

**FILED**  
 COLUMBIANA COUNTY  
 COURT OF COMMON PLEAS  
 FEB 09 2009  
 ANTHONY J. DATTILIO  
 CLERK (SCB)

IN THE COURT OF COMMON PLEAS  
 COLUMBIANA COUNTY, OHIO

STATE OF OHIO, ex rel.	:	
RICHARD CORDRAY,	:	CASE NO.: 2007 CV 00610
ATTORNEY GENERAL	:	
OF OHIO,	:	JUDGE C. ASHLEY PIKE
	:	
Plaintiff,	:	
	:	
-v-	:	
	:	
THEODORE and DEBRA TSESMILLES:	:	CONSENT ORDER
	:	
Defendants.	:	

WHEREAS, Plaintiff State of Ohio, on relation of Richard Cordray, Attorney General of Ohio, at the written request of the Ohio Environmental Protection Agency ("OEPA"), filed a complaint commencing this action against Defendants Theodore and Debra Tsesmilles ("Defendants") to enforce the provisions of Ohio's solid waste and scrap tire laws set forth in Ohio Revised Code Chapter 3734 and the rules adopted pursuant to that chapter and to pursue other legal and equitable relief;

WHEREAS, this Consent Order is being entered into to achieve a resolution to Columbiana County Case Number 2007-CV-00610 and is not an admission of liability by any party;

WHEREAS, Plaintiff and Defendants consent to the entry of this Consent Order ("Consent Order") without trial of any issue of fact or law, and upon consent of the Parties

hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

**I. JURISDICTION AND VENUE**

1. The Court has jurisdiction over the undersigned parties to this action and the subject matter of the Complaint. The Complaint states a claim under which relief can be granted pursuant to R.C. Chapter 3734 and the rules adopted thereunder. Venue is proper in this Court.

**II. PARTIES BOUND**

2. The provisions of this Consent Order shall apply to, and be binding upon, Defendants, their successors in interest and assigns, and others to the extent provided by Civil Rule 65(D).

**III. DEFINITIONS**

3. The terms used in this Consent Order shall have the same meaning as used in R.C. Chapter 3734 and the regulations promulgated thereunder.

4. "Property" means property owned by Defendants, located at 165 E. Main Street, Salineville, Columbiana County, Ohio, 43954.

**IV. CIVIL PENALTY**

5. Within thirty (30) days of entry of this Consent Order, Defendants agree and are ordered and enjoined to pay a civil penalty of twenty dollars (\$20.00) per month for one year, for

a total of two hundred and forty (\$240.00). Defendants shall make each payment by delivering to Plaintiff, c/o Karen M. Pierson or her successor, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215-3400, a check, payable to "Treasurer-State of Ohio."

#### **V. RESERVATION OF RIGHTS**

6. Nothing herein shall be construed to relieve Defendants of their obligation to comply with applicable federal, state or local statutes, regulations or ordinances.

7. Nothing herein absolves Defendant from the duty to comply with this Consent Order.

#### **VI. RETENTION OF JURISDICTION**

8. This Court shall retain jurisdiction of this matter for the purpose of overseeing the compliance by Defendants with this Consent Order.

#### **VII. SIGNATORIES**

9. By affixing their signatures hereto, Defendants certify that they understand and

enter into the terms and conditions of this Consent Order and that they are legally bound by this document.

*COSTS TO Defendants.*

IT IS SO ORDERED:



C. ASHLEY PIKE, Judge  
Columbiana County Common Pleas Court

Respectfully submitted,

RICHARD CORDRAY,  
ATTORNEY GENERAL OF OHIO

By: Julianna Bull

**Julianna F. Bull (0025204)**  
Assistant Attorney General  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, OH 43215

*Attorney for Plaintiff State of Ohio*

By: Theodore Tsesmilles  
Theodore Tsesmilles

By: Debra Tsesmilles  
Debra Tsesmilles

*Defendants*