

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO



STATE OF OHIO, ex rel., JIM PETRO,
ATTORNEY GENERAL OF OHIO
Environmental Enforcement Section
30 E. Broad Street, 25th Floor
Columbus, Ohio 43215-3428

CASE NO. CV-04-526984

Plaintiff,

JUDGE WILLIAM J. COYNE

v.

FAEZ MUNTASER
26955 Schubert Drive
Westlake, Ohio 44145-2363

CONSENT ORDER AND
FINAL JUDGMENT ENTRY



Defendant.

Plaintiff, State of Ohio, by its Attorney General, Jim Petro ("Plaintiff"), having filed the Complaint in the above-entitled action to enforce Ohio's asbestos emission control standards and air pollution control laws set forth in Ohio Revised Code ("R.C.") Chapter 3704 and the rules adopted thereunder, and Plaintiff and Defendant Faez Muntaser ("Defendant Muntaser") having consented to the entry of this Consent Order,

NOW THEREFORE, without trial or admission of any issue of law or of fact, and upon the 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 parties and the subject matter of this action, pursuant to R.C. Chapter 3704 and the regulations adopted thereunder. The Complaint states a

claim upon which relief can be granted against Defendant Muntaser under R.C. Chapter 3704, and venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon Defendant Muntaser, his agents, representatives, officials, employees, assigns and successors in interest. In addition, the provisions of this Consent Order shall apply to and be binding upon those persons who receive actual notice of this Consent Order whether by personal service or otherwise who act in concert or participation with any of the entities identified above.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant Muntaser has engaged in demolition/renovation operations involving asbestos or asbestos-containing materials, and that Defendant Muntaser's demolition/renovation operations involving asbestos have resulted in violations of R.C. Chapter 3704 and the regulations adopted thereunder. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant Muntaser for the violations alleged in the Complaint. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint or for violations of R.C. Chapter 3704 and the regulations adopted thereunder which occur after the filing of the Consent Order. Further, nothing in this Consent Order shall be construed to relieve Defendant Muntaser of his obligation to comply with applicable federal, state or local statutes, regulations or ordinances.

IV. PERMANENT INJUNCTION

4. Defendant Muntaser agrees and represents to the Court and is hereby ordered and enjoined, immediately upon entry of this Consent Order, to comply with R.C. Chapter 3704 and the regulations adopted thereunder, including Ohio Adm. Code Chapter 3745-20.

V. CIVIL PENALTY

5. Pursuant to R.C. 3704.06, Defendant Muntaser shall pay to the State of Ohio a civil penalty of \$25,000.00. Within thirty (30) days of the entry date of this Consent Order, Defendant Muntaser is enjoined and ordered to pay \$25,000.00 by delivering a certified check payable to the order of "Treasurer, State of Ohio." The check required under this paragraph shall be delivered to: Amy Laws or her successor, Paralegal, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

VI. STIPULATED PENALTIES

6. In the event that Defendant Muntaser fails to comply with any of the requirements imposed by paragraphs 4 and 5 of this Consent Order, Defendant Muntaser shall, immediately and automatically, be liable for and pay a stipulated penalty of Five Thousand Dollars (\$5,000.00) per day per violation for each violation of paragraph 4 and a stipulated penalty of One Thousand Dollars (\$1,000.00) per day per violation for each violation of paragraph 5.

7. In the event Defendant Muntaser fails to meet any of the requirements of this Consent Order, Defendant Muntaser shall immediately and automatically be liable for payment of stipulated penalties imposed by this Order without prior demand by the State of Ohio. Payment of all stipulated penalties shall be paid by Defendant Muntaser by its delivering to Plaintiff a certified check(s) in the appropriate amount(s), payable to the order of "Treasurer,

State of Ohio," immediately upon the occurrence of the violation giving rise to the penalty. Payment shall be delivered to Plaintiff, c/o Amy Laws, Paralegal, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

8. The imposition, payment and collection of stipulated penalties pursuant to violations of this Consent Order shall not prevent the State from pursuing additional remedies, civil, criminal or administrative, for violations of applicable laws.

VII. RETENTION OF JURISDICTION

9. This Court will retain jurisdiction of this action for the purpose of enforcing compliance with this Consent Order.

VIII. COSTS

10. Defendant Muntaser is hereby ordered to pay all court costs of this action.

IX. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

11. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all 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

5-4-05
DATE

APPROVED:

JIM PETRO


JUDGE WILLIAM J. COYNE
CUYAHOGA COUNTY
COURT OF COMMON PLEAS

ATTORNEY GENERAL OF OHIO

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Counsel for Defendant, Faez Muntaser

Faez Muntaser
Defendant Faez Muntaser

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MAY 05 2005

GERALD E. FUERST, CLERK
By *[Signature]* Deputy

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THE STATE OF OHIO } Cuyahoga County	SS. I. GERALD E. FUERST, CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL. <i>VP 3324</i>	
NOW ON FILE IN MY OFFICE. <i>9705 184-188 dated May 5, 2005</i>	
WITNESS MY HAND AND SEAL OF SAID COURT THIS <i>26</i> DAY OF <i>May</i> A.D. 20 <i>05</i>	
GERALD E. FUERST, Clerk	
By <i>[Signature]</i>	Deputy