

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

MAR 27 2025
Rec'd \$ 630

In the Matter of the Real Property Appraiser license of Layne Charles McCleary
License No.: 40465931

CONSENT ORDER

TO: Layne Charles McCleary
904 West 14th Street
Blue Earth, MN 56013

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

1. The Commissioner has advised Layne Charles McCleary (Respondent) that she is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2022), and other applicable law, based on the following allegations pertaining to an appraisal report completed on a property in Wells, Minnesota:

- a. Respondent failed to create a credible appraisal report because of errors, omissions, and a lack of competency in violation of the Uniform Standards of Professional Appraisal Practice (USPAP) Competency Rule, Standard Rule (SR) 1-1 (a), (b), (c), 1-2 (h), 1-3 (a) (i), 1-4 (a), 1-6 (a), (b), 2-1 (a), (b), 2-2 (a) (x) (1)(2)(5), (2020) and Minn. Stat. §§ 82B.195, subd. 1, subd. 3 (1) (i)(ii)(viii), 82B.20, subd. 2 (6) (7) (13) (2024).
- b. Respondent failed to support, with market data, any of his adjustments in the sales comparison approach. Respondent failed to create a credible sales comparison approach to value in violation of USPAP SR 1-1 (a), 1-4 (a), 2-1 (a), (b), 2-2 (a) (x)(5) (2020) and Minn. Stat. §§ 82B.195, subd. 1, subd. 3 (1) (vi) and 82B.20, subd. 2 (6), (7), (13) (2024).
- c. Respondent failed to provide a proper work file supporting his opinions and conclusions in violation of USPAP Record Keeping Rule (2020) and Minn. Stat. § 82B.071, subd. 2 (2024).

2. Respondent acknowledges that they have 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 they have 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 (2020) and Minn. R. 1400.5900 (2021).

4. For purposes of Minn. Stat. § 16D.17 (2022), Respondent expressly waives the right to any notice or opportunity for a hearing on any civil penalty imposed by the Commissioner. Further, Minn. Stat. § 16D.17 (2020) 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) ("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 (2022) that:

A. Respondent shall pay a civil penalty in the amount of \$5,000 to the State of Minnesota. The Commissioner has stayed \$2,500 of this penalty. Respondent must pay \$2,500 on or before May 19, 2025. The stayed portion of the civil penalty may be lifted if Respondent commits further violations of any law, rule, or order related to the duties and responsibilities entrusted to the Commissioner. If the Commissioner determines that Respondent has committed further violations of any law, rule, or order over which the Commissioner has authority, the stay shall be lifted and the stayed portion of the penalty shall become effective in addition to any additional administrative action the

Commissioner deems appropriate for the new violation(s). If the Commissioner seeks to lift the stay, Respondent may request a hearing to challenge the factual basis for lifting the stay, but may not challenge the amount of the stayed penalty. If the stay has not been lifted by three years after the effective date of this order, the stayed portion of the civil penalty will be vacated;

B. Respondent must complete the following corrective education courses provided by the Appraisal Foundation:

- a. Appraiser Self Protection; Documentation and Record Keeping;
- b. Missing Explanations; and
- c. Sales Comparison Approach Reconciliation.

Respondent must complete these corrective courses within 120 days of the effective date of this order. Respondent must provide course completion certificates to the Department within thirty (30) days of course completion;

C. Respondent must complete a 30-hour Basic Appraisal Procedures course from a Department of Commerce approved continuing education provider. Respondent must complete this course within 120 days of the effective date of this order. Respondent must provide a course completion certificate to the Department within thirty (30) days of course completion. Respondent cannot use this pre-licensing course towards any of his continuing education hours required in his next license renewal cycle;

D. 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

E. Respondent shall pay all investigative costs in the amount of \$630.00 at the time the Consent to Entry of Order is signed pursuant to Minn. Stat. § 45.027, subd. 1(8) (2022).

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

Date: April 7, 2025

GRACE ARNOLD
Commissioner



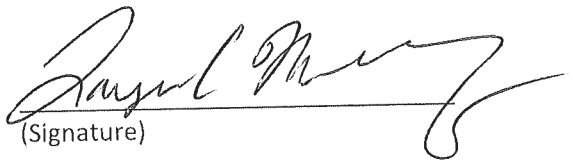
JACQUELINE OLSON
Assistant Commissioner of Enforcement
Minnesota Department of Commerce
85 Seventh Place East, Suite 280
St. Paul, MN 55101
(651) 539-1600

CONSENT TO ENTRY OF ORDER

The undersigned states that they have 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.

Layne Charles McCleary

Date: 3/25/25

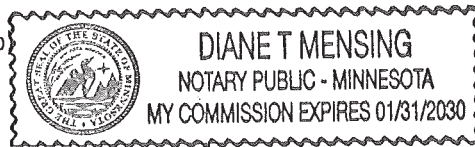
By: 
(Signature)

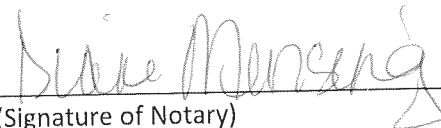
STATE OF MN

COUNTY OF Plymouth

Signed or attested before me on 3/25/25 (Date).

(Notary stamp)




(Signature of Notary)

My Commission expires:

1/31/2030