

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

v.

TOMAS AMAYA and,
ASBESTEK, INC.,

Defendants.

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CASE NO.

CR 533148 Mata
CR 533159 Burnside

JUDGE:

PLEA AGREEMENT

In consideration of the mutual promises set forth below, the State of Ohio, by and through the Attorney General of the State of Ohio, Tomas Amaya and Asbestek Inc., agree as follows:

1. Tomas Amaya shall enter a plea of guilty to a single violation of Ohio Revised Code Section 2909.06, Criminal Endangering, being a Misdemeanor of the First Degree. Asbestek, Inc., shall enter a plea of guilty to a single violation of R.C. 3710.08, an Unclassified Felony.
2. Tomas Amaya and Asbestek Inc. understand that if they breach any of the promises of this agreement, or if their plea is rejected by the Court, the State of Ohio will be released from its obligations under this agreement and may institute or maintain any charges, which would otherwise be prohibited under the terms of this agreement.
3. The State of Ohio will not bring any other criminal charges against Tomas Amaya or Asbestek, Inc. with respect to the conduct charged in their respective Bill of

Information or any other conduct known by the State of Ohio related to the charged conduct as of the date of this agreement.

4. The parties agree and jointly recommend that the sentences for Tomas Amaya and Asbestek, Inc. shall be as follows: Tomas Amaya shall be sentenced to thirty (30) days of incarceration; time suspended; a fine of ⁰\$1,000; and restitution of \$3,500.

Asbestek, Inc. shall pay a fine of ^{\$10,000}\$2,500, and restitution of ⁰\$6,500. Restitution being paid as follows: ^{\$1,500}~~\$5,000~~ to the Department of Health, ^{\$500}~~\$3,000~~ to the Cleveland Division of Air Quality, and ~~\$2,000~~ to the Office of Special

Investigations of the Ohio Environmental Protection Agency. All money shall be paid within one year of sentencing, AND DEFENDANT AMAYA AGREES TO

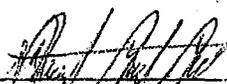
5. Regardless of any change in circumstances subsequent to the execution of this plea agreement, Tomas Amaya or Asbestek, Inc. will not object to this sentencing recommendation and agree not to ask the Court to impose a different sentence.

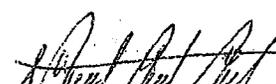
6. Tomas Amaya, Asbestek, Inc. and the State of Ohio understand that the joint recommendations made to the Court with respect to sentencing are not binding on the Court and that the sentences imposed are within the discretion of the Court. Tomas Amaya and Asbestek, Inc. understand that once the Court accepts their pleas and finds them guilty of the offenses charged, they will not have the right to withdraw their pleas.

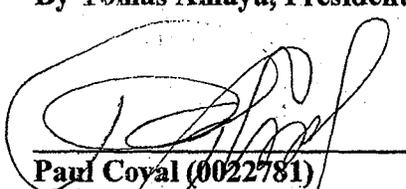
7. Tomas Amaya, Asbestek Inc. and the State of Ohio agree that this agreement constitutes the entire agreement between the parties and that no other promises or inducements have been made, directly or indirectly concerning any plea to be entered in this case.

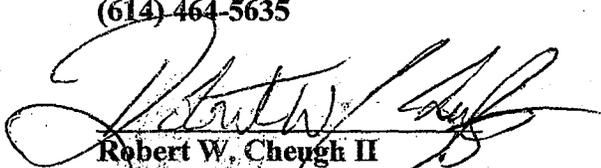
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THE FINE
OF ASBESTEK
INC.

8. Tomas Amaya and Asbestek Inc. state that no person has directly or indirectly threatened or coerced them to do or refrain from doing anything in connection with any aspect of this case, including a plea of guilty. Tomas Amaya and Asbestek Inc. affirm that they have entered this agreement after advice and counsel of their attorney.
9. Tomas Amaya certifies that he has the authority to sign this agreement on behalf of Asbestek, Inc.



Tomas Amaya

Asbestek, Inc.
By Tomas Amaya, President

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