

SETTLEMENT AGREEMENT

This agreement is made and entered into by and between the State Board of Examiners of Architects (hereinafter "BOARD") and Arnold Zimmerman, Certificate No. 3548, (hereinafter "ZIMMERMAN") effective on the 10th day of July, 1996.

WHEREAS, a disagreement has arisen between ZIMMERMAN and the BOARD regarding alleged violation(s) by ZIMMERMAN of O.R.C. §§ 4703.15(E) and 4703.151, and O.A.C. §§ 4703-3-01 and 4703-3-07, arising out of ZIMMERMAN's involvement in reviewing, signing and sealing a construction document related to the Pace Adult Health Center in Norwood, Ohio; and

WHEREAS, the BOARD has initiated an investigation of the alleged violation(s) by ZIMMERMAN; and

WHEREAS, following the recent amendment to O.R.C. Chapter 4703. the BOARD has become aware of, and wishes to take steps to eliminate, confusion in the construction trades industries and the architectural profession regarding what conduct, on the part of both architects and contractors, constitutes aiding and abetting the unlicensed practice of architecture; and

WHEREAS, the BOARD and ZIMMERMAN desire to resolve the above mentioned disagreement without further formal legal proceedings; and

NOW THEREFORE, in consideration of the various promises and mutual covenants contained herein, the BOARD and ZIMMERMAN agree as follows:

1. With respect to the charges alleging that ZIMMERMAN

reviewed, signed and sealed a construction drawing of which he was not the author or actual architect, was not in responsible charge of its preparation, and for which he did not have direct professional knowledge and direct supervisory control, ZIMMERMAN will accept a letter of reprimand, attached as Exhibit A hereto; and

2. The BOARD will dismiss the charge alleging that ZIMMERMAN aided and abetted a person or persons not properly registered as required by sections 4703.01 to 4703.19 of the Revised Code, in the performance of activities that in any manner or extent constitute the practice of architecture; and

3. It is hereby understood that this Settlement Agreement shall not be binding on any of the parties unless it has been signed and executed by the parties below. If the parties are unable to reach an agreement on the terms herein, or the Settlement Agreement is rejected by the BOARD, this document shall become null and void without any force or effect. Signature by the Executive Secretary of the Board on this document does not indicate approval or execution of this agreement by the BOARD. The BOARD's approval shall be designated by a majority vote of the BOARD at a board meeting at which this agreement is considered; and

4. ZIMMERMAN initiated settlement negotiations in order to attempt to resolve the disciplinary action filed against him. In this regard, he has authorized the board to review and examine all investigative file materials concerning this case prior to and in conjunction with consideration of any proposed settlement agreement or counter-proposal by the Board. It is agreed that presentation

to and consideration of any proposed settlement and file materials to the BOARD, or the offer of any counter-proposal by the BOARD, will not and has not unfairly or improperly prejudiced ZIMMERMAN in this matter, and will not prevent the Board or any of its members from participation, consideration, adjudication or resolution of these proceedings.

5. The BOARD and ZIMMERMAN agree that this is a final resolution of all charges, actions, claims or defenses of any kind whatsoever between the two parties, whether administrative, civil or criminal, related to the allegations brought by the BOARD against ZIMMERMAN pertaining to ZIMMERMAN'S work on the Pace Adult Health Center in Norwood, Ohio; and

6. This document shall be considered a public record in accordance with R.C. 149.43.



ARNOLD ZIMMERMAN



WILLIAM N. WILCOX
Executive Director, signing for
OHIO STATE BOARD OF EXAMINERS OF
ARCHITECTS

DATE: 7/10/96

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