OHIO BOARD OF LANDSCAPE ARCHITECT EXAMINERS

OHIO ARCHITECTS BOARD
2010 MAR 10 A 10: 20

IN THE MATTER OF: : **File No. 2010-6**
:
John C. McFarland, Jr., Cert. No. 767 :
7973 Buckthorn Drive :
Mentor, Ohio 44060 :

SETTLEMENT AGREEMENT

1. This agreement is made between John C. McFarland, Jr. ("McFarland"), 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. The Board enters into this Settlement Agreement in lieu of formal proceedings based upon alleged violations of Ohio Revised Code Sections 4703.41 (C) and 4703.41 (F) and Ohio Administrative Code sections 4703:1-1-06 (B) (1), (3) and 4703:1-1-06 (I) as listed in the Notice of Opportunity letter dated February 12, 2010, hereinafter ("Notice"), sent to McFarland 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 McFarland.

6. As a result of an investigation conducted by the Board, McFarland was notified by Notice that the Board intended to determine whether or not to revoke or suspend his license to practice landscape architecture in the State of Ohio based upon allegations that he failed to successfully complete the mandatory continuing education requirements within the time period prescribed by law and that he committed an act of fraud whereby he attested and certified with his personal signature on his 2009-2011 Ohio renewal application that he had completed the requirements of mandatory continuing education when he did not.

7. Based upon the foregoing, as a full and complete settlement of this matter and in the mutual best interests of the parties, McFarland and the Board hereby agree to the following terms of settlement in Case No. 2010-6:

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

B. McFarland will pay in full, a monetary fine of **$500 / Five-Hundred Dollars** to the Board **no later than March 12, 2010**. Check or money order made payable to the "Ohio Treasurer".

C. McFarland will complete and submit to the Board verification of the remaining 8 hours of continuing education **no later than March 12, 2010**.

D. McFarland hereby agrees that in the future, he will comply with the Board's mandatory continuing education requirements, rules and deadlines.

E. McFarland 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/lae/laws.stm

F. McFarland 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 McFarland 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.

8. 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.

9. McFarland 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.

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

11. This document shall be considered a public record in accordance with Ohio Revised Code Section 149.43.

John C. McFarland, Jr.
Cert. No. 767

Date: 3/8/10

Amy M. Kobe
Executive Director of the Board

Date: 5/14/10