



**I. JURISDICTION AND VENUE**

1. The Court has both personal and subject matter jurisdiction over Plaintiff and the Defendants (collectively, "the parties"). The Complaint states a claim upon which relief can be granted against Defendants under Chapter 6111 of the Ohio Revised Code. 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 agents, employees, 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. Plaintiff alleges in its Complaint that Defendants have operated the WWTP at the Tavern in such a manner as to result in violations of the Water Pollution Control Laws of the State of Ohio. Defendants specifically dispute Plaintiff's allegations. 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.

4. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief against Defendants or other appropriate persons for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint, nor shall anything in this Consent Order limit the right of Defendants to any defenses they may have for such claims including that Defendants no longer operate a WWTP. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief against other appropriate persons, not covered by this Consent Order, for claims or conditions alleged in the Complaint. Similarly, nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to undertake any action against any person, including Defendants, to eliminate or mitigate conditions that may present a threat to the public health, welfare or the environment.

#### IV. PERMANENT INJUNCTION

5. Defendants are permanently enjoined from violating R.C. Chapter 6111 and the rules adopted under those laws.

#### V. 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 structure 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.

## VI. CIVIL PENALTY

7. Pursuant to R.C. 6111.09(A) Defendants shall be jointly and severally liable to pay a cash civil penalty in the amount of forty thousand dollars (\$40,000.00), in accordance with the following:

- a. Defendants shall pay twenty thousand dollars (\$20,000.00) within thirty days of the entry of this Order;
- b. Defendants shall pay ten thousand dollars (\$10,000.00) within one year of the entry of this Order;
- c. Defendants shall pay ten thousand dollars (\$10,000.00) within two years of the entry of this Order.

8. The civil penalty payment shall be made by delivering to Scott Hainer, Paralegal, or his successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio, 43215, a certified check, made payable to the order of the "Treasurer, State of Ohio," for the appropriate amount.

9. If Defendants fail to make any payment in full or within the time period the payment is due as required by this section, all remaining civil penalty payments required by this section shall become immediately due and owing, plus applicable interest pursuant to R.C. 131.02(D). Any delinquent payments shall accrue interest at the maximum statutory rate under R.C. 5703.47, calculated from the date of the entry of this Order. In addition, if Defendants fail to make any payments, the Plaintiff will enter judgment liens on upon Defendants' property in the amount of the full judgment (less any payments made) plus applicable interest.

10. If the initial twenty thousand dollar penalty payment is timely paid by Defendant Thomas Salagovic pursuant to Section VI.7.a above, but the remaining two penalty payments of ten thousand dollars pursuant to Section VI.7.b and VI.7.c. are not timely paid by Defendants Allen Lawver, Suzanne Lawver, and/or Lawsal, Inc. in full, Plaintiff agrees to make a good faith

effort to collect the unpaid portion of this twenty thousand dollars from Defendants Allen Lawver, Suzanne Lawver, and Lawsal, Inc., prior to pursuing its right to seek enforcement of this Order jointly and severally upon all Defendants, including Defendant Salagovic or Defendant Salagovic individually. This initial choice of remedy shall also include the forgoing of filing any lien upon property owned by Defendant Salagovic until initial efforts to collect from the other Defendants have been unsuccessful.

**VII. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS**

11. 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.

**VIII. MODIFICATION**

12. No modification shall be made to this Consent Order without the written agreement of the parties and/or an order of the Court.

**IX. RETENTION OF JURISDICTION**

13. 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.

**X. COSTS**

14. Defendants are hereby ordered to pay the court costs of this action.

15. Defendants are hereby ordered to pay for 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. Defendants shall pay the costs associated with publication by delivering to Scott Hainer, Paralegal, or his successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio, 43215, a certified check, made payable to the order of the "Treasurer, State of Ohio," with a notation of "publication cost" written on the check, in an amount of two hundred dollars (\$200.00), within thirty (30) days from the date of entry of this Order.

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

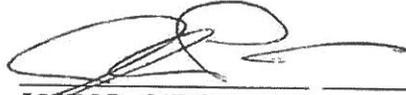
16. The parties agree and acknowledge that final approval by the Plaintiff and the Defendants and entry of this Consent Order is subject to the requirements of 40 C.F.R. 123(d)(2)(iii), which provides for notice of the lodging of the Consent Order, opportunity for public comment, and the consideration of any public comments. Both the State of Ohio and the Defendants reserve the right to withdraw this Consent Order based on comments received during the public comment period.

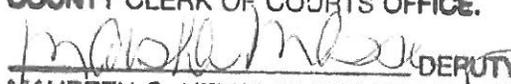
17. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon the signing of this Consent Order by the Court, the Clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the Clerk is hereby directed to serve upon the parties a notice 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.**

1/19/16  
DATE

  
\_\_\_\_\_  
JOHN P. O'DONNELLI  
Judge, Lake County Court of Common Pleas

**I CERTIFY THIS TO BE A TRUE COPY OF  
THE RECORDS ON FILE IN THE LAKE  
COUNTY CLERK OF COURTS OFFICE.**  
  
\_\_\_\_\_  
DEPUTY  
MAUREEN G. KELLY, CLERK OF COURTS

**APPROVED:**

**MICHAEL DEWINE  
OHIO ATTORNEY GENERAL**

  
\_\_\_\_\_  
**CHRISTINE RIDEOUT SCHIRRA (0088134)  
KELLY D. McCLOUD (0085847)**  
Assistant Attorneys General  
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\_\_\_\_\_  
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*Counsel for Defendants Allen Lawver,  
Suzanne Lawver and Lawsal, Inc.*

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**ROBERT S. LEACH (0031224)**

29339 Euclid Avenue

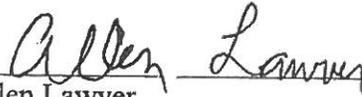
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*Counsel for Defendant Thomas Salagovic*



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Allen Lawver

Individually

*Defendant*



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Suzanne Lawver

Individually

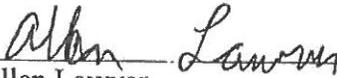
*Defendant*

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Thomas Salagovic

Individually

*Defendant*

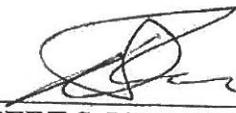


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Allen Lawver

Lawsal, Inc.

*Defendant*



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Allen Lawver

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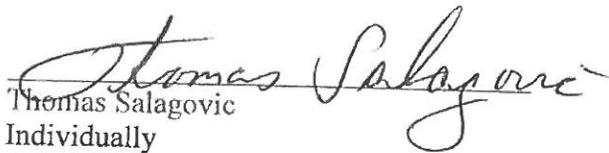
*Defendant*

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Suzanne Lawver

Individually

*Defendant*



Thomas Salagovic

Individually

*Defendant*

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Allen Lawver

Lawsal, Inc.

*Defendant*

