

IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

STATE OF OHIO, *ex rel.*, : CASE NO. 01-CV-2623  
JIM PETRO :  
ATTORNEY GENERAL OF OHIO, : JUDGE ANDREW D. LOGAN  
 :  
Plaintiff, :  
 :  
vs. :  
 :  
WILLIAM A. LAWRENCE, et al :  
 :  
Defendants. : ORIGINAL

---

CONSENT ORDER AND FINAL JUDGMENT ENTRY  
AS TO DEFENDANTS WILLIAM A. LAWRENCE, LUCILLE A. LAWRENCE,  
AND THE LAWRENCE FAMILY TRUST

---

The Plaintiff State of Ohio, by its Attorney General ("Plaintiff" or "State of Ohio") and Defendants William A. Lawrence, Lucille A. Lawrence, and the Lawrence Family Trust ("Defendants Lawrence" or "Defendants"), hereby consent to the entry of this Consent Order in order to resolve the allegations in this matter as to Defendants Lawrence and pursuant to Chapter 6111 of the Ohio Revised Code ("R.C.").

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. DEFINITIONS**

As used in this Consent Order:

"Bet-Mar Mobile Home Park" means the track of land located at 2640 Highland Avenue, Warren, Trumbull County, Ohio upon which manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of the park. Defendants Lawrence no longer own the Bet-Mar Mobile Home Park.

**“Consent Order”** means this Consent Order and Final Judgment Entry As To Defendants William A. Lawrence, Lucille A. Lawrence, and the Lawrence Family Trust.

**“Defendants”** means William A. Lawrence, Lucille A. Lawrence, and the Lawrence Family Trust.

**“Director”** means Ohio's Director of Environmental Protection.

**“Effective Date”** means the date the Trumbull County Court of Common Pleas enters this Consent Order.

**“NPDES”** means national pollutant discharge elimination system.

**“NPDES permit”** means the current national pollutant discharge elimination system permit and any renewals thereof.

**“Ohio EPA”** means Ohio Environmental Protection Agency.

**“Plaintiff”** means the State of Ohio by and through the Attorney General of Ohio.

**“Sewerage system”** means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting water borne sewage, industrial waste, or other wastes to a point of disposal or treatment.

**“Wastewater treatment plant”** or **“WWTP”** means a facility containing a series of tanks, screens, filter, and other processes by which pollutants are removed from water.

## **II. JURISDICTION AND VENUE**

1. The Court has jurisdiction over the Parties and the subject matter of this case pursuant to R.C. Chapter 6111. The Complaint states a claim upon which relief can be granted against Defendants Lawrence and venue is proper in this Court.

## **III. PARTIES**

2. The provisions of this Consent Order shall apply and be binding upon the Plaintiff and Defendants Lawrence, Defendants' agents, officers, employees, assigns,

successors in interest, buyers and any person acting in concert or privity with any of them.

#### **IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

3. Defendants Lawrence has operated their Bet-Mar Mobile Home Park wastewater treatment plant ("WWTP") and sewer system in such a manner as to result in violations of the requirements of the National Pollution Discharge Elimination System (NPDES) Permit issued to them by Ohio Director of Environmental Protection Agency and in violation of the water pollution laws of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendants Lawrence for all claims of violations alleged in the Complaint alleged against Defendants Lawrence, including the claims for injunctive relief and civil penalties.

4. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief against other appropriate persons for claims or conditions alleged in the Complaint. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief against any Defendants or other appropriate persons for claims or conditions not alleged in the Complaint, including violations which occur or continue after the filing of the Complaint, nor shall anything in this Consent Order limit the right of any Defendant to any defenses it may have for such claims. Similarly, nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to undertake any action against any Defendant, to eliminate or mitigate conditions which may present a threat to the public health, welfare or the environment.

## **V. INJUNCTIVE RELIEF**

5. Defendants have indicated they no longer own the Bet-Mar Mobile Home Park. Defendants shall not regain operation or ownership of the Bet-Mar Mobile Home Park at any future time.

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

6. Performance with the terms of this Consent Order by Defendants Lawrence is not conditioned on the receipt of any federal or state grant, loan or funds. In addition, Defendants' performance is not excused by the failure to obtain or shortfall of any federal or state grant, loan or funds, or by the processing of any applications for the same.

## **VII. CIVIL PENALTY**

7. Within forty-five (45) days of the effective date of this Consent Order, it is hereby ordered that Defendants Lawrence shall pay to the State of Ohio a civil penalty of Ten Thousand Dollars (\$10,000.00) for violation of R.C. Chapter 6111. The civil penalty payment shall be paid by delivering a certified check for the appropriate amount, made payable to "Treasurer, State of Ohio," to Jena Suhadolnik, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215-3400.

## **VIII. STIPULATED PENALTIES**

8. If Defendants Lawrence fail to meet the requirements of Section VII, paragraph 7 of this Consent Order, Defendants Lawrence shall pay a stipulated penalty according to the following schedule:

- (a) For each day of each failure to meet a requirement of Section VII, paragraph 7 of this Consent Order up to thirty (30) days - fifty dollars (\$50.00) per day per requirement not met;

(b) For each day of each failure to meet a requirement of Section VII, paragraph 7 of this Consent Order from thirty-one (31) to sixty days (60) - one hundred dollars (\$100.00) per day per requirement not met; and

(c) For each day of each failure to meet a requirement of Section VII, paragraph 7 of this Consent Order over (61) days - two hundred dollars (\$200.00) per day per requirement not met.

9. Any payment required to be made under the provisions of Section VIII of this Consent Order shall be made by delivering to Jena Suhadolnik, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215-3400, a certified check or checks, for the appropriate amounts within forty-five (45) days from the date of the failure to meet the requirement of this Consent Order, made payable to "Treasurer, State of Ohio." The payment of stipulated penalties by Defendants Lawrence and the acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to Section VIII shall not be construed to limit Plaintiff's authority to seek additional relief or to otherwise seek judicial enforcement of this Consent Order.

#### **IX. MISCELLANEOUS**

10. Nothing in this Consent Order shall affect Defendants' obligation to comply with all applicable federal, state or local law, regulation, rule or ordinance. Defendants Lawrence shall obtain any and all federal, state, or local permits necessary to comply with this Consent Order.

**X. RETENTION OF JURISDICTION**

11. The Court will retain jurisdiction of this action for the purpose of administering or enforcing Defendants Lawrence compliance with this Consent Order.

**XI. COSTS**

12. Defendants Lawrence is hereby immediately ordered to pay half the court costs of this action. The other half shall be paid by Defendant McLoughlin.

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

13. The parties agree and acknowledge that final approval by the Plaintiff and Defendants, and entry of this Consent Order is subject to the requirement of 40 C.F.R. §123.27(d)(1)(iii), which provides for notice of the lodging of this Consent Order, opportunity for public comment, and the consideration of any public comment. The Plaintiff and Defendants reserve the right to withdraw consent to this Consent Order based on comments received during the public comment period. Defendants Lawrence shall pay the cost of publishing the public notice within thirty (30) days of receipt of a bill or notice from Ohio EPA.

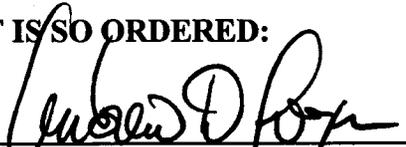
14. Upon the signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is hereby directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

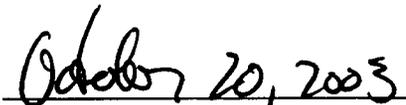
**XIII. AUTHORITY TO ENTER INTO THE CONSENT ORDER**

15. Each signatory for a trust represents and warrants that he/she has been duly authorized as trustee and may sign this document and so bind the trust to all terms

and conditions thereof and that he/she submits with this Consent Order an authenticated letter(s) of appointment from a probate court having jurisdiction of the subject matter of the trust.

**IT IS SO ORDERED:**

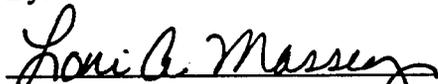
  
\_\_\_\_\_  
**ANDREW D. LOGAN, JUDGE  
TRUMBULL COUNTY  
COURT OF COMMON PLEAS**

  
\_\_\_\_\_  
**DATE**

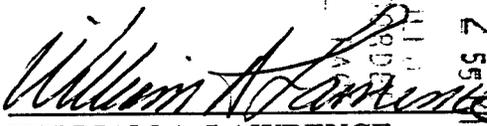
**APPROVED:**

**JIM PETRO  
ATTORNEY GENERAL OF OHIO**

By:

  
\_\_\_\_\_  
**LORI A. MASSEY (0047226)  
TODD DeBOE (0072034)  
Assistant Attorneys General  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215-3400  
Telephone: (614) 466-2766  
Facsimile: (614) 644-1926/752-2441  
E-Mail: [lmasssey@ag.state.oh.us](mailto:lmasssey@ag.state.oh.us)**

Attorneys for State of Ohio

  
\_\_\_\_\_  
**WILLIAM A. LAWRENCE  
in his Individual Capacity  
1251 Cimmaron Road, Apt. 7  
Las Vegas, Nevada 89117  
Telephone: (702) 371-0632  
Facsimile: (702) 838-1883**

MARGARET R. O'BRIEN  
CLERK OF COURTS  
TRUMBULL COUNTY  
OCT 20 2 55 PM '03  
RECORDED  
INDEXED  
VOL

**LAWRENCE FAMILY TRUST**

By:

  
\_\_\_\_\_  
**WILLIAM A. LAWRENCE  
Trustee  
1251 Cimmaron Road, Apt. 7  
Las Vegas, Nevada 89117  
Telephone: (702) 371-0632  
Facsimile: (702) 838-1883**