

IN THE COURT OF COMMON PLEAS
MARION COUNTY, OHIO

COMMON PLEAS COURT
MARION CO. OHIO

2015 APR 22 PM 1:12

STATE OF OHIO, *ex rel.*
MICHAEL DEWINE
OHIO ATTORNEY GENERAL

CASE NO. 2013 CV 0453

JUDGE JAMES SLAGLE

JULIE M. KAGEL
CLERK OF COURTS

Plaintiff,

v.

333 JOSEPH, LLC, et al.

Defendants.

CONSENT ORDER AND JUDGMENT ENTRY

Plaintiff, the State of Ohio, ex rel. Michael DeWine, Attorney General of Ohio ("Plaintiff" or "the State"), has filed the Complaint in this action against Defendants 333 Joseph, LLC ("333 Joseph"), Stanley Rosenfeld, Robert Cendol, Recycling Creations, LLC, and Eric Keith to enforce Ohio's air pollution control laws found in R.C. Chapter 3704 and rules adopted thereunder.

Plaintiff and Defendants 333 Joseph, Stanley Rosenfeld, and Robert Cendol now consent to the entry of this Consent Order and Judgment Entry ("Consent Order").

NOW THEREFORE, without the trial, admission, or determination of any issue of fact or law, and upon the consent of Plaintiff and Defendants 333 Joseph, Stanley Rosenfeld, and Robert Cendol, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. DEFINITIONS

1. As used in this Order, the following terms are defined as follows:
 - a. "Ohio EPA" means the Ohio Environmental Protection Agency.

- b. "Defendants" for purposes of this Consent Order means 333 Joseph, Stanley Rosenfeld, and Robert Cendol.
- c. "The parties" shall mean the State and Defendants 333 Joseph, Stanley Rosenfeld, and Robert Cendol.
- e. "The Property" means Defendant 333 Joseph's former facility and property located at 333 Joseph Street, Marion, Marion County, Ohio,.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim for which relief can be granted pursuant to R.C. Chapter 3704. Venue is proper in this Court.

III. PERSONS BOUND

3. Defendant 333 Joseph is a Nevada limited liability corporation with a business address of 311 South Division Street, Carson City, Nevada 89703. 333 Joseph was formerly registered with the State of Ohio as a foreign limited liability company with a registered agent of Business Filings Incorporated, 4400 Easton Commons Way, Suite 125, Columbus, Ohio 43219.

4. Defendant Stanley Rosenfeld is an individual residing at 5900 NW 44th Street, Apt 614, Lauderhill, Florida 33319.

5. Defendant Robert Cendol is an individual residing at 5948 Sylvan Ridge Drive, Toledo, Ohio 43623.

6. The provisions of this Consent Order shall apply to and be binding upon Plaintiff and Defendants, and Defendants' agents, officers, employees, assigns, successors-in-interest, any person acting in concert, privity or participation with them and any purchaser of the Property who receives actual notice of this Consent Order whether by personal service or otherwise.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

7. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendants to the Plaintiff for the claims alleged in the Plaintiff's Complaint.

8. This Consent Order shall not be construed to limit the authority of the Plaintiff, or any other entity, to seek relief for violations not alleged in or related to the Complaint, nor shall this Consent Order bar the State, or any other entity, from bringing any action against the Defendants for any violations that occur after the entry of this Order. Nothing in this Consent Order shall be construed to relieve Defendants of their obligations to comply with applicable federal, state or local statutes, regulations, or ordinances.

9. Because this Consent Order constitutes full satisfaction of any civil liability of Defendants for the claims alleged in Plaintiff's Complaint, the parties agree to waive any right to appeal the entry of this Order or any issue arising in this action.

V. PERMANENT INJUNCTION

10. The Defendants agree and are ordered and enjoined to comply with R.C. Chapter 3704 and Ohio Adm.Code Chapter 3745-20.

VI. CIVIL PENALTY

11. Within one (1) year of entry of this Consent Order, Defendants 333 Joseph shall pay a total civil penalty of Two Hundred Thousand Dollars (\$200,000.00). Payments shall be made according to the following schedule: Within six (6) months of the entry of this Consent Order, Defendant shall pay One Hundred Thousand Dollars (\$100,000.00). The balance of One Hundred Thousand dollars (\$100,000.00) shall be paid in full no later than one (1) year after the entry of this Consent Order.

12. Within two (2) years of entry of this Consent Order, Defendant Robert Cendol shall pay a civil penalty of eight thousand dollars (\$8,000.00) to the State of Ohio. Payments shall be made according to the following schedule: Within one (1) year of the entry of this Consent Order, Defendant shall pay four thousand dollars (\$4,000.00). The balance of four thousand dollars (\$4,000.00) shall be paid in full no later than two (2) years after the entry of this Consent Order.

13. Within one (1) year of entry of this Consent Order, Stanley Rosenfeld shall pay a total civil penalty of Ninety-Two Thousand Dollars (\$92,000.00). Payments shall be made according to the following schedule: Within six (6) months of the entry of this Consent Order, Defendant shall pay Forty-Six Thousand Dollars (\$46,000.00). The balance of Forty-Six Thousand dollars (\$46,000.00) shall be paid in full no later than one (1) year after the entry of this Consent

14. All penalty payments shall be made by a certified check for the amount as stated above, payable to the order of "Treasurer, State of Ohio" and delivered within 30 days of entry of this Consent Order to Scott Hainer, Paralegal, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215. The memorandum portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 467482."

15. The payment(s) shall be credited by Ohio EPA to its accounts in the following fashion: \$40,000.00 of the civil penalty paid by Defendant 333 Joseph, LLC, \$18,400.00 of the civil penalty paid by Defendant Stanley Rosenfeld, and \$1,600.00 of the civil penalty paid by Defendant Robert Cendol, shall be credited to Ohio EPA's Clean Diesel School Bus Fund; and \$160,000.00 of the civil penalty paid by Defendant 333 Joseph, LLC, \$73,600.00 of the civil

penalty paid by Defendant Stanley Rosenfeld, and \$6,400.00 of the civil penalty paid by Defendant Robert Cendol, shall be credited to the environmental education fund and the air pollution control administration fund in accordance with R.C. 3704.06.

16. In the event any Defendant fails to make any payment in full required by this paragraph at the time the payment is due, any and all remaining payments required of that Defendant under this section become immediately due and owing, plus applicable interest pursuant to R.C. 131.02(D) and R.C. 5703.47 calculated from the Effective Date. Counsel for Plaintiff will notify Defendants before taking any action to enforce this provision in the event of Defendant's failure to make a timely payment. Ordinary mail notice to the addresses contained within this Consent Order shall constitute notice for purposes of this paragraph.

17. This Consent Order memorializes a compromise and settlement; it is not, and shall not be construed, as an admission of liability on the part of 333 Joseph, LLC, Rosenfeld, or Cendol. The payments provided for under this Consent Order do not constitute an admission of liability, a finding of fact, or a legal determination. No person or entity or court not a party to this Consent Order, may rely upon it, or benefit from it, for any purpose.

IX. COSTS

18. Defendant shall pay the court costs of this action.

X. EFFECTIVE DATE

19. This Order shall be effective upon the date of its entry by the Court.

XI. RETENTION OF JURISDICTION

20. The Court will retain jurisdiction of this action for purposes of enforcing this Order.

XII. SIGNATORIES

21. Each of the undersigned representatives of the Parties represents that they are fully authorized to enter into the terms and conditions of this Order and legally bind the respective party to this document.

XIII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

22. Pursuant to Civ.R. 58, upon signing of this Order by the Court, the Clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the Clerk is directed to serve upon all parties, notice of the judgment and its date of entry upon the journal in the manner prescribed by Civ.R. 5(B) and note the service in the appearance docket.

IT IS SO ORDERED.

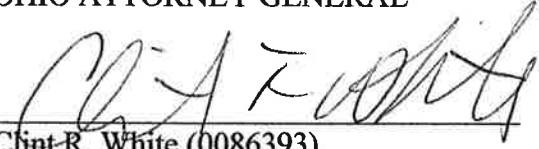
4/22/15
DATE



JUDGE JAMES SLAGLE

APPROVED:

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OHIO ATTORNEY GENERAL



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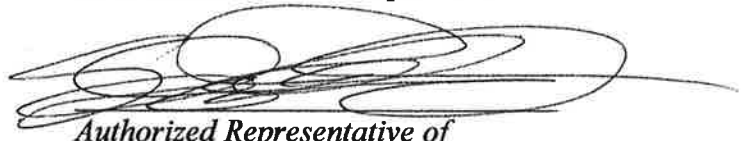
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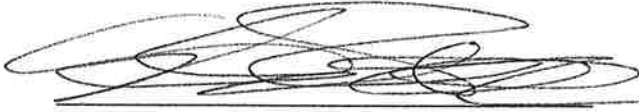
*Attorney for Defendants 333 Joseph LLC,
Stanley Rosenfeld, and Robert Cendol*

DEFENDANT 333 Joseph, LLC




*Authorized Representative of
Defendant 333 Joseph, LLC*

DEFENDANT STANLEY ROSENFELD



In his personal capacity

DEFENDANT ROBERT CENDOL


In his personal capacity