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IN THE COURT OF COMMON PLEAS
WARREN COUNTY, OHIO

STATE OF OHIO, ex rel.)	Case No. 43036
ANTHONY J. CELEBREZZE, JR.)	
ATTORNEY GENERAL OF OHIO,)	
)	
Plaintiff,)	JUDGE FEDDERS
)	
v.)	
)	
THE CITY OF <u>LEBANON</u> , OHIO,)	
)	
and)	
)	
JACK M. WHITAKER,)	
)	
Defendants.)	<u>CONSENT JUDGMENT</u>

The State of Ohio, on the relation of its Attorney General (hereinafter "Plaintiff"), upon the request of the Ohio Environmental Protection Agency, filed the Complaint herein on July 21, 1982, under Chapter 6111 of the Ohio Revised Code against the City of Lebanon and Jack M. Whitaker, the former superintendent of the Lebanon wastewater treatment plant. Plaintiff and Defendant Jack M. Whitaker (hereinafter "Whitaker") by their respective attorneys having consented, without trial or adjudication of any issue of fact or law herein, to this judgment:

NOW, THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of Plaintiff and Whitaker, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I.

This Court has jurisdiction of the subject matter herein, and the Complaint states a claim under Section 6111.07(C) of the Ohio Revised Code upon which relief could be granted against Whitaker.

II.

Whitaker agrees and is hereby enjoined to pay a civil penalty under Section 6111.09 of the Ohio Revised

Code in the amount of two thousand five hundred dollars (\$2,500.00). Such civil penalty shall be paid within fourteen (14) days of entry of this Consent Judgment by delivering to Plaintiff's counsel for payment into the Treasury a certified check drawn to the order of "Treasurer, State of Ohio".

III.

A. Whitaker agrees and is hereby enjoined to surrender his Wastewater Treatment Operators Certificates and his Water Treatment Operators Certificate by physically returning the originals and all copies of such certificates within thirty (30) days of entry of this Consent Judgment to:

Advisory Board of Examiners
361 East Broad Street
Columbus, Ohio 43215
Attention: Larry Moon

The certificates to be returned are identified as follows:

Wastewater Treatment Operators Certificate

<u>Class</u>	<u>Certificate No.</u>
III	3-66-18
II	2-63-136
I	1-62-282

Water Treatment Operators Certificate

<u>Class</u>	<u>Certificate No.</u>
I	1-66-74

B. Whitaker agrees and is hereby enjoined from representing himself as holding any Wastewater Treatment Operators Certificate or Water Treatment Operators Certificate after the certificates identified above in paragraph A. are surrendered or after the date said certificates are required by this Consent Judgment to be surrendered, whichever is sooner.

C. Whitaker agrees and is hereby enjoined from re-applying for or seeking reinstatement of any Wastewater Treatment Operators Certificate or Water Treatment Operators Certificate.

IV.

Compliance with this Consent Judgment by Whitaker shall fully satisfy any and all liability, both civil and criminal, of Whitaker for violations of Chapter 6111 of the Ohio Revised Code during the time he was employed by the City of Lebanon at the City's wastewater treatment plant.

V.

Whitaker shall pay all Court costs which presently exist or are incurred through final resolution of this case.

VI.

This Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this judgment.

P. DANIEL FEDDERS, JUDGE
Court of Common Pleas

APPROVED

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

BY:

Martha E. Horvitz
MARTHA E. HORVITZ
Assistant Attorney General

Attorney for Plaintiff,
State of Ohio

William H. Kaufman, Esq.
WILLIAM H. KAUFMAN, ESQ.
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Attorney for Defendant,
Jack M. Whitaker

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