

1301:17-1-22      **Settlement agreement.**

- (A) Any licensee who has been notified by the superintendent of a hearing to be held by a hearing examiner pursuant to Chapter 119. of the Revised Code for the purpose of determining whether a violation of section 4764.14 of the Revised Code occurred may enter into a settlement agreement with the superintendent.
- (B) The settlement agreement shall contain the following information:
- (1) A description of the conduct which the superintendent alleges the licensee committed;
  - (2) An admission by the licensee that the licensee engaged in such conduct;
  - (3) An acknowledgement by the licensee that such conduct admitted to constitutes a violation of section 4764.14 of the Revised Code;
  - (4) A waiver by the licensee to an administrative hearing pursuant to Chapter 119. of the Revised Code;
  - (5) An acknowledgement by the licensee that the licensee had the opportunity to review the settlement agreement with the licensee's legal counsel;
  - (6) A sanction, if any, which the superintendent believes should be imposed on the licensee for the admitted violations of section 4764.14 of the Revised Code. Any education course work imposed shall not count toward the licensee's continuing education requirement;
  - (7) An acknowledgement by the parties that the settlement agreement, if accepted, will become a final order;
  - (8) A waiver by the licensee of all appeals pursuant to section 119.12 of the Revised Code and any right of reconsideration; and
  - (9) Any other provision which the superintendent deems to be appropriate.
- (C) If a settlement agreement is entered, the formal hearing shall be cancelled.
- (D) The superintendent shall not enter into any settlement agreements with a licensee if the superintendent knows it is not the licensee's free and voluntary act to enter into such an agreement.
- (E) During the course of an investigation, a licensee may voluntarily surrender the license provided the licensee affirms under oath that the licensee will cease and desist all

activity for which a license is required, and that the licensee will not apply for an Ohio home inspector license in the future.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	4764.05(A)(11)
Rule Amplifies:	4764.12