

## TO BE RESCINDED

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 transportation department 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 one thousand dollars or more for any violation shall not be effective until approved by and made the order of the commission.
- (D) The commission may, on its own motion, make the provisions of any duly executed settlement agreement the order of the commission. Proper execution of a settlement agreement constitutes a full and complete waiver by respondent of its right to prior notification of or to contest any such proceeding of the commission.
- (E) In the event a respondent has failed to comply with the provisions of a settlement agreement for a period exceeding thirty days, the commission may, on its own motion, commence a citation proceeding to order the respondent to appear and show cause why the settlement agreement should not be vacated. If the commission finds that a respondent has failed to comply with the provisions of a settlement agreement, the commission may vacate the settlement agreement and adopt as its order the relief set forth in the notice or notices concerning any violations subject to the settlement agreement.

Effective: 09/05/2011

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CERTIFIED ELECTRONICALLY

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Certification

08/25/2011

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Date

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