STATE BOARD OF EXAMINERS OF ARCHITECTS

OFFICE OF THE BOARD
65 S. FRONT ST., SUITE 305
COLUMBUS, OHIO 43266-0303
TEL. 614-466-2316

IN THE MATTER OF:

Samuel V. Diaquila
Application No. 9240

Upon consideration of the evidence presented at the hearing held on April 10, 1987, the Board of Examiners of Architects makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Between January 1, 1986 and May 1, 1986, Samuel V. Diaquila did represent himself to be an architect to a client and before the Gates Mills, Ohio architectural review board, and

2. During said period, Mr. Diaquila did enter upon the practice of architecture as defined in Rule 4703-1-01(B) of the Administrative Code.

CONCLUSIONS OF LAW

1. The Ohio Revised Code, chapter 4703., is the governing authority in this action.

2. The Board of Examiners of Architects finds Samuel V. Diaquila guilty of holding himself out as an architect in violation of section 4703.06 of the Revised Code.

3. The Board of Examiners of Architects finds Samuel V. Diaquila guilty of providing architectural services in violation of section 4703.18(A) of the Revised Code.

4. The Board of Examiners of Architects finds Samuel V. Diaquila guilty of violating the requirements of good moral conduct required under sections 4703.07(B) and 4703.10 of the Revised Code as defined in Rule 4703-1-01(F) of the Administrative Code.

ORDER

However, the Board of Examiners of Architects also finds there to have been evidence of mitigating circumstances in each of the charges. Therefore, the Board orders the certificate of

qualification be issued to Samuel V. Diaquila and further orders that said certificate of qualification be suspended for a period of one year commencing April 10, 1987. During the period of suspension, Mr. Diaquila is ordered to meet quarterly with the Board at the time and place which it shall designate for the purpose of determining his current activities as related to the practice of architecture. The Board further requires that Mr. Diaquila prepare a written treatise on the subject of the requirements for practicing architecture in the state of Ohio. This treatise shall be presented to the Board at the final meeting to be held in April of 1988. Upon compliance with this order, the receipt of a completed application for reinstatement of his certificate of qualification and payment of the required fee, the Board will reinstate Mr. Diaquila's certificate of qualification to practice architecture.

This order may be appealed pursuant to section 119.12 of the Ohio Revised Code by filing a Notice of Appeal with the Ohio Board of Examiners of Architects, 65 S. Front St., Suite 305, Columbus, Ohio 43215 and also a copy with the Court of Common Pleas of the county of Respondent's place of business, or in the county in which the Respondent is a resident. Such Notice of Appeal shall contain the order appealed from and the grounds of said appeal. Such Notice of Appeal shall be filed within fifteen (15) days after the mailing of this Adjudication Order.

BY ORDER OF THE OHIO
BOARD OF EXAMINERS OF ARCHITECTS

Ballard H. T. Kirk

Ballard H. T. Kirk, President

I, William N. Wilcox, Executive Secretary of the Ohio Board of Examiners of Architects, hereby certify that the foregoing Adjudication Order was mailed by Certified U.S. Mail to Mr. Samuel V. Diaquila on the 21 day of April, 1987.

William N. Wilcox, Executive Secretary

Certified Mail P 035 225 657

STATE OF OHIO
BOARD OF EXAMINERS OF ARCHITECTS

IN THE MATTER OF:	:	**File No. 2007-80**
	:	
Samuel V. Diaquila, Cert. No. 8703	:	
512 Trevitt Circle West	:	
Euclid, Ohio 44143	:	

SETTLEMENT AGREEMENT

1. This agreement is made between Samuel V. Diaquila ("Diaquila"), and the State of Ohio, Board of Examiners of Architects ("Board").

2. The above parties hereby stipulate to the jurisdiction of the Board over this matter.

3. The Board enters into this Settlement Agreement in lieu of formal proceedings based upon alleged violation of Ohio Administrative Code Section 4703-3-09 (A) as listed in the Notice of Opportunity for Hearing letter dated October 3, 2007, hereinafter ("Notice"), sent to Diaquila by Amy M. Kobe, Executive Director of the Board.

4. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4703 of the Revised Code and the Ohio Administrative Code, whether occurring before or after the effective date of this agreement.

5. The parties agree that the terms of this agreement are a compromise and that the settlement agreement binds the parties hereto, their assigns and successors in interest. This agreement is not intended to be and is not deemed to be evidence of, or admission of, any violation of law on the part of Diaquila.

6. As a result of an investigation conducted by the Board, Diaquila was notified by Notice that the Board intended to determine whether or not to issue a fine, reprimand, revoke or suspend his license to practice architecture in the State of Ohio based upon allegations that he violated Ohio Administrative Code Section 4703-3-09 (A).

STATE OF OHIO
BOARD OF EXAMINERS OF ARCHITECTS
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7. Based upon the foregoing, as a full and complete settlement of this matter and in the mutual best interests of the parties, Diaquila and the Board hereby agree to the following terms of settlement in Case No. 2007-80:

A. Diaquila waives his right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code.

B. Diaquila will pay in full, a monetary fine of **$500 / Five-Hundred Dollars** to the Board no later than November 5, 2007. Check or money order made payable to the "Ohio Treasurer, Richard Cordray".

C. Diaquila affirms that he has read and understands the Board's current laws & rules in Ohio Revised Code Chapter 4703 and Ohio Administrative Code Chapter 4703. Laws & rules can be found on the Board's website at: www.arc.ohio.gov

8. Diaquila hereby agrees to enter into a written contract with his clients prior to offering or providing architectural services.

9. Diaquila shall obey all federal, state and local laws, and all laws and administrative rules governing the practice of architecture in the state of Ohio and any United States jurisdiction where he may hold a license to practice architecture. If Diaquila is convicted of any criminal offense or violation of law other than a minor misdemeanor offense within the next two (2) years, he shall report those facts and circumstances in writing to the Board within thirty (30) days from the conviction.

10. It is hereby understood that this 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, this document shall become null and void and without any force or effect.

11. Diaquila waives any and all claims or causes of actions he may have against the State of Ohio, the Ohio Board of Examiners of Architects and its members, officers, employees and/or agents of either, arising out of the matters which are the subject of this settlement agreement.

12. This agreement shall be effective on the date it is approved by the Board and signed by the Board's Executive Director.

13. This document shall be considered a public record in accordance with Ohio Revised Code Section 149.43. However, this matter shall not be considered a disciplinary action requiring disclosure by Diaquila.

Samuel V. Diaquila
Cert. No. 8703

Date: 3 November 2007

Amy M. Kobe, CAE
Executive Director
Ohio Board of Examiners of Architects

Date: November 29, 2007