

OHIO BOARD OF LANDSCAPE ARCHITECT EXAMINERS

RECEIVED

JUN 27 2011

IN THE MATTER OF:	:	File No. 2011-14
	:	
Jeffrey L. Cole, Cert. No. 724	:	
2136 Glenmount Avenue	:	
Akron, Ohio 44319-1204	:	

SETTLEMENT AGREEMENT

1. This settlement agreement is made between Jeffrey L. Cole ("Cole"), 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. Cole voluntarily enters into this settlement agreement being fully informed of his rights under Chapter 119 of the Ohio Revised Code.

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 settlement agreement.

5. The parties agree that the terms of this settlement agreement are a compromise and that the settlement agreement binds the parties hereto, their assigns and successors in interest.

6. This settlement agreement is entered into on the basis of the following stipulations, admissions and understandings:

- a. The Board is empowered by Ohio Revised Code section 4703.41 to refuse renewal of, revoke or suspend any license issued by the Board.
- b. Cole knowingly and voluntarily admits that he violated Ohio Revised Code section 4703.41 (F) and Ohio Administrative Code sections 4703:1-1-01 (G), 4703:1-3-04 (C) (4) and 4703:1-3-04 (E) (3) as stated on the Notice of Opportunity letter issued by the Board dated May 26, 2011.

7. Based upon the foregoing, as a full and complete settlement of this matter and in the mutual best interests of the parties, Cole and the Board hereby agree to the following terms of settlement in Case No. 2011-14:

A. Cole waives his right to any further appeal pursuant to Chapter 119 of the Ohio Revised Code concerning Case No. 2011-14.

B. Cole will pay in full, a monetary fine of \$500 / *Five-Hundred Dollars* to the Board no later than June 27, 2011. Check or money order made payable to the "Treasurer, State of Ohio".

C. Cole accepts a *six (6) month suspension* of his certificate of qualification to practice landscape architecture (Cert. No. 724) in the State of Ohio beginning on the date this agreement is ratified by the Board and signed by the Board's Executive Director.

D. Cole accepts a *three (3) year period of probation* on his certificate of qualification to practice landscape architecture (Cert. No. 724) in the State of Ohio beginning on the date this agreement is ratified by the Board and signed by the Board's Executive Director.

E. If during this three year period of probation, Cole is indicted for a sexually oriented offense by a court of competent jurisdiction in any jurisdiction of the United States of America, Cole 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 Cole 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, Cole agrees that his license will be revoked by the Board.

F. Cole 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 involved by the Board as set forth in Section 7 (E) above.

G. Cole 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: <http://www.arc.ohio.gov>

8. If Cole is indicted for a sexually oriented offense, he shall immediately report that fact and the circumstances in writing to the Board within fourteen (14) days of the indictment.

9. Cole shall obey all federal, state and local laws and all laws and administrative rules governing the practice of landscape architecture in the state of Ohio and any United States jurisdiction where he may hold a license to practice landscape architecture. If Cole is convicted of a 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 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, this document shall become null and void and without any force or effect.

11. Cole waives any and all claims or causes of actions he may have against the State of Ohio, Board of Landscape Architect Examiners 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 settlement 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.



Jeffrey L. Cole
Cert. No. 724



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

Date: June 27, 2011

Date: 8/18/11