

IN THE COURT OF COMMON PLEAS

STATE OF OHIO)	
	) SS:	
COUNTY OF MAHONING)	
	)	DIRECT PRESENTMENT
STATE OF OHIO	)	JUDGE
	)	CASE NO. 17 CR
)	
PLAINTIFF)	
	)	INDICTMENT FOR
VS.	)	<u>COUNTS ONE AND FOUR</u>
	)	<u>FORGERY</u>
ANTHONY P. VIGORITO	)	R.C.2913.31(A)(2)and/or(A)(3)(C)(1) F-5
D.O.B. 8-2-75	)	<u>COUNTS TWO AND FIVE</u>
S.S.# [REDACTED]	)	<u>NONCOMPLIANCE WITH CHAPTER</u>
435 Isaac Ave.	)	<u>6109 RULES- FALSIFICATION</u>
Niles, Ohio	)	R.C.6109.31(B) Unclassified Felony
DEFENDANT	)	<u>COUNTS THREE AND SIX</u>
	)	<u>TAMPERING WITH RECORDS</u>
	)	R.C.2913.42(A)(1) F-3

COUNT ONE

FORGERY, a violation of R.C. 2913.31(A)(2) and/or (A)(3) & (C)(1)(a)(b) (a Felony of the Fifth Degree, and upon conviction, is subject to a maximum possible penalty of a definite prison term of 6, 7, 8, 9, 10, 11, or 12 months pursuant to R.C. 2929.14(A)(5) and a fine of not more than \$2,500.00 pursuant to R.C. 2929.18(A)(3)(e)).

The Grand Jurors of the County of Mahoning in the name and by the authority of the State of Ohio, on their oaths do find and present that **Anthony P. Vigorito**, on or about the 4th and 5th days of May, 2013, in Mahoning County, Ohio, with purpose to defraud, or knowing that he was facilitating a fraud, did forge any writing so that it purported to be genuine when it actually was spurious, or did utter, or possess with purpose to utter, any writing that he knew to have been forged, namely, as an approved contact hour training provider for Ohio EPA, fabricate the number of contact hours in Certificates of Completion issued to operators for payments received to conduct two-day certified operator classroom training courses to renew their operator’s certificates, **Forgery**, contrary to and in violation of R.C. 2913.31(A)(2) and/or (A)(3) & (C)(1)(a)(b) and against the peace and dignity of the State of Ohio.

COUNT TWO:

CRIMINAL NON-COMPLIANCE WITH CHAPTER 6109 RULES- FALSIFICATION OF CONTACT HOUR COURSE TRAINING DOCUMENTS AS PART OF OPERATOR CERTIFICATION RENEWALS, a violation of R.C. 6109.31(B) & Ohio Adm.Code 3745-7-

15(F)(1)(g) (an Unclassified Felony pursuant to R.C. 6109.99(B), and upon conviction, subject to a maximum possible penalty of a fine of not more than \$25,000.00, or imprisonment for not more than 4 years, or both).

The Grand Jurors of the County of Mahoning in the name and by the authority of the State of Ohio, on their oaths do find and present that **Anthony P. Vigorito**, on or about the 4th and 5th days of May, 2013, in Mahoning County, Ohio, did unlawfully and knowingly make a false material statement or representation in a record or other document that is required to be submitted to the director of environmental enforcement under Chapter 6109, a rule adopted under it, or any order or term or condition of a license, license renewal, variance, or exemption granted by the director under it, namely as an Ohio EPA director-approved contact hour training provider for certified operators as part of the renewal application process, violated Ohio Adm.Code 3745-7-15(F)(1)(g) by assigning false contact hours for two-day certified operator classroom training courses in Certificate of Completion documents the said Anthony P. Vigorito provided to certified operators for renewal applications submitted to the director pursuant to Ohio Adm.Code 3745-7-15, **Criminal Non-Compliance with Chapter 6109 Rules**, contrary to and in violation of R.C. 6109.31(B) & Ohio Adm.Code 3745-7-15(F)(1)(g) and against the peace and dignity of the State of Ohio.

COUNT THREE:

TAMPERING WITH RECORDS, a violation of R.C. 2913.42(A)(1) (a Felony of the Third Degree pursuant to R.C. 2913.42(B)(4), and upon conviction, is subject to a maximum possible penalty of a definite prison term of 9, 12, 18, 24, 30, or 36 months pursuant to R.C. 2929.14(A)(3)(b) and a fine of not more than \$10,000.00 pursuant to R.C. 2929.18(A)(3)(c)).

The Grand Jurors of the County of Mahoning in the name and by the authority of the State of Ohio, on their oaths do find and present that **Anthony P. Vigorito**, on or about the 4th and 5th days of May, 2013, in Mahoning County, Ohio, knowing he had no privilege to do so, and with purpose to defraud or knowing that he was facilitating a fraud, did unlawfully and knowingly falsify any writing or record, namely as an Ohio EPA director-approved contact hour training provider, falsify Certificate of Completion documents by assigning false contact hours for two-day certified operator classroom training courses as part of renewal applications documents that were submitted to the director of environmental protection, said writings or records kept by or belonging to a state governmental entity, namely the Ohio Environmental Protection Agency, **Tampering with Records**, contrary to and in violation of R.C. 2913.42(A)(1), (B)(4) and against the peace and dignity of the State of Ohio.

COUNT FOUR:

FORGERY, a violation of R.C. 2913.31(A)(2) and/or (A)(3) & (C)(1)(a)(b) (a Felony of the Fifth Degree, and upon conviction, is subject to a maximum possible penalty of a definite prison term of 6, 7, 8, 9, 10, 11, or 12 months pursuant to R.C. 2929.14(A)(5) and a fine of not more than \$2,500.00 pursuant to R.C. 2929.18(A)(3)(e)).

The Grand Jurors of the County of Mahoning in the name and by the authority of the

State of Ohio, on their oaths do find and present that **Anthony P. Vigorito**, on or about the 18th and 20th days of September, 2014, in Mahoning County, Ohio, with purpose to defraud, or knowing that he was facilitating a fraud, did forge any writing so that it purported to be genuine when it actually was spurious, or did utter, or possess with purpose to utter, any writing that he knew to have been forged, namely, as an approved contact hour training provider for Ohio EPA, fabricate the number of contact hours in Certificates of Completion issued to operators for payments received to conduct two-day certified operator classroom training courses to renew their operator's certificates, **Forgery**, contrary to and in violation of R.C. 2913.31(A)(2) and/or (A)(3) & (C)(1)(a)(b) and against the peace and dignity of the State of Ohio.

COUNT FIVE:

CRIMINAL NON-COMPLIANCE WITH CHAPTER 6109 RULES - FALSIFICATION OF CONTACT HOUR COURSE TRAINING DOCUMENTS AS PART OF OPERATOR CERTIFICATION RENEWALS, a violation of R.C. 6109.31(B) & Ohio Adm.Code 3745-7-15(F)(1)(g) *(an Unclassified Felony pursuant to R.C. 6109.99(B), and upon conviction, subject to a maximum possible penalty of a fine of not more than \$25,000.00, or imprisonment for not more than 4 years, or both).*

The Grand Jurors of the County of Mahoning in the name and by the authority of the State of Ohio, on their oaths do find and present that **Anthony P. Vigorito**, on or about the 18th and 20th days of September, 2014, in Mahoning County, Ohio, did unlawfully and knowingly make a false material statement or representation in a record or other document that is required to be submitted to the director of environmental enforcement under Chapter 6109, a rule adopted under it, or any order or term or condition of a license, license renewal, variance, or exemption granted by the director under it, namely as an Ohio EPA director-approved contact hour training provider for certified operators as part of the renewal application process, violated Ohio Adm.Code 3745-7-15(F)(1)(g) by assigning false contact hours for two-day certified operator classroom training courses in Certificate of Completion documents the said Anthony P. Vigorito provided to certified operators for renewal applications submitted to the director pursuant to Ohio Adm.Code 3745-7-15, **Criminal Non-Compliance with Chapter 6109 Rules**, contrary to and in violation of R.C. 6109.31(B) & Ohio Adm.Code 3745-7-15(F)(1)(g) and against the peace and dignity of the State of Ohio.

COUNT SIX:

TAMPERING WITH RECORDS, a violation of R.C. 2913.42(A)(1) *(a Felony of the Third Degree pursuant to R.C. 2913.42(B)(4), and upon conviction, is subject to a maximum possible penalty of a definite prison term of 9, 12, 18, 24, 30, or 36 months pursuant to R.C. 2929.14(A)(3)(b) and a fine of not more than \$10,000.00 pursuant to R.C. 2929.18(A)(3)(c)).*

The Grand Jurors of the County of Mahoning in the name and by the authority of the State of Ohio, on their oaths do find and present that **Anthony P. Vigorito**, on or about the 18th and 20th days of September, 2014, in Mahoning County, Ohio, knowing he had no privilege to do so, and with purpose to defraud or knowing that he was facilitating a fraud, did unlawfully and knowingly falsify any writing or record, namely as an Ohio EPA director-approved contact hour training provider, falsify Certificate of Completion documents by assigning false contact

hours for two-day certified operator classroom training courses as part of renewal application documents that were submitted to the director of environmental protection, said writings or records kept by or belonging to a state governmental entity, namely the Ohio Environmental Protection Agency, **Tampering with Records**, contrary to and in violation of R.C. 2913.42(A)(1), (B)(4) and against the peace and dignity of the State of Ohio.

ENDORSED: A TRUE BILL

MIKE DeWINE
OHIO ATTORNEY GENERAL

THOMAS DUNCAN
DEPUTY FOREPERSON

PAUL J. GAINS
MAHONING COUNTY PROSECUTOR

By: _____
Robert W. Cheugh, II (0017885)
Kenneth Egbert, Jr. (0042321)
Elizabeth Ewing (0089810)
Special Prosecuting Attorneys
Assistant Attorneys General
Environmental Enforcement Section
Ohio Attorney General's Office
30 East Broad Street, 25th Floor
Columbus, Ohio 43215
Telephone (614) 466-2766
Facsimile (614) 644-1926