

JAMES B. McCARTHY  
JUN 19 1 31 PM '82  
SUMMIT COUNTY  
CLERK OF COURTS

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IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

STATE OF OHIO, ex rel. :  
WILLIAM J. BROWN : Case No. 80-123368  
ATTORNEY GENERAL OF OHIO, :  
 : JUDGE MCFADDEN  
Plaintiff, :  
 :  
vs. : CONSENT JUDGMENT  
 :  
MICHAEL ROSS, :  
 :  
Defendant. :  
 :

The Complaint having been filed on December 10, 1980 and Plaintiff and Defendant by their respective attorneys having consented to this Consent Judgment;

THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of the parties hereto, it is hereby ordered, adjudged, and decreed as follows:

I.

The court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against the Defendant under Sections 6109.31 and 6109.33 of the Ohio Revised Code.

II.

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, trustees, members, agents, servants, employees, successors,

and assigns. In addition, the provisions of this Consent Judgment shall apply to all persons, firms, corporations, agencies, and other entities having notice of this Consent Judgment and who are, or will be, acting in concert and privity with any party to this action or his officers, directors, agents, servants, employees, successors, and assigns.

III.

As described in Counts One, Two and Three of the Complaint, Defendant has violated Revised Code Section 6109.31 by failing to comply with the requirements of OAC 3745-81-21, 3745-81-28, 3745-81-31, and 3745-81-32 concerning sampling, analysis, reporting and notification in the operation of the community water system which serves the Comet Mobile Home Park.

IV.

Defendant agrees, and is hereby permanently enjoined, to comply with OAC Chapter 3745-81 in the operation of the community water system which serves the Comet Mobile Home Park.

V.

Because of Defendant's past violations of Revised Code Section 6109.31 and for the purpose of insuring future compliance with the provisions of this entry, a civil penalty in the amount of five hundred dollars (\$500.00) for each day of each violation is hereby imposed. Defendant shall pay six hundred dollars (\$600.00) of this penalty within ten (10) days of his receipt of his federal income tax refund for the year 1980, by delivery to Plaintiff's counsel, for payment into the State Treasury, a certified check drawn in such amount to the order of "Treasurer, State of Ohio." In the event that Defendant does not receive his 1980 federal income tax return by June 1, 1982, Defendant shall pay this six hundred dollars (\$600.00) by June 15, 1982. The Court suspends the payment of the remainder of such penalty contingent upon Defendant's compliance with the terms of this Consent Judgment. In the event that Defendant, after the date

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of the entry of this Judgment, violates any of the terms of this Judgment, the Court shall reinstate a portion of the suspended penalty in the amount of five hundred dollars (\$500.00) for each violation of the Judgment, which penalty shall not be suspended in whole or in part. Provided, however, that whenever Plaintiff requests and receives five hundred dollars (\$500.00) for a violation of this Judgment, Plaintiff agrees not to pursue additional penalties for that same violation by filing an enforcement action pursuant to Revised Code Chapter 6109.

VI.

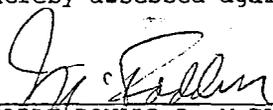
Defendant hereby waives any and all defenses which he may have to an action to enforce this Consent Judgment, including the imposition of the penalties pursuant to paragraph V above, except the defense that the violation did not in fact occur.

VII.

The Court retains jurisdiction of this case as to Defendant for the purpose of making any order or decree which it may deem at anytime to be necessary to carry out this Judgment.

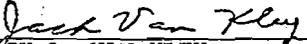
VIII.

The costs of this action are hereby assessed against Defendant.

  
HONORABLE DONALD B. McFADDEN

APPROVED:

WILLIAM J. BROWN  
ATTORNEY GENERAL OF OHIO

  
JACK A. VAN KLEY  
Assistant Attorney General  
Environmental Law Section  
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ATTORNEY FOR PLAINTIFF

  
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ATTORNEY FOR DEFENDANT

COURT OF COMMON PLEAS  
County of Summit, State of Ohio

No. 80-12-3368

State of Ohio Ex. Rel.  
AGAINST

Michael Ross

**CERTIFIED COPY**

I, JAMES B. McCARTHY, Clerk of Court of  
Common Pleas, hereby certify that the within  
is a true copy of the original.

Consent Judgment

FILED Jan 19 1982

In the above entitled case:

JAMES B. McCARTHY, Clerk

By John L. Ross Deputy

Certified March 30 1982