

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

V.

Formal Complaint No. C-24-005

**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 and stipulate 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. At all times relevant, Respondent was licensed as a real estate broker in the State of West Virginia, holding license number WVB190300578.
2. At all times relevant, Respondent was the responsible broker for Red Door Properties, LLC, in Hurricane, West Virginia.
3. On August 16, 2023, the Commission initiated the present Formal Complaint against Respondent concerning Respondent’s failure to timely notify the Commission of her arrest for driving under the influence (“DUI”).

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Real Estate Commission*

4. Specifically, on August 1, 2023, the Commission received a report that Respondent had been arrested for DUI, prompting the Commission to request relevant documents from Putnam County Magistrate Court.

5. Documents submitted to the Commission confirmed that Respondent was arrested for DUI, among other misdemeanor charges, on July 8, 2023. As of August 16, 2023, the Commission had not received notification of the arrest from Respondent.

6. In her response to the Formal Complaint, Respondent disputed the allegation by the arresting officer that she was driving under the influence. She, however, acknowledged her failure to timely notify the Commission of the arrest.

7. On February 9, 2024, Respondent emailed the Commission to report that, at her January 9, 2024, hearing, her DUI charge was “deferred” pending Respondent’s completion of the Interlock program.

8. At its regular meeting on May 15, 2024, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that Respondent’s failure to notify the Commission of her arrest violated the *West Virginia Real Estate License Act* and authorized the proposal of this Consent Decree to 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(1) 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. The Legislative Rule promulgated by the Commission requires that a licensee notify the Commission within 30 days of receiving notice of a criminal offense and then again within 30 days after the disposition of the offense. W.Va. Code R. § 174-1-20.3.

4. West Virginia Code § 30-40-19(a)(19) authorizes the Commission to sanction a licensee if he or she “[v]iolates any provision of this article, any rule, or any order or final decision issued by the commission.”

5. Respondent’s failure to notify the Commission within 30 days of her arrest for DUI violates of the above-cited Legislative Rule and West Virginia Code § 30-40-19(a)(19).

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 of \$500.00, payable to the State of West Virginia.
2. Respondent shall also pay the Commission's administrative costs, including attorney fees, in the amount of \$140.00.
3. Payment of the fine and costs shall be submitted to the Commission within thirty (30) days of the entry of this Consent Decree.
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 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.

CONSENT DECREE AGREED TO BY:

 _____ Date 06/19/2024

ENTERED into the records of the Real Estate Commission this:

28th day of June, 2024.

WEST VIRGINIA REAL ESTATE COMMISSION,

By:  _____
Keri L. Ferro, Executive Director