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APR 17 2009

1. On November 18, 2004, the Director of the Ohio Environmental Protection Agency (“Director”) issued a Class I Public Water Supply Operator Certificate to Mr. Dawson. This certificate was renewed on December 20, 2006.
2. On February 19, 2008, the Director of the Ohio Environmental Protection Agency (“Director”) sent a letter to Mr. Dawson proposing to revoke Mr. Dawson’s Class I Public Water Supply Operator Certificate.
3. On March 21, 2008, Mr. Dawson filed a Request for Adjudication Hearing regarding the Director’s February 19, 2008 proposed revocation. Mr. Dawson’s Request for Adjudication Hearing was timely filed.
4. Mr. Dawson’s Class I Public Water Supply Operator Certificate expired on December 31, 2008.

5. The parties have engaged in settlement discussions in an attempt to resolve this matter. These settlement discussions have produced an agreement between the parties for the settlement of Mr. Dawson's March 21, 2008 Request for Adjudication Hearing.

WHEREAS, the parties wish to conclude these proceedings without an adjudication hearing on any questions of fact or law by entering into a Stipulation and Settlement Agreement;

THEREFORE, the parties have agreed as follows:

SETTLEMENT AGREEMENT

1. Mr. Dawson agrees to file with the Director a Notice of Voluntary Withdrawal of his March 21, 2008 Request for Adjudication, with prejudice, by no later than ten days after the filing of this Stipulation and Settlement Agreement.

2. Upon receipt of Mr. Dawson's Notice of Voluntary Withdrawal, Staff agrees to immediately make a recommendation to the Director that he withdraw the February 19, 2008 proposed revocation that is the subject of the current appeal and not issue the proposed action as a final action.

3. Mr. Dawson agrees that he will not seek to have his Class I Public Water Supply Operator Certificate renewed pursuant to O.A.C. 3745-7-16.

4. Mr. Dawson agrees that he will never seek to take, and he will never physically take, an examination for certification of any kind pursuant to O.A.C. Chapter 3745-7 or any modifications thereto.

5. The terms of this Settlement Agreement, including all of the above representations, agreements, and waivers, are contingent upon: (1) the Director not finalizing the February 19, 2008 proposed revocation that is the subject of the current appeal; (2) Mr. Dawson not seeking to have his Class I Public Water Supply Operator Certificate renewed pursuant to O.A.C. 3745-7-

16 or any modifications thereto; and (3) Mr. Dawson never seeking to take and never physically taking any examination for certification of any kind pursuant to O.A.C. Chapter 3745-7 or any modifications thereto. In the event that the Director does not withdraw his February 19, 2008 proposed revocation, or Mr. Dawson seeks to have his Class I Public Water Supply Operator Certificate renewed pursuant to O.A.C. 3745-7-16 or any modifications thereto; or Mr. Dawson seeks to take or physically takes any examination for certification of any kind pursuant to O.A.C. Chapter 3745-7 or any modifications thereto, then Mr. Dawson's Notice of Voluntary Withdrawal filed pursuant to the terms of this Settlement Agreement shall be deemed a nullity and shall have no force or effect and the Director's February 19, 2008 proposed revocation shall be reissued as if it had never been withdrawn.

6. The entering of this Stipulation and Settlement Agreement shall in no way be construed as an admission by Staff that the Director's February 19, 2008 proposed revocation, as originally issued, was not supported by a preponderance of the evidence.

7. The entering of this Stipulation and Settlement Agreement shall in no way be construed as an admission by Mr. Dawson that the Director's February 19, 2008 proposed revocation, as originally issued, was supported by a preponderance of the evidence.

8. The parties understand and agree that the complete terms of the Joint Stipulation and Settlement Agreement are set forth herein.

Respectfully submitted,

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