

**STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE**

In the Matter of the Appraiser License of Daniel M. Lammert  
License No. 40023990

**CONSENT ORDER**

TO: Daniel M. Lammert  
452 12<sup>th</sup> St NW  
Byron, MN 55920

Commissioner of Commerce Steve Kelley (Commissioner) has determined as follows:

1. The Commissioner has advised Daniel M. Lammert (Respondent) that he is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2018), and other applicable law, based on the following allegations:

- a. Respondent failed to disclose that the subject's lot was split by Lantern Road. In addition, he failed to disclose that the Fillmore County Airport is within one mile of the subject and appears to be on the runway flight pattern. By failing to disclose these items, Respondent is in violation of the Uniform Standards of Professional Appraisal Practice (USPAP) Standard Rule (SR) 1-1 (b)(c) (2018) and Minn. Stat. § 82B.195 subd. 3 (1)(ii) (2018).
- b. Respondent failed to summarize his analysis for his opinions and conclusions on the following: 1) if the subject site split by Lantern Road affected the subject's marketability; 2) if the close location of the airport affected the subject's marketability; 3) if the 55 MPH speed limit on State Hwy 16 impacted the subject's marketability; 4) if the subject's attic space affected the subject's marketability; 5) why the financing adjustments were made using a mechanical dollar for dollar adjustment instead of the appropriate market reaction to the financing adjustments;

6) if location adjustments were necessary to comparable sales one, three, and four because they are located in a different County; and 7) Respondent failed to summarize his analysis on the excess land adjustments to sales one, three, four and five. By failing to summarize his analysis of these items, Respondent is in violation of USPAP SR 2-1 (a)(b), SR 2-2 (a)(viii) (2018) and Minn. Stat. § 82B.20 subd. 2 (7)(13) (2018).

2. Respondent acknowledges that he has been advised of his rights 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 complete the following corrective education courses by December 31, 2019:

- a. 15 hour USPAP course; and
- b. The Appraisal Foundation Corrective Education Course; Residential Report Writing vs. Form Filling.

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

B. 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

C. Respondent shall pay all investigative costs in the amount of \$270 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: 11/20/2019

STEVE KELLEY  
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 he knows and fully understands its contents and effect; 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 and expressly waives those rights. Respondent further acknowledges that he has been represented by legal counsel throughout these proceedings, or has been advised of his right to be represented by legal counsel, which right he hereby expressly waives; and that he 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.

Daniel M. Lammert

Date: 11/15/19

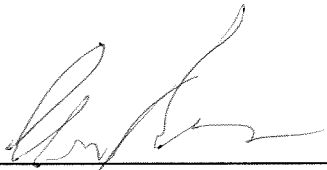
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Signature

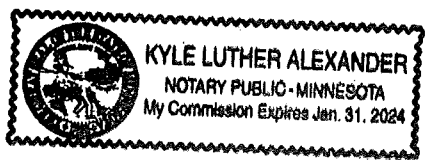
STATE OF MN

COUNTY OF Olmsted

Signed or attested before me on 11/15/19 (Date).

(Notary stamp)

  
(Signature of Notary)



My Commission expires:  
01/31/24