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COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF PROFESSIONAL GEOLOGISTS  
ADMINISTRATIVE ACTION NO. 07-01

KENTUCKY BOARD OF PROFESSIONAL GEOLOGISTS

Complainant

v. **SETTLEMENT AGREEMENT**

JOHN MCNULTY, JR.

Respondent

\* \* \* \* \*

**Whereas**, the Kentucky Board of Professional Geologists ("Board") having entered into a settlement agreement previously with the Respondent; and

**Whereas**, the Respondent indicating that he is unable to comply with the terms of that agreement; and

**Whereas**, the parties mutually desire to settle these issues in an expeditious manner, without the need for a formal hearing; and

**It is hereby stipulated and agreed** between the undersigned parties that this matter shall be settled and resolved upon the following terms in this Settlement Agreement ("Settlement Agreement").

**Voluntary Waiver of Rights**

The Respondent has had the opportunity at all times to seek the advice from competent counsel of choice. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Settlement Agreement. The Respondent has freely and voluntarily entered into this Settlement Agreement, motivated only by a desire to resolve the issues addressed herein. The Respondent has executed this Settlement Agreement only after a careful reading of it and a full understanding of all of its terms.



The Respondent acknowledges that he has had the opportunity to obtain counsel in this action and has chosen not to do so. The Respondent further acknowledges that he has the right to appeal from this Order. However, the Respondent waives his right to appeal this action to the Franklin Circuit Court.

### **Jurisdiction**

The Respondent acknowledges that the Board has jurisdiction over the Respondent and the conduct which has precipitated this Settlement Agreement. The Respondent also acknowledges that the Board has the legal power to take legal action under KRS 322A.030 and KRS 322A.100.

### **Settlement Terms: Revocation of License**

Respondent admits that he has failed to comply with the terms of the previously entered settlement agreement in Agency Case No. 07-01.

- 1) The Respondent agrees that his license to practice geology issued by this Board shall be revoked.
- 2) The Respondent acknowledges that the Board shall not consider any request for reinstatement made on his behalf until such time as he has fully complied with the terms of the previous settlement agreement in this case.
- 3) The Respondent acknowledges that compliance with the terms of the previous settlement agreement does not guarantee reinstatement upon request.

### **Enforcement**

The Respondent agrees to indemnify the Board for any costs, including reasonable attorney's fees, if the Board finds, after notice and opportunity to be heard, that the Respondent has failed to comply with any provision of this Settlement Agreement.



### **Release of Liability**

In consideration of execution of this Settlement Agreement, the Respondent for the Respondent, its parent company, subsidiaries, affiliates, successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the Kentucky Board of Ophthalmic Dispensers, *and Professional Geologists (A)* and the Kentucky Attorney General and each of their members, agents, and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that the Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

### **Acceptance by the Board**

This Settlement Agreement shall be effective when entered by the Board Chair after a majority vote at the next regular Board Meeting following its tender to the Board Office.

### **Cooperation with the Board**

The Respondent agrees to permit and cooperate with the Board, its members, agents, and employees to monitor the Respondent's compliance with the terms and conditions of this Settlement Agreement as set forth above.

### **Open Record**

The parties acknowledge that once adopted by the Board, this Settlement Agreement shall be considered a public document under KRS Chapter 61, the Kentucky Open Records Act, and

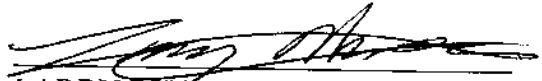


may be available for inspection at any time by any member of the public under the Kentucky Open Records Act.

### Complete Agreement

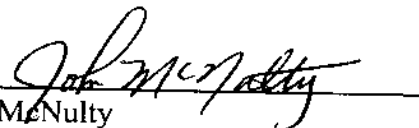
This Settlement Agreement consists of five (5) pages and embodies the entire agreement between the Board and the Respondent. This Settlement Agreement shall constitute a binding contract between the Respondent and the Board, subject only to approval by the Board as set forth above. The Respondent shall not rescind, revoke, or withdraw this Settlement Agreement prior to its presentation to the Board at a regularly scheduled meeting of the Board. It may not be altered, amended or modified without the express written consent of both parties.

So ordered on this 4 day of October, 2010.



LARRY RHODES, CHAIRMAN  
KENTUCKY BOARD OF  
PROFESSIONAL GEOLOGISTS

**Have Seen, Understood, and Approved:**

By:   
John McNulty  
Respondent

Date: 8-7-10

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Settlement Agreement was mailed, by first class mail, postage prepaid, on this 7<sup>th</sup> day of October, 2010, to:

John McNulty  
5859 Highway 56  
Owensboro, KY 42301

Michael West  
Office of the Kentucky Attorney General  
700 Capitol Avenue, Suite 118  
Frankfort, Kentucky 40601-3449

Lucie Small      10-7-10  
Board Administrator      Date

