

4901:2-7-11**Settlement agreements.**

- (A) Should the parties 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 an agreement shall be signed by the director and by the respondent, and shall be 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.
- (C) Settlement agreements providing for the payment of forfeitures of five thousand dollars or more for any violation shall 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.

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Certification

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