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**STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE**

In the Matter of the Appraiser License of Jeffrey Paul Moffatt  
License No.: 20092144

**CONSENT ORDER**

TO: Jeffrey Paul Moffatt  
27246 Roberts Road  
Hinkley, MN 55037-9802

Temporary Commissioner of Commerce Grace Arnold (Commissioner) has determined as follows:

The Commissioner has advised Jeffrey Paul Moffatt (Respondent) that she is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2018), and other applicable law, based on the following allegations of violations found in three October 2019 appraisal reports.

- a. Respondent failed to determine a proper scope of work. Failure to determine a proper scope of work is in violation of the Uniform Standards of Professional Appraisal Practice (USPAP) Scope of Work Rule, Standard Rule (SR) 1-2 (h), SR 2-1 (a) (2018) and Minn. Stat. § 82B.195 subd. 3 (1)(i) (2018) and Minn. Stat. § 82B.20 subd. 2 (6)(13) (2018).
- b. Respondent failed to report that Pine Lake is a Recreational Development Lake. In addition, Respondent failed to provide the correct Shoreland Zoning requirements for a lake shore lot on a Recreational Development lake with private utilities. Two appraisals conducted by Respondent had illegal zoning uses and assignment conditions. In addition, Respondent failed to properly identify and state in the appraisals the necessary extraordinary assumptions and hypothetical conditions and in addition, he failed to state their use might affect assignment results. By failing to correctly identify legal uses, assignment conditions, extraordinary assumptions, and hypothetical conditions. Respondent is in violation of USPAP SR 1-1 (b), SR 1-2 (f)(g), SR 2-2 (a) (xi)

(2018) and Minn. Stat. § 82B.195 subd. 3 (1)(i) (2018) and Minn. Stat. § 82B.20 subd. 2 (6)(13) (2018).

- c. Respondent failed to analyze market resistance for external factors. In addition, Respondent failed to report flood information, which is pertinent for lake front properties and flood insurance requirements. Respondent failed to make adjustments when they were necessary or summarize why they were not necessary. Because of Respondent's actions and omissions, Respondent failed to provide credible appraisal reports in violation of USPAP SR 1-1 (c), SR 1-2 (f), SR 1-3 (b), SR 2-1 (a)(c) (2018) and Minn. Stat. § 82B.195 subd. 3 (1)(iv) and Minn. Stat. § 82B.20 subd. 2 (13) (2018).
- d. Respondent failed to maintain proper work files. The work files failed to provide support for Respondent's opinions and conclusions. Failing to maintain a proper work file is in violation of USPAP Record Keeping Rule (2018) and Minn. Stat. § 82B.071 (2018).

2. Respondent acknowledges that he has been advised of the right to a hearing in this matter, to present argument to the Commissioner, and to appeal from any adverse determination after a hearing. Respondent hereby expressly waives those rights. Respondent further acknowledges that he has been represented by legal counsel throughout these proceedings or has waived that right.

3. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2018) and Minn. R. 1400.5900 (2017).

4. For purposes of Minn. Stat. § 16D.17 (2018), Respondent expressly waives his right to any notice or opportunity for a hearing on any civil penalty imposed by the Commissioner. Further, Minn. Stat. § 16D.17 (2018) allows the Commissioner to file and enforce the civil penalty imposed by this Order as a judgment against Respondent in district court without further notice or additional proceedings.

5. The civil penalty and/or any resulting judgment arising from this Order will be non-dischargeable in any bankruptcy proceeding. See 11 U.S.C. 523 (a)(7) (2018) ("A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt... to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty...").

6. The following Order is in the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. Ch. 45 (2018) that:

- A. Respondent shall pay a civil penalty in the amount of \$500 to the State of Minnesota;
- B. Respondent shall complete the following corrective education courses offered by the

Appraisal Foundation within ninety days of the effective date of this order;

- 1) Assignment Conditions, Elements and Results;
- 2) Scope of Work: Appraisals and Inspections; and
- 3) Missing Explanations.

These corrective courses cannot be used for any of Respondent's continuing education requirements. Respondent must provide proof of completion within ninety days of completing the course work.


C. Respondent shall cease and desist from violating any laws, rules, or orders related to the duties and responsibilities entrusted to the Commissioner under Minnesota Statute Chapters 45 and 82B; and

D. Respondent shall pay investigative costs in the amount of \$415.00 pursuant to Minn. Stat. § 45.027, subd. 1(8) (2018).

This Order shall be effective upon signature by or on behalf of the Commissioner.

Date: 02/19/2021

GRACE ARNOLD  
Temporary Commissioner



MATTHEW VATTER  
Assistant Commissioner of Enforcement

Minnesota Department of Commerce  
85 Seventh Place East, Suite 280  
St. Paul, MN 55101  
(651) 539-1600

**CONSENT TO ENTRY OF ORDER**

The undersigned states that he has read this Consent Order; that the undersigned knows and fully understands its contents and effect; that the undersigned has been advised of the right to a hearing in this matter, to present argument to the Commissioner, and to appeal from any adverse determination after a hearing and expressly waives those rights. Respondent further acknowledges that Respondent has been represented by legal counsel throughout these proceedings or has been advised of the right to be represented by legal counsel, which right Respondent hereby expressly waives; and that Respondent consents to entry of this Order by the Commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

Jeffrey Paul Moffatt

Date: 2/12/2021

By: *Jeffrey P. Moffatt*  
Signature

STATE OF Minnesota  
COUNTY OF Pine

Signed or attested before me on 02/12/2021 (Date).

(Notary stamp)



*Mindy Lee Turner-Jerry*  
(Signature of Notary)

My Commission expires:  
Jan 31, 2024