

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

In the Matter of

**STIPULATION AND  
CONSENT ORDER**

Derek Brandon Godwin  
Professional Engineer License No. 50258

Board File No. 2022-0011

**STIPULATION**

Derek Brandon Godwin (“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 Professional Engineer license, No. 50258, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2020).

B. Respondent shall pay to the Board a civil penalty of One Thousand Dollars (\$1,000). Respondent shall submit a civil penalty of \$1,000 by check to the Board within sixty (60) days of the Board’s approval of this Stipulation and Consent Order.

C. Respondent shall complete 2 professional development hours related to professional ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board’s approval of this Stipulation and Consent Order. These professional development hours are not to count toward the continuing education hours required by statute and rule for license renewal.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

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

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

**Findings of Fact**

1. Respondent holds a Professional Engineer license in the State of Minnesota, which expires on June 30, 2022.

2. Respondent renewed his Minnesota Professional Engineer license online on December 11, 2020. At that time, Respondent affirmed that he earned 27 Professional Development Hours (PDH) and affirmed that he earned two PDH dedicated to ethics as required by Minnesota Statute § 326.107, subd. 1(c) (2020).

3. On April 20, 2021, and June 7, 2021, the Board mailed letters to the address provided by Respondent to the Board, notifying Respondent that he was randomly selected for review as part of the Board's continuing education audit.

4. In the same letters, the Board notified Respondent that as part of the audit, he must submit supporting documentation for a minimum of 24 PDH, of which two PDH must be dedicated to ethics earned between July 1, 2018, and his renewal date of December 11, 2020.

5. The letters were not returned as undeliverable, but Respondent did not respond to them. The Board consequently, opened a complaint against Respondent based on that failure to respond. On July 29, 2021, a complaint allegation letter was sent to Respondent. The letter requested a response from Respondent by August 19, 2021, but Respondent did not respond.

6. On September 3, 2021, Board staff contacted Respondent on the phone. Respondent was informed of the complaint and that the Board was requesting a response from him. His mailing address was also confirmed. Respondent said he had been traveling and had not received the letter. He said he would follow-up with his staff to see about the Board's letter.

7. On September 3, 2021, Respondent was also sent a second complaint allegation letter. He was informed on the phone that if he did not get the mailing within a few days he needed to follow-up with the Board. He said he understood.

8. On February 18, 2022, Respondent's staff sent in his continuing education records for the audit period. Respondent was able to substantiate 54 PDH, however, only one was dedicated to professional ethics.

### **Conclusion of Law**

1. The Board has authority to license and regulate professional engineers and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2020).

2. Respondent violated Minnesota Statutes §§ 326.107, subds. 1(a) and (b) (2020), 326.111, subd. 4(a)(1) and (8) (2020), and Minn. R. 1800.0100 (2021).

3. This stipulation and consent order is in the public interest.

### Other Stipulated Provisions

1. This stipulation and consent 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 stipulation and consent order. Respondent understands that the Board may either approve the stipulation and consent order or not approve it. This stipulation 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 stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2020).

4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved and the Committee may either seek to negotiate a revised stipulation and consent 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 (2020) (describing administrative hearing process).


5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent 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 waives that right.

7. Respondent has read, understands, and agrees to this stipulation and has voluntarily signed it. It is expressly understood that this stipulation 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 stipulation and consent 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 (2020), any civil penalty imposed by this stipulation and consent 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 (2020), thirty days after any civil penalty imposed by this stipulation and consent 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.

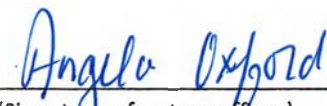
  
Derek Brandon Godwin, PE

STATE OF Tennessee

COUNTY OF Rutherford

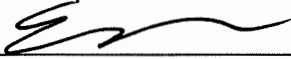
This instrument was acknowledged before me on 7/5/22 by Derek Brandon Godwin.



  
(Signature of notary officer)

My commission expires: 3/15/25

**COMPLAINT COMMITTEE**



Eric Friske, JD  
Chair

Dated: 7/12, 2022

**CONSENT ORDER**

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

A. Respondent's Professional Engineer license, No. 50258, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2020).

B. Respondent shall pay to the Board a civil penalty of One Thousand Dollars (\$1,000). Respondent shall submit a civil penalty of \$1,000 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall complete 2 professional development hours related to professional ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board's approval of this Stipulation and Consent Order. These professional development hours are not to count toward the continuing education hours required by statute and rule for license renewal.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

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

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

Dated: September 8, 2022

---

~~PAUL VOGEL, LS~~  
Board Chair



Melisa Rodriguez, PE  
Treasurer