

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR DEPARTMENT OF COMMERCE

In the Matter of Christopher Douglas
Dorpat

**NOTICE OF AND ORDER FOR HEARING,
ORDER FOR PREHEARING CONFERENCE,
AND STATEMENT OF CHARGES**

TO: Christopher Douglas Dorpat
9025 Archer Court
Maple Grove, MN 55311

NOTICE OF HEARING

RESPONDENT CHRISTOPHER DOUGLAS DORPAT (“DORPAT”) IS HEREBY NOTIFIED that the Department of Commerce (“Department”) has initiated this action to determine if Respondent committed the violations alleged below, subjecting him to disciplinary action.

ORDER FOR PREHEARING CONFERENCE

IT IS HEREBY ORDERED that, pursuant to Minn. R. 1400.5600 and 1400.6500 (2003), a prehearing conference will be held on Thursday, May 12, 2005 at 1:30 p.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, in Minneapolis.

ORDER FOR HEARING

IT IS FURTHER ORDERED that, pursuant to Minn. Stat. § 326.91, subd. 1 and 326.92, subd. 3 (2004), a contested case hearing will be held at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota on a date to be scheduled at the prehearing conference.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to **Kathleen D. Sheehy, Administrative Law Judge**, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7602.

The hearing will be conducted under the contested case procedures set out in Chapters 14 and 45 of Minnesota Statutes (2004) and the Rules of the Office of Administrative Hearings, Minnesota Rules Chapter 1400 (2003). A copy of these materials may be purchased from the Minnesota Book Store, telephone (651) 297-3000, or are available at www.revisor.leg.state.mn.us. Copies of the rules are also available at www.oah.state.mn.us.

The attorney for the Department of Commerce is **Assistant Attorney General Michael J. Tostengard**, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, (651) 296-9701. Mr. Tostengard may be contacted to discuss discovery or informal disposition of this matter.

STATEMENT OF CHARGES

ALLEGATIONS

1. Dorpat is currently licensed as Real Estate Appraiser by the Department, License No. 20198927.

2. In October 2003, the Department received a complaint concerning Dorpat from Real Estate Appraiser Edward Caffery. The Department's investigation revealed that Dorpat prepared an appraisal for a home at 30700 County 7 Boulevard, Welch, Minnesota.

3. As part of the appraisal, Dorpat included three comparable home sales for homes that do not exist. None of the addresses for the purported home sales exist. For one of these

comparable sales, Dorpat included pictures of a home that was actually located at 29333 Kohn Lane, Red Wing, Minnesota.

4. The Department ordered Dorpat to produce the file for the appraisal. To date, Dorpat has not produced the file. When questioned by the Department, Dorpat acknowledged that he had failed to inspect the purported comparable homes.

ISSUES

Count I

By submitting an appraisal containing non-existent comparable home sales, Respondent demonstrated untrustworthiness in violation of Minn. Stat. § 45.027, subd. 7 (2004).

Count II

By submitting an appraisal using non-existent comparable home sales, Respondent failed to exercise reasonable diligence in violation of Minn. Stat. § 82B.20, subd. 2(5) and (6) (2004).

Count III

By submitting an appraisal using non-existent comparable home sales, Respondent demonstrated negligence and incompetence in violation of Minn. Stat. § 82B.20, subd. 2(7) (2004).

Count IV

By submitting an appraisal using non-existent comparable home sales, Respondent failed to personally inspect the comparables in violation of Minn. R. 2808.6000, subp. 3A(3) (2003).

Count V

By submitting an appraisal using non-existent comparable home sales, Respondent used inappropriate comparables in violation of Minn. R. 2808.6000, subp. 3A(4) (2003).

Count VI

By submitting an appraisal using non-existent comparable home sales, Respondent developed a valuation conclusion that is not supported by available market data in violation of Minn. R. 2808.6000, subp. 3A(8) (2003).

Count VII

By failing to provide the Department with the appraisal file for the property in question, Respondent violated Minn. Stat. § 45.027, subd. 7 (2004).

ADDITIONAL NOTICE

1. Respondent's failure to appear at the contested case hearing and/or prehearing conference may result in a finding that the Respondent is in default, that the Department's allegations contained in the Statement of Charges may be accepted as true, and its proposed action may be upheld.

2. If any party has good cause for requesting a delay of the hearing or prehearing conference, the request must be made in writing to the Administrative Law Judge at least five days prior to the hearing or prehearing conference. A copy of the request must be served on the other party.

3. Any party intending to appear at the hearing or prehearing conference must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of this Notice and Order. A copy must be served on the Department's attorney. A Notice of Appearance form is enclosed.

4. At the hearing, all parties have the right to represent themselves or to be represented by legal counsel, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties may obtain subpoenas to compel witnesses to attend

the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily, the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2 (2004).

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000 (2003). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (612) 341-7600.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (612) 341-7600.

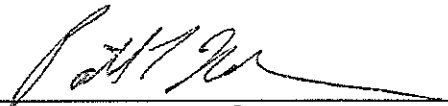
9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires

an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

10. Pursuant to Minn. Stat. § 45.027, subd. 6 (2004), Respondent may be subject to a civil penalty not to exceed \$10,000 per violation upon a final determination that Respondent violated any law, rule or order related to the duties and responsibilities entrusted to the Commissioner.

GLENN WILSON
Commissioner

Dated: 3/18/05


PATRICK L. NELSON
Deputy Commissioner
Market Assurance Division

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