

FILED
COURTS

IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, OHIO

OCT 14 PM 12:41

STATE OF OHIO, ex rel.
JIM PETRO
ATTORNEY GENERAL OF OHIO

CASE NO. 05T000085

JUDGE ED LANE

Plaintiff,

v.

ROBERT TATE
ROUTE 1, BOX 333
TOWNSHIP ROAD 51
BELPRE, OHIO 45714

Defendant.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came on for a Trial to the Court on Thursday, September 29, 2005. Defendant Robert Tate is the owner of property in Washington County, Ohio. The Ohio EPA has been diligently trying to work with him since 1991 and those efforts have been rebuffed. During that period of time he has continued to do illegal burning in violation of Ohio Administrative Code 3745-19-04(A) and illegal open dumping of solid waste on his property in violation of Ohio Revised Code 3747.03 and Ohio Administrative Code 3745-27-05(C). He has endangered the environment through both activities and he has created a health risk to his neighbors and the area in which he resides.

There has been evidence of specific violations. Complaints were investigated and it is well documented that there were illegal burns on 2/6/01, 10/26/01 and 10/02/02. Each of these incurs a civil penalty of \$25,000.00 with a gross assessment of \$75,000.00 for illegal burning. Further, the investigations documented illegal dumping on 3/14/00, 1/15/02, 11/18/02, 8/24/05, 8/26/05, and 9/2/05. The court assesses a civil penalty for

each of those days of \$10,000.00 for a gross judgment in State of Ohio ex rel. Jim Petro v. Robert Tate in the sum of \$135,000.00 plus interest plus costs incurred herein. The Court enters a cease and desist order preventing Defendant from bringing any additional solid waste onto his property and any further open burning.

Defendant is no longer allowed to conduct business on his property. Violation of this order will carry a criminal penalty resulting in jail confinement for Defendant.

The Defendant is ordered to meet with representatives of the Ohio EPA to make arrangements for them to come onto Defendants property and give directions as to what they require regarding the clean up of the property as well as a deadline for same.

The Court orders that this be accomplished within 90 days. A status conference regarding this clean up is set for ninety days from now, namely 1/6/06 at 9:45 a.m. Defendant is ordered to be present. If Defendant is not present a warrant for his arrest shall be issued. Ohio Assistant Attorneys General James Carr and Jill Mercer, along with the investigators, are ordered to be present at this status conference as well. The Ohio EPA is also directed to provide Defendant with a list of requirements to clean up the property by October 10, 2005. Parties are then directed to return back to this court at the above-noted time and date.

JUDGE ED LANE

IN THE COURT OF COMMON PLEAS
GENERAL DIVISION - WASHINGTON COUNTY
205 PUTNAM STREET
MARIETTA, OHIO 45750

FILED
CLERK OF COURTS #17
2005 OCT 21 AM 10:14
WASHINGTON CO. OHIO

OHIO ATTY GEN V R TATE

Judgment rendered on 10/20/05

in favor of

OHIO STATE OF EX REL
C/O ATTY GENERAL OF OHIO

and against

CASE NO. 05OT000085

ROBERT TATE

CERTIFICATE
OF JUDGMENT

for the sum of \$135,000.00

ONE HUNDRED THIRTY FIVE THOUSAND
DOLLARS AND NO CENTS

\$60,000.00 FOR OPEN DUMPING
\$75,000.00 FOR OPEN BURNING

together with costs of suit.

Journal Entry recorded in
Journal Microfische dated 10/20/05

Information for this Certificate
of Judgment taken from Court
Order or Precipe on file in
this action.

Witness my signature
and seal of the
Common Pleas Court
Washington County
Marietta, Ohio

JUDY R. VAN DYK
Clerk of Courts, By
Brenda Wolfe
Deputy
Dated 10/21/05