

4. Respondent Boggs failed to properly renew her license on active status on or before June 30, 2021 for the 2022 licensure year. Thus, her license expired on July 1, 2021, and, remained on expired status until August 6, 2021, when the license was renewed on active status.

5. Respondent Boggs also failed to timely renew her broker's license for the previous license year, resulting in the issuance a formal complaint by the Commission and the parties entering into a Consent Decree imposing a reprimand and \$500 fine.

6. The Commission requested that respondent submit information for any listings and sales that Respondent Boggs handled during the period that her license was expired. Respondent Boggs submitted a list of real estate transactions that she handled while her license was expired.

7. On September 28, 2021, the Commission initiated the present complaint against respondent.

8. Respondent Boggs requested, and was granted, additional time to answer the present complaint and another pending complaint against her. Respondent Boggs did not provide the Commission an answer to the present complaint.

9. At its regularly-scheduled meeting on December 15, 2021, the Commission determined there was probable cause to conclude that Respondent Boggs violated the *West Virginia Real Estate License Act*, but authorized the proposal of a consent decree to informally resolve the matter.

#### **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. Respondent Boggs violated West Virginia Code § 30-40-19(a)(23) by continuing in the capacity of a broker while not properly licensed to do so

### **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 either 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 waive 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 Boggs is hereby reprimanded and shall pay a fine in the amount \$1,000.00, payable to the State of West Virginia.
2. Respondent Boggs shall pay the fine within thirty (30) days of the entry of this Consent Decree by the Commission by check or money order 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 Respondents' licenses. The Commission shall immediately notify Respondent via certified mail of the alleged violation of the Consent Decree. In the event Respondent contest the alleged violation of the Consent Decree, Respondent are 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*

3/14/2022

\_\_\_\_\_  
Apryll H. Boggs, Broker

\_\_\_\_\_  
Date

**ENTERED into the records of the Real Estate Commission this:**

14<sup>th</sup> day of MARCH, 2022.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By: *Jerry A. Forren*  
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Jerry A. Forren, Executive Director