

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

STATE OF OHIO ex rel.  
MICHAEL DEWINE  
OHIO ATTORNEY GENERAL

Plaintiff,

v.

VENUS HOTELS, INC., fka  
RAJENS C.M., INC.

and

SUBHASH ANGRA

Defendants.

CASE NO. 2012CV0882

JUDGE VETTEL

TAMI PENTER  
CLERK OF COURTS  
COMMON PLEAS COURT  
ASHTABULA COUNTY, OH

2013 APR 23 AM 11 19

FILED

**CONSENT ORDER FOR INJUNCTIVE RELIEF AND CIVIL PENALTY**

WHEREAS, Plaintiff State of Ohio, by its Attorney General Michael DeWine (“State” or “Plaintiff”), has filed the Complaint in this action against Venus Hotels, Inc., fka Rajens C.M., Inc., and Subhash Angra (collectively referred to as “Defendants”) to enforce the State of Ohio’s Water Pollution Control Laws, R.C. Chapter 6111 and the rules promulgated thereunder, concerning the Defendants’ operation of the semi-public wastewater treatment system (hereinafter “WWTP”) at the Ramada Austinburg Hotel (“Hotel”), located at 1860 Austinburg Road, Austinburg, Ashtabula County, Ohio.

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

**I. JURISDICTION AND VENUE**

1. The Court has both personal and subject matter jurisdiction over 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 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 a WWTP at the Hotel in such a manner as to result in numerous 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 Defendant for all claims under such laws alleged in the Complaint filed contemporaneously with this Consent Order.

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 it 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 WWTP

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 pay to the State of Ohio a cash civil penalty of Forty Thousand Dollars (\$40,000.00), to be paid in eight (8) consecutive monthly payments of Five Thousand Dollars (\$5,000.00) each, beginning May 1, 2013 and ending December 1, 2013.

8. The civil penalty payment shall be made by delivering to Martha Sexton, Paralegal, or her 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.

## **VII. STIPULATED PENALTIES**

9. In the event that Defendants fail to meet any of the terms or requirements of this Consent Order, Defendants shall immediately and automatically be liable for and shall pay a stipulated penalty of one hundred dollars (\$100.00) per day for each requirement not met, for the first sixty (60) days of noncompliance. Defendants shall be liable for an additional stipulated penalty of two hundred dollars (\$200.00) per day for each requirement not met if the failure to comply continues for more than sixty (60) days, but less than one hundred twenty (120) days. In the event that failure to comply continues more than one hundred twenty (120) days, Defendants

shall be liable for an additional three hundred dollars (\$300.00) per day for each requirement not met.

10. Any payment required to be made under the provisions of paragraph 9 of this Consent Order shall be made by delivering a certified check or checks, made payable to "Treasurer, State of Ohio" for the appropriate amounts within forty-five (45) days from the date of the failure to meet the requirement of the Consent Order, by mail, or otherwise, to Martha Sexton, Paralegal or her successor, at the address set forth in paragraph 8.

11. The payment of stipulated penalties by Defendants and the acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to Section VII shall not be construed to limit Plaintiff's authority to seek additional relief or to otherwise seek judicial enforcement of this Consent Order. Further, payment by Defendants shall not be considered an admission of liability on the part of Defendants.

### **XIII. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS**

12. 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**

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

**X. RETENTION OF JURISDICTION**

14. 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. COSTS**

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

16. 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. 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 they receive notice of the costs from Ohio EPA.

**XII. CONTINUING JURISDICTION**

17. This Court shall retain jurisdiction over this action for the purpose of enforcing and administering Defendants' compliance with this Consent Order.

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

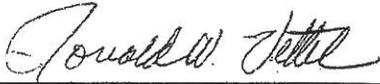
18. The parties agree and acknowledge that final approval by the Plaintiff and the Defendants and entry of this Consent Order is subject to the requirements of 40 C.F.R.

123(d)(1)(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.

19. 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.**

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
JUDGE VETTEL  
CIV-11-17

**APPROVED:**

**MICHAEL DEWINE**  
**OHIO ATTORNEY GENERAL**

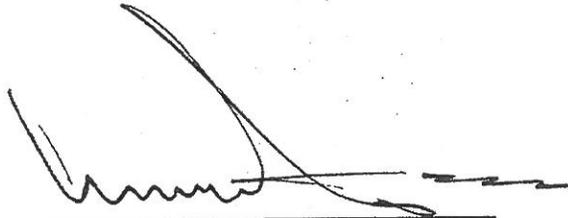


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Austinburg, OH 44010-9762



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*Defendants*