

10-032

CLERK OF COURTS
MAHONING COUNTY, OHIO
DEC 14 2015
FILED
ANTHONY VIVO, CLERK

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

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

CASE NO. 12CV1684

JUDGE KRICHBAUM

Plaintiff,

v.

TECUMSEH VILLAGE MOBILE
HOME PARK, INC.,
et al.,

Defendants.

Entity: Tecumseh Village MHP
Doc Type: Judicial Order
Doc Subtype: Consent Order
Program: NPDES
County: Mahoning
Secondary ID: 3 PV 000 23

MODIFIED CONSENT ORDER

WHEREAS, Plaintiff State of Ohio by its Attorney General ("State") filed a Complaint in this action against Defendants Joseph Raineri, and Tecumseh Village Mobile Home Park, Inc. (collectively "Defendants");

WHEREAS Plaintiff and Defendants entered into a Consent Order to resolve injunctive relief and civil penalty related to violations of Ohio's clean water laws in multiple counties;

WHEREAS, said Consent Order was entered by the Mahoning County Court of Common Pleas on December 4, 2012, and included a provision in Paragraph 28 that this Court would retain jurisdiction of this action for the purpose of administering and enforcing compliance with the Consent Order; and



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WHEREAS, Defendants failed to meet compliance deadlines set forth in the Consent Order, the parties wish to add to and to modify certain terms and conditions of the Consent Order as set forth herein:

NOW THEREFORE, upon consent of the parties hereto, and without admission of any fact, it is hereby ORDERED as follows:

1. Defendants shall pay stipulated penalties in the amount of thirty-two thousand dollars (\$32,000.00) which resolves stipulated penalties associated with Defendants failure to comply with Paragraph 11 of the December 4, 2012 Consent Order. This payment shall be made in two installments which shall be made in two equal payments six months apart following the last civil penalty payments outlined in the December 4, 2012 Consent Order, Paragraph 14. The first installment of sixteen thousand (\$16,000.00) is due on or before June 4, 2017, and the second installment is due on or before December 4, 2018.

2. The State reserves the right to pursue any other action to enforce any terms of the Consent Order including this modification, including, but not limited to, filing charges in contempt with this Court.

3. Penalty payments shall be made by certified check(s) for the amounts as stated above, payable to the order of "Treasurer, State of Ohio" and delivered to Scott Hainer, Paralegal or his successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215.

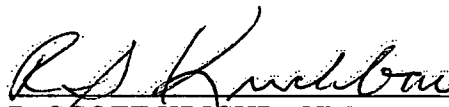
4. If Defendants miss any of the scheduled payments as set forth in the December 4, 2012 Consent Order, all remaining payments, along with interest as set forth in R.C. 5703.47 accruing from December 4, 2012, the original date of entry of this

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Consent Decree, shall become due and owing immediately. However, if Defendants only miss payments of the stipulated penalties as set forth in Paragraph 1 above, then interest as set forth in R.C. 5703.47 shall accrue only from the date of the entry of this Modified Consent Order.

5. If not specifically modified herein, the terms and conditions of the December 4, 2012, Consent Order remain in full force and effect.

IT IS SO ORDERED:


R. SCOTT KRICHBAUM,
JUDGE, MAHONING COUNTY
COURT OF COMMON PLEAS


12-16-15
DATE

THE CLERK SHALL SERVE NOTICE
OF THIS ORDER UPON ALL PARTIES
WITHIN THREE (3) DAYS PER CIVIL R.5

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APPROVED:

STATE OF OHIO


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TECUMSEH VILLAGE
MOBILE HOME PARKS, INC.



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