

OHIO BOARD OF LANDSCAPE ARCHITECT EXAMINERS

IN THE MATTER OF:	:	FILE NO. 2011-9
	:	
KENNETH A. KUSHMIDER,	:	
Cert. No. 648	:	

CONSENT AGREEMENT

1. This agreement is made between Kenneth A. Kushmider ("Kushmider") and the Ohio Board of Landscape Architect Examiners ("Board").
2. The above parties hereby stipulate to the jurisdiction of the Board over this matter.
3. Kushmider voluntarily enters into this Consent Agreement being fully informed of his rights under Ohio Revised Code Chapter 119.
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 agreement binds the parties hereto, their assigns and successors in interest.
6. This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:
 - a. The Board is empowered by Ohio Revised Code 4703.41, to deny renewal of, suspend or revoke any license issued by the Board.

- b. Kushmider knowingly and voluntarily admits that he violated Ohio Revised Code Sections 4703.41 (C), (F) and Ohio Administrative Code sections 4703:1-1-01 (G), 4703:1-3-04 (D) (1), (2) and 4703:1-3-04 (E) (2) as listed in the Notice of Opportunity letter dated February 7, 2011, hereinafter ("Notice"), sent to Kushmider by Amy M. Kobe, Executive Director of the Board.

These violations are directly related to Kushmider pleading guilty on or about July 2, 2010 in the United States District Court for the Northern District of Ohio, Eastern Division, to (1) one count of bribery for giving a \$3,000 bribe in 2007 in return for a \$167,000 Maple Heights School District contract for landscape contracting services.

7. Based upon the foregoing, as a full and complete settlement of this matter and in the mutual best interests of the parties, Kushmider and the Board hereby agree to the following settlement:

- a. Kushmider waives his right to any further appeal pursuant to Chapter 119 of the Ohio Revised Code concerning File No 2011-9.
- b. Kushmider accepts a three (3) year period of probation on his certificate of qualification to practice landscape architecture (Cert. No. 648) in the State of Ohio beginning on the date this agreement is ratified by the Board and signed by the Board's Executive Director.
- c. If during this three (3) year period of probation Kushmider is indicted for a bribery offense by a court of competent jurisdiction in any jurisdiction of the United States of America, Kushmider agrees that his license to practice landscape architecture in the State of Ohio will be immediately suspended by the Board.

If the indictment is dismissed or Kushmider is found innocent by a court of justice his license to practice landscape architecture will be immediately reinstated by the Board. If the indictment leads to a plea of guilty or a finding of guilty by a court of justice, Kushmider agrees that his license will be revoked by the Board.

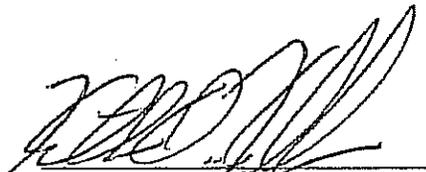
- d. Kushmider will successfully complete the "Professional Conduct" monograph offered by NCARB and provide to the Board a copy of the certificate of completion no later than December 19, 2011. (*CE hours awarded will not count towards the mandatory continuing education requirement*).
 - e. Kushmider hereby knowingly and voluntarily waives his right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code as to any suspension or revocation invoked by the Board as set forth in Section 7(c) above.
8. If Kushmider is indicted for a bribery offense he shall immediately report that fact and the circumstances in writing to the Board within fourteen (14) days of the indictment.
9. The terms, limitations and conditions of this Consent Agreement may be modified or terminated in writing at any time upon the agreement of both Kushmider and the Board.
10. Kushmider acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.
11. Kushmider waives all of his rights under Ohio Revised Code Chapter 119, as they relate to matters that are the subject of this Consent Agreement.

12. Kushmider waives any and all claims or causes of action he may have against the Board, and its members, officers, employees and/or agents arising out of matters that are the subject of this Consent Agreement.

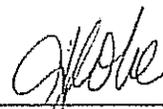
13. This Consent Agreement shall be considered a public record as that term is used in Ohio Revised Code 149.43. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

14. This Consent Agreement is not an adjudication order within the meaning of Ohio Revised Code 119.01 (D).

15. Kushmider understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board Executive Director and shall become effective upon the last date of signature below.



Kenneth A. Kushmider
Cert. No. 648



Amy M. Kobe, CAE, Hon. AIA
Executive Director of the Board

Date: 9/11/11

Date: 11/21/11