

IN THE COURT OF COMMON PLEAS  
HOCKING COUNTY, OHIO

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

Plaintiff,

v.

MARK ANTHONY, et al.,

Defendants.

CASE NO. 13 CV 0147

JUDGE WALLACE

CONSENT ORDER

SHARON EDWARDS  
CLERK OF COURT

2017 APR 11 PM 3:38

HOCKING COUNTY  
COMMON PLEAS COURT

WHEREAS, Plaintiff, the State of Ohio ("Plaintiff"/"State"), by and through its counsel Attorney General Michael DeWine, has filed a Complaint in this action against Defendants Mark Anthony, Marlin Trace Investments, Ltd, Marlin Trace Investments II, Ltd. and Lake Logan RV Park, LLC (collectively, "Defendants"), to enforce Revised Code Chapters 6109 and 6111 and the rules promulgated under those chapters at Defendants' mobile home parks and campground in Hocking and Fairfield Counties (collectively, "Sites");

WHEREAS, Plaintiff's Complaint seeks injunctive relief and civil penalties for Defendants' alleged violations of Ohio's Safe Drinking Water Laws and Water Pollution Control Laws, as set forth in R.C. Chapters 6109 and 6111, respectively, and the rules promulgated under those chapters;

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

## I. JURISDICTION AND VENUE

1. The Court has jurisdiction over both the parties and the subject matter of this action pursuant to R.C. Chapters 6109 and 6111. The Complaint states a claim upon which relief can be granted against Defendants under R.C. Chapters 6109 and 6111. Venue is proper in this Court.

## II. PERSONS BOUND

2. All terms and provisions of this Consent Order shall apply to and be binding upon Defendants, their assigns, successors in interest, and others bound by Rule 65(D) of the Ohio Rules of Civil Procedure, who are or will be acting in concert and/or in privity with the Defendants. The undersigned representative of each party to this Consent Order certifies that he or she is fully authorized by the party or parties whom she or he represents to enter into the terms and conditions of the Consent Order and execute and legally bind that party or parties to it. This Consent Order is in settlement and compromise of disputed claims and nothing in this Consent Order is to be construed as an admission of any facts or liability.

## III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendants for all claims under such laws alleged in the Complaint filed in this case.

## IV. RESERVATION OF RIGHTS

4. Nothing in this Consent Order, including the imposition of stipulated civil penalties for violations of this Consent Order, shall limit the authority of the State of Ohio to:

- (a) Seek any legal or equitable relief from Defendants or any other appropriate person for claims or conditions not alleged in the Complaint, including violations that occur after the filing of the Complaint. Notwithstanding the preceding Section, Plaintiff acknowledges the allegations in the Complaint allege all believed conditions and/or violations related to the Sites;

- (b) Seek any legal or equitable relief from Defendants or any other appropriate person for claims or conditions alleged in the Complaint that occur or exist on the date of or after the entry of this Consent Order;
- (c) Enforce this Consent Order through a contempt action or otherwise seek relief for violations of this Consent Order;
- (d) Take any action authorized by law against any appropriate person, including Defendants, to eliminate or mitigate conditions at the Sites that may present a threat to the public health or welfare, or the environment in derogation of applicable laws and regulations, for which Ohio EPA has the authority to enforce; and/or,
- (e) Bring any legal or equitable action against any appropriate person other than Defendants for any violation of applicable laws. For the purposes of this Consent Order, and in particular the provisions of this paragraph, the term "person" includes: an individual, corporation, business trust, estate, trust, partnership, association, municipal corporation, interstate body created by compact, and other officers, agents, employees, attorneys, and/or those in active concert or participation with any of them.

#### V. INJUNCTION

5. Defendants are permanently enjoined from violating R.C. Chapters 6109, 6111 and the rules promulgated and permits adopted under those laws.

#### VI. EFFECT OF CONSENT ORDER

6. This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing public water system or wastewater treatment system where a permit is required. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

## VII. CIVIL PENALTY

7. Defendants shall pay to the State of Ohio a civil penalty of one hundred thousand dollars (\$100,000) for violations of R.C. Chapters 6109 and 6111, in accordance with the following schedule:

- (a) April 1, 2017: Defendants shall pay five-thousand dollars (\$5,000).
- (b) July 1, 2017: Defendants shall pay five-thousand dollars (\$5,000).
- (c) October 1, 2017: Defendants shall pay five-thousand dollars (\$5,000).
- (d) January 1, 2018: Defendants shall pay five-thousand dollars (\$5,000).
- (e) April 1, 2018: Defendants shall pay five-thousand dollars (\$5,000).
- (f) July 1, 2018: Defendants shall pay five-thousand dollars (\$5,000).
- (g) October 1, 2018: Defendants shall pay five-thousand dollars (\$5,000).
- (h) January 1, 2019: Defendants shall pay five-thousand dollars (\$5,000).
- (i) April 1, 2019: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).
- (j) July 1, 2019: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).
- (k) October 1, 2019: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).
- (l) January 1, 2020: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).
- (m) April 1, 2020: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).
- (n) July 1, 2020: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).
- (o) October 1, 2020: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).
- (p) January 1, 2021: Defendants shall pay seven-thousand five-hundred dollars (\$7,500).

8. Penalty payments shall be made by certified check for the amounts as stated above, payable to the order of "Treasurer, State of Ohio" and delivered to Scott Hainer, Paralegal, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215.

#### VIII. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS

9. Performance of the terms of this Consent Order by Defendants is not conditioned on the receipt of any federal or state grant funds or loans. In addition, Defendants' performance is not excused by the failure to obtain or shortfall of any federal or state grant funds or loans, or by the processing of any applications for the same.

#### IX. MODIFICATION

10. No modification shall be made to this Consent Order without the written agreement of the parties and the Court.

#### X. RETENTION OF JURISDICTION

11. The Court will retain jurisdiction of this action for the purposes of overseeing that Defendants comply with this Consent Order and making any order or decree that it deems appropriate to carry out this Consent Order.

#### XI. COURT COSTS

12. Defendants and Plaintiff have agreed to split court costs as follows: Plaintiff will pay half of the court costs of this action in an amount not to exceed \$200 and Defendants will pay the remainder.

13. Defendants are hereby ordered to pay the costs incurred by the Ohio EPA for the publication of the Consent Order in Ohio EPA's Weekly Review and a newspaper of general circulation as required in Paragraph 14, below. Defendants shall pay the costs associated with

publication by delivering a certified check payable to: "Treasurer, State of Ohio" and with a notation indicating that the funds are going to "Fund 699" on it, in the amount of the costs, to the Fiscal Officer, Ohio EPA, P.O. Box 1049, Columbus, Ohio 43216-1049, within thirty (30) days from the date he receives notice of the costs from Ohio EPA.


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

14. The parties agree and acknowledge that final approval by Plaintiff and Defendants and entry of this Consent Order is subject to the requirements of 40 C.F.R. 123.27(d)(2)(iii), which provides for notice of the lodging of the Consent Order, opportunity for public comment, and the consideration of any public comments. Both Plaintiff and Defendants reserve the right to withdraw this Consent Order based on comments received during the public comment period.

15. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is hereby directed to serve upon the parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

**IT IS SO ORDERED.**

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
JUDGE WALLACE  
HOCKING COUNTY  
COMMON PLEAS COURT

APPROVED:


MICHAEL DE WINE  
OHIO ATTORNEY GENERAL



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Janean R. Weber (0083960)  
Tasha N. Miracle (0092318)  
Assistant Attorneys General  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215-3400


*Counsel for Plaintiff, State of Ohio*



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Marlin Trace Investments, Ltd.  
By: Mark Anthony  
10751 Starner Road  
Rockbridge, Ohio 43149

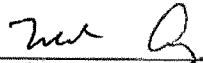
*Defendant*



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Lake Logan RV Park, LLC  
By: Mark Anthony  
15111 State Route 664  
South Logan, Ohio 43138

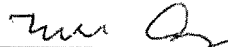
*Defendant*



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Marlin Trace Investments II, Ltd.  
By: Mark Anthony  
15111 State Route 664  
South Logan, Ohio 43149

*Defendant*



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Mark Anthony  
15111 State Route 664  
South Logan, Ohio 43149

*Defendant*

HOCKING COUNTY COMMON PLEAS COURT  
1 East Main ST, PO Box 108  
Logan, OH 43138

740-385-2616

NOTICE OF APPEALABLE ORDER

STATE OF OHIO, EL REL.

v ANTHONY, MARK

ETAL 13-CV-0147

To: STATE OF OHIO, EL REL.  
MICHAEL DEWINE, OH ATTY GENERAL  
30 EAST BROAD STREET, 25TH FLOOR  
COLUMBUS OH 43215-3400

What appears to be an appealable order was filed in the above-referenced case on  
the 11TH day of APRIL, 2017 .  
CONSENT ORDER

4/11/17

Clerk of Courts: Sharon Edwards Clerk

Deputy



Copies Mailed To:

ANTHONY, MARK  
15111 STATE ROUTE 664 S

LOGAN OH 43138

LAKE LOGAN RV PARK, LLC  
C/O MARK ANTHONY, STATUTORY AGNT  
15111 STATE ROUTE 664  
SOUTH LOGAN OH 43138

MARLIN TRACE INVESTMENTS, LTD  
C/O MARK ANTHONY, STATUTORY AGNT  
15111 STATE ROUTE 664 S  
LOGAN OH 43138

TASHA N MIRACLE  
30 EAST BROAD STREET 25TH FLOOR  
COLUMBUS OH 43215

MARLIN TRACE INVESTMENTS, LTD  
BY: MARK ANTHONY  
10751 STARNER ROAD  
ROCKBRIDGE, OH 43149