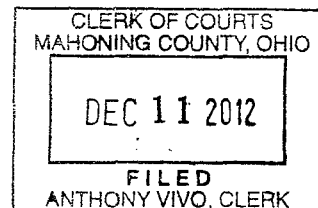


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IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO

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

Plaintiff,

v.

SERGIO DiPAOLO, *et al.*

Defendants.

:  
: CASE NO. 10 CV 3497  
:  
:  
: JUDGE JOHN M. DURKIN  
:  
: MAGISTRATE D. DELAURENTIS  
:  
:  
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CONSENT ORDER AND JUDGMENT ENTRY BETWEEN PLAINTIFF STATE OF  
OHIO AND DEFENDANT DIRECT INTERNATIONAL, INC.

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Plaintiff, the State of Ohio, ex rel. Michael DeWine, Attorney General of Ohio ("Plaintiff"), has filed the Complaint in this action against Defendants Sergio DiPaolo ("DiPaolo"), Source One Contractors and Developers, Inc. ("Source One"), Ohio One Contractors and Developers, LLC ("Ohio One"), Boardman Supply Company, James Pipoly, and Direct International, Inc. to enforce Ohio's air pollution control laws found in R.C. Chapter 3704 and rules adopted thereunder. The Court has previously found liability against Defendants Boardman Supply Company and James Pipoly. Claims are still pending against Defendants DiPaolo, Source One, and, Ohio One.

Plaintiff and Defendant Direct International, Inc. have consented to the entry of this Consent Order and Judgment Entry.

NOW THEREFORE, without the trial, admission, or determination of any issue of fact or law, and upon the consent of Plaintiff and Defendant Direct International, Inc., it is hereby ORDERED, ADJUDGED, and DECREED as follows:

J2786  
P000521



2010 CV  
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00022102668  
JUDENT

## **I. DEFINITIONS**

1. As used in this Order, the following terms are defined as follows:
  - a. “Consent Order” or “Order” means this Consent Order and any Judgment Entry filed to accomplish the terms in this Consent Order.
  - b. “Defendant” means Defendant Direct International, Inc., unless otherwise noted.
  - c. “Facility” means Defendant Direct International’s facility and all related operations located at 1536 First Street, Newton Falls, Trumbull County, Ohio 44444.
  - d. “Ohio EPA” means the Ohio Environmental Protection Agency.

## **II. JURISDICTION AND VENUE**

2. This Court has jurisdiction over the subject matter of this action pursuant to R.C. Chapter 3704 and the rules adopted thereunder. This Court has jurisdiction over the Parties. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

## **III. PERSONS BOUND**

3. The provisions of this Consent Order shall apply to and be binding upon Plaintiff and Defendant Direct International, Inc., and Defendant’s agents, officers, employees, assigns, successors-in-interest, any person acting in concert, privity or participation with them and any purchaser of the Facility who receives actual notice of this Consent Order whether by personal service or otherwise. Defendant Direct International, Inc. is ordered and enjoined to provide a copy of this Consent Order to each contractor employed to perform any work required herein and to any purchaser of the Facility.

## **IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

4. The Plaintiff alleges in its Complaint that Defendant has violated R.C. Chapter 3704 and Ohio Administrative Code (“Ohio Adm.Code”) Chapter 3745-20. Compliance with

the terms of this Consent Order shall constitute full satisfaction of any civil and administrative liability of Defendant Direct International, Inc., to the Plaintiff for the claims alleged in Plaintiff's Complaint up to the date of the Court's entry of this Consent Order.

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

#### **V. INJUNCTIVE RELIEF**

6. Defendant Direct International, Inc. is hereby permanently enjoined and ordered to comply with R.C. Chapter 3704 and the rules promulgated thereunder.

7. Defendant Direct International, Inc. is further permanently enjoined and ordered to comply with Ohio Adm.Code Chapter 3745-20.

#### **VI. CIVIL PENALTY**

8. Pursuant to and in accordance with R.C. 3704.06, Defendant Direct International, Inc. is enjoined and ordered to pay a total civil penalty of Ten Thousand Dollars (\$10,000) to the State of Ohio. This amount shall be paid by cashier's or certified check payable to the order of "Treasurer, State of Ohio" and delivered within 30 days of entry of this Consent Order to Martha Sexton, Paralegal, or her successor, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215. The memo portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 380596."

9. The payment shall be credited by Ohio EPA to its accounts in the following fashion: Two Thousand Dollars (\$2,000) shall be credited to Ohio EPA's Clean Diesel School Bus Fund, and Eight Thousand Dollars (\$8,000) shall be credited to the environmental education fund and the air pollution control administration fund in accordance with R.C. 3704.06.

## **VII. STIPULATED PENALTIES**

10. In the event that Defendant Direct International, Inc., fails to comply with any of the requirements of Sections V and VI of this Consent Order, Defendant shall immediately and automatically be liable for and shall pay a stipulated penalty in accordance with the following schedule:

- a. For each day of each failure to comply with a requirement or deadline of this Consent Order, up to and including 30 days – \$25.00 per day for each requirement or deadline not met;
- b. For each day of each failure to comply with a requirement or deadline of this Consent Order, from 31 to 60 days – \$50.00 per day for each requirement or deadline not met;
- c. For each day of each failure to comply with a requirement or deadline of this Consent Order, over 60 days – \$100.00 per day for each requirement or deadline not met.

11. Stipulated penalties due under this Consent Order shall be paid by check or money order, payable to "Treasurer, State of Ohio" and mailed to Martha Sexton, Paralegal, or her successor, Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215. The memo portion of the check, or some

other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 380596."

12. The payment of stipulated penalties by Defendant and the acceptance of such stipulated penalties by Plaintiff pursuant to this Section shall not be construed to limit Plaintiff's authority to seek additional relief pursuant to R.C. Chapter 3704, including civil penalties under R.C. 3734.06, or to otherwise seek judicial enforcement of this Consent Order, for the same violation for which a stipulated penalty was paid or for other violations.

#### **VIII. RETENTION OF JURISDICTION**

13. This Court shall retain jurisdiction of this action for the purpose of enforcing this Consent Order.

#### **IX. COSTS**

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

#### **X. EFFECTIVE DATE**

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

#### **XI. AUTHORITY TO ENTER INTO THE CONSENT ORDER**

16. Each signatory for a corporation represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof.

#### **XII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**

17. Pursuant to Civ.R. 58, upon signing of this Consent 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 notice upon all parties 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 current docket.

IT IS SO ORDERED:

DATE: \_\_\_\_\_

12/10/12

  
JUDGE DURKIN

APPROVED:

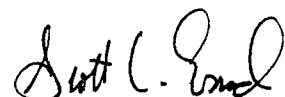
MICHAEL DEWINE  
OHIO ATTORNEY GENERAL



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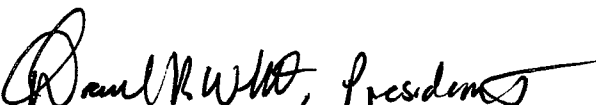
*Attorneys for Plaintiff State of Ohio*



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scott@scottessad.com

*Attorney for Defendant Direct International,  
Inc.*

By:   
Daniel R. White, President

*Authorized Representative of Defendant  
Direct International, Inc.*

CLERK COPIES TO ALL COUNCIL  
OF LEGISLATIVE PARTY

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