

4901:2-7-11

**Settlement agreements.**

- (A) Should the staff and the respondent reach agreement regarding the occurrence of a violation, the amount of a forfeiture to be assessed, or the nature of a compliance order to be made, the agreement may be reduced to writing in a "settlement agreement." ~~Such~~ ~~Where~~ an agreement ~~shall be~~ signed by the director and by the respondent, ~~and shall be~~ it is fully binding upon the commission and the respondent upon execution, except as otherwise provided in this rule.
- (B) A settlement agreement may contain an agreed forfeiture, an agreed compliance order, another agreed remedy, or withdrawal of the violation, regardless of the remedy specified in the notice of apparent violation, notice of intent to assess forfeiture, notice of intent to make compliance order, or a combined notice.
- (C) Settlement agreements providing for the payment of forfeitures of ten thousand dollars or more for any violation ~~shall are~~ not be effective until approved by and made the order of the commission.
- (D) In negotiating a settlement agreement, staff may consider any matters as justice may require, including, but not limited to:
- (1) Mitigating circumstances relevant to the occurrence of the violation.
  - (2) The respondent's ability to pay.
  - (3) The effect on the respondent's ability to continue in business.
  - (4) Imposition of remedies to assure future compliance other than those specified in the notice.
- (E) Notwithstanding paragraph (A) of rule 4901:2-7-11 of the Administrative Code, a respondent ~~shall be~~ deemed to have accepted the terms of a settlement agreement, if the settlement agreement only requires the respondent to pay an agreed forfeiture and the respondent pays that forfeiture.

Effective: 7/1/2023

Five Year Review (FYR) Dates: 3/27/2023 and 06/20/2028

CERTIFIED ELECTRONICALLY

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Certification

06/20/2023

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Date

Promulgated Under: 111.15  
Statutory Authority: 4905.81, 4923.04, 4923.99  
Rule Amplifies: 4905.81, 4923.04, 4923.99  
Prior Effective Dates: 09/28/1988 (Emer.), 12/23/1988, 10/22/2007,  
09/05/2011, 07/22/2016, 06/06/2022