

IN THE COURT OF COMMON PLEAS
MARION COUNTY, OHIO

COMMON PLEAS COURT
MARION CO. OHIO

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

Plaintiff,

v.

333 JOSEPH, LLC, et al.

Defendants.

CASE NO. 2013 CV 0453

JUDGE JAMES SLAGLE

2015 APR -8 PM 3: 51

JULIE M. KAGEL
CLERK OF COURTS

CONSENT ORDER AND JUDGMENT ENTRY AS TO DEFENDANTS ERIC KEITH
AND RECYCLING CREATIONS, LLC

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 Recycling Creations, LLC and Eric Keith 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 Eric Keith and Recycling Creations, LLC, 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" herein means Recycling Creations and Eric Keith.
- c. "The parties" shall mean the State and Defendants Recycling Creations, LLC and Eric Keith.
- d. "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 Recycling Creations is an Ohio limited liability corporation, with a business address of 823 Barks Road East, Marion, Ohio 43302.

4. Defendant Eric Keith is an individual residing at 826 Fairwood Avenue, Marion, Ohio 43302.

5. 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

6. 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.

7. 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 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.

V. PERMANENT INJUNCTION

8. The Defendants agree and are ordered and enjoined to comply with R.C. Chapter 3704 and all rules adopted thereunder, including but not limited to Ohio Adm.Code Chapter 3745-20.

VI. CIVIL PENALTY

9. Within two (2) years of entry of this Consent Order, Defendants Recycling Creations, LLC and Eric Keith 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, Defendants 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.

10. The 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."

11. The payment(s) shall be credited by Ohio EPA to its accounts in the following fashion: \$1,600 of the civil penalty paid by Defendants shall be credited to Ohio EPA's Clean Diesel School Bus Fund; and \$6,400 of the civil penalty paid by Defendants shall be credited to the environmental education fund and the air pollution control administration fund in accordance with R.C. 3704.06.

12. In the event Defendants fail 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.

VII. COSTS

13. Defendant shall pay the costs of this action.

VIII. EFFECTIVE DATE

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

IX. RETENTION OF JURISDICTION

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

X. SIGNATORIES

16. 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.

XI. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

17. 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.

4/6/15
DATE

[Signature]
JUDGE JAMES SLAGLE

APPROVED:

MICHAEL DEWINE
OHIO ATTORNEY GENERAL

[Signature]
Clint R. White (0086393)
Sarah Bloom Anderson (0082817)
Tasha N. Miracle (0092318)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3400
Telephone: (614) 466-2766
Facsimile: (614) 644-1926
clint.white@ohioattorneygeneral.gov
sarah.anderson@ohioattorneygeneral.gov
tasha.miracle@ohioattorneygeneral.gov

Attorneys for Plaintiff

DEFENDANT RECYCLING
CREATIONS, LLC

[Signature]
*Authorized Representative of
Defendant Recycling Creations, LLC*

DEFENDANT ERIC KEITH

[Signature]
In his personal capacity