

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE ARCHITECTURE,
GEOSCIENCE AND INTERIOR DESIGN

In the Matter of

**SETTLEMENT AGREEMENT AND
CEASE AND DESIST ORDER**

Woodrow Matthew Brown
Land Surveyor No. 51280 (Expired)

Board File No. 2022-0056

STIPULATION

Woodrow Matthew Brown ("Respondent") and the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's Complaint Committee stipulate that, subject to Board's review and discretionary approval, the Board may issue a consent order that imposes the following sanctions:

A. Respondent's Land Surveyor license, No. 51280, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board's approval of this Settlement Agreement and Cease and Desist Order.

C. Respondent shall cease and desist from practicing as a Land Surveyor in Minnesota until such time as he becomes licensed as a Land Surveyor in the State of Minnesota.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. *See* Minn. Stat. §§ 326.02–.15 (2022) and Minn. R. chs. 1800 & 1805 (2021).

E. Respondent shall report in writing within ten days any and all violations of this settlement agreement and cease and desist order to the Board's Executive Director.

Respondent and the Committee enter into this settlement agreement based on the following findings of fact, conclusions of law, and other stipulated provisions:

Findings of Fact

1. The Board issued Respondent a Land Surveyor license on December 11, 2013.
2. Respondent's license expired on June 30, 2020.
3. Respondent started a business called Land Surveys by WM Brown in 2019. Respondent advertised as a Land Surveyor and offered "Land Title Surveys, As-Built and Existing Condition Surveys" on his website.
4. Respondent states on his website "I have been licensed in the State of Minnesota since 2014. I have worked with W. Brown Land Surveying of Bloomington, MN since 1998."
5. Respondent completed an existing condition survey for a property on Marshall Ave in St. Paul, MN which was posted on Respondent's website in November of 2021.
6. In his response received by the Board on April 12, 2022, Respondent stated "Land surveys by WM Brown was created to become an organization for land surveying services in 2019 with a website."
7. Respondent also stated he had taken down his website in early 2022, however as of December 6, 2022, Respondent's website was still active online.
8. On February 15, 2022, Respondent completed a Survey for a property on Burlington Road in St. Paul, MN.

9. The Burlington survey showed the license certification and signature of Respondent's father Woodrow A. Brown, LS ("Brown"). Brown is the President of a different surveying company, W. Brown Land Surveying, Inc.

10. Respondent has worked at W. Brown Land Surveying, Inc since 1998. Respondent works as a crew chief and senior draftsman at the company. Respondent had access to Brown's license certification and signature through his employment at W. Brown Land Surveying, Inc.

11. Respondent knowingly attached the stamp and signature to the Burlington survey without the knowledge or permission of Brown.

12. Respondent admitted in his April 12, 2022 response that he did the survey and that "it was certified by Woodrow A. Brown."

13. In an April 11, 2022 letter, Brown states, "On March 7th or 8th it was discovered that my son Matt did a survey for a client that Contacted(*Sic*) him and he attached my name to it without consulting me."

14. Respondent completed the Burlington Survey with the incorrect datum and did not have a benchmark labeled.

15. In a September 21, 2022 letter regarding the survey above, Brown states about Respondent, "He sent a CAD file of the survey to the engineer that was going to do a site plan and storm water runoff calculation, and the engineer questioned the elevations being used."

16. In the April 12, 2022 letter submitted to the Board by Brown he states, "We furnished the Engineer with a new drawing and I signed the survey. The client was not charged for the work."

Conclusion of Law

1. The Board has authority to license and regulate land surveyors and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2022).
2. Respondent violated Minn. Stat. §§ 326.02, subds. 1 and 4 and 326.15 (2022) and Minn. R. 1805.0200, subps. 1(B), 4(C) and 4(D), and 1805.0900 (2021).
3. This settlement agreement and cease and desist order is in the public interest.

Other Stipulated Provisions

1. This settlement agreement and cease and desist order must be approved by the Board to become effective.
2. Respondent agrees that the Committee may move the Board *ex parte*, with or without advance notice to the Respondent, to approve this settlement agreement and cease and desist order. Respondent understands that the Board may either approve the settlement agreement and cease and desist order or not approve it. This settlement agreement and the files, records, and proceedings associated with this matter may be reviewed by the Board in its consideration of the Committee's motion.
3. If approved by the Board, this settlement agreement and cease and desist order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2022). The Board will post a copy of this order on its website. The Board will also send a summary to the national discipline data bank pertaining to the practice of land surveying.
4. If the Board does not approve this settlement agreement and cease and desist order, then the matter remains unresolved and the Committee may either seek to negotiate a

revised settlement agreement and cease and desist order with Respondent to present to the Board or issue an order commencing a contested-case hearing before an Administrative Law Judge at the Office of Administrative Hearings. *See* Minn. Stat. §§ 14.57–.62, 214.10, subd. 2 (2022) (describing administrative hearing process).

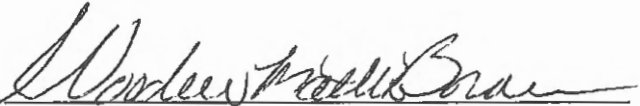
5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this settlement agreement and cease and desist order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this settlement agreement and cease and desist order and any records relating to it.

6. Respondent acknowledges that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse decision rendered by the Board. Respondent hereby expressly waives those rights. Respondent was further advised by the committee of their right to be represented by counsel and that they knowingly waive that right.

7. Respondent has read, understands, and agrees to this settlement agreement and has voluntarily signed it. It is expressly understood that this settlement agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise. If approved by the Board, a copy of the final settlement agreement and cease and desist order shall be served personally or by first class mail on Respondent. The Board's order shall be effective when it is signed by the Chair of the Board or the Chair's designee.

8. Pursuant to Minn. Stat. § 16D.13 (2022), any civil penalty imposed by this settlement agreement and cease and desist order shall begin to accrue simple interest in

accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2022), thirty days after any civil penalty imposed by this settlement agreement and cease and desist order is due, the Board may file and enforce any unpaid portion of the civil penalty as a judgment against Respondent in district court without further notice or additional proceedings.

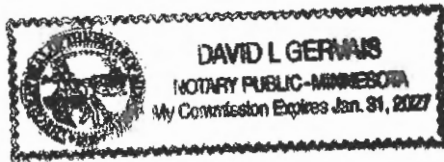

Woodrow Matthew Brown

STATE OF Minnesota

COUNTY OF Hennepin

This instrument was acknowledged before me on 3/7/23 by Woodrow Matthew Brown.

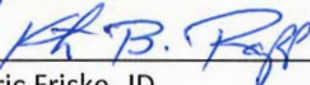
(stamp)




(Signature of notary officer)

My commission expires: 1-31-2027

COMPLAINT COMMITTEE



Eric Friske, JD
Chair

For

Dated: 10-MAY, 2023

CONSENT ORDER

Upon consideration of this settlement agreement and cease and desist order, and based upon all the files, records, and proceedings herein, all terms of the settlement agreement and cease and desist order are approved. Accordingly, the Board orders as follows:

A. Respondent's land surveyor license, No. 51280, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board's approval of this Settlement Agreement and Cease and Desist Order.

C. Respondent shall cease and desist from practicing as land surveyor in Minnesota until such time as he becomes licensed as a land surveyor in the State of Minnesota.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02-.15 (2022) and Minn. R. chs. 1800 & 1805 (2021).

E. Respondent shall report in writing within ten days any and all violations of this settlement agreement and cease and desist order to the Board's Executive Director.

MINNESOTA BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING, LANDSCAPE
ARCHITECTURE, GEOSCIENCE AND INTERIOR
DESIGN

Dated: 6/10/, 2023

For

PAUL VOGEL, LS
Board Chair

DANIEL KEUSEY
BOARD SECRETARY