

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY
CRIMINAL DIVISION - GENERAL DIVISION

FILED
LUCAS COUNTY

State of Ohio
Plaintiff,

Case No.: CR07-02093
Information for: R.C. 2907.05

vs.
Richard Vella
Defendant.

2007 AUG 30 P 3:17

COMMON PLEAS COURT
BY: JEFFREY W. GATTERDAM

ENTRY OF NO CONTEST PLEA AND JUDGMENT ENTRY

Richard Vella, Defendant in the above-captioned case, being represented by Kent W. Gatterdam, as legal counsel, has had his Constitutional and Statutory rights explained to him by the Court and by his counsel. The Defendant has reviewed the facts and law of this case with his counsel and understands the nature of the charge filed against him and the possible defenses he might have. The Defendant now desires to enter a plea of no contest to Criminal Endangering, a misdemeanor of the first degree.

The Defendant understands that his no contest plea to the crime specified constitutes both an admission of the truth of the facts alleged in the bill of information and a waiver of any and all constitutional, statutory, or factual defenses with respect to such crime and this case. He further understands that by pleading "No Contest," he waives a number of important and substantial constitutional, statutory, and procedural rights, which include, but are not limited to, the right to have a trial by jury, the right to confront and cross-examine the State's witnesses who testify against his interests, the right to have compulsory subpoena process for obtaining witnesses in his favor, the right to require the State to prove his guilt beyond a reasonable doubt on the crime herein charged at a trial, and the right to appeal the verdict and rulings of the trial court made before or during trial, should those rulings or the verdict be against his interests. The Defendant, by and through his legal representative's signature hereto, acknowledges his right to remain silent and expressly waives that right with respect to this agreement. He also understands that he is pleading "No Contest" to a misdemeanor of the first degree which is punishable by a term of incarceration not to exceed 180 days and a fine not to exceed \$1,000. The Defendant understands that court costs, restitution, and other financial sanctions may be imposed. The Defendant understands his rights to appeal a maximum sentence, his other limited appellate rights, and that any appeal must be filed within thirty (30) days of his sentence.

The Defendant and the State agree that the resolution stated herein represents a complete, integrated and final settlement of all claims, civil and criminal, arising out of the transportation of four drums of hazardous wastes from 2111 Champlain Street, Toledo, Ohio, to the Ohio Pickling & Processing, LLC location of 1149 Campbell Street, Toledo, Ohio, and their ultimate disposal at Bismark Street in Toledo, Ohio between on or about August 2004 and August 2005. Upon entry of the instant plea and sentencing, the State of Ohio, the Ohio Environmental Protection Agency, Toledo Environmental Services, and any other subdivision of the State of Ohio that may have a claim, civil or criminal, against the Defendant hereby forever release and waive said claims for actions up through the date of the plea and sentencing.

The State agrees that the offense to which the Defendant is pleading can be sealed, pursuant to R.C. 2953.31 - 2953.36, if an application is filed at the expiration of one year from the date of Defendant's final discharge. Further, the State agrees that it will not oppose a motion to seal the record of any offense committed by the Defendant provided that all fines, restitution, and court costs are paid and that no same or similar acts are committed by the Defendant prior to the filing of such motion.

E-JOURNALIZED

AUG 31 2007

The Defendant understands that the Court, upon acceptance of its plea of "No Contest," will proceed with judgment and sentence. The Defendant hereby asserts that, except as provided in the sentence recommendation and as agreed upon in the foregoing paragraphs, no person has threatened him, promised him leniency, or in any other way coerced or induced him to plead "No Contest" as indicated above, and the

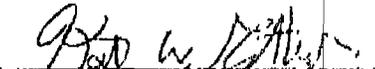
decision to plead "No Contest" places the Defendant completely upon the mercy of the Court with respect to punishment. The plea represents the free and voluntary exercise of the Defendant's own will and best judgment. The Defendant is completely satisfied with the legal representation and advice he has received from his counsel.

DEFENDANT:


Richard Vella

I hereby certify that I have counseled my client to the best of my professional ability with respect to the facts and law of this case. I have diligently investigated its cause and asserted all possible defenses. I represent that our client's representative is competent and authorized to proceed with the plea on behalf of the Defendant, as indicated herein, and in my opinion he acts knowingly, voluntarily, and intelligently in such matter.

ATTORNEY FOR THE DEFENDANT:


Kort W. Gatterdam (0040434)

The Court, being fully advised as to the facts, hereby accepts the Defendant's plea of "No Contest," entered herein as voluntarily and intelligently made, with full knowledge of the consequences thereof, including waivers of all applicable rights and defenses and understanding of the maximum penalties. The plea is ordered filed. The Court finds the Defendant guilty of the offense to which the Defendant has entered his plea. A pre-sentence investigation report is NOT ordered.

APPROVED:


Karla G. Perrin (0078918)
Assistant Attorney General

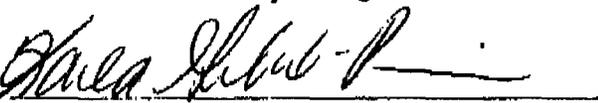
JUDGE:


Kort W. Gatterdam (0040434)
Counsel for Defendant

8/31/07
Date

Joint Recommendation:

The parties hereby recommend to the Court that Defendant be sentenced to six months incarceration, all time suspended. The parties further recommend that Defendant be ordered to serve six months of non-reporting probation and that a fine of \$1,000, plus Court costs, be imposed. The parties additionally recommend that no further sanctions be imposed against the Defendant.


Karla G. Perrin (0078918)
Assistant Attorney General


Kort W. Gatterdam (0040434)
Counsel for Defendant

E-JOURNALIZED

AUG 31 2007

JUDGMENT ENTRY OF SENTENCE

The Court, having reviewed the facts of the case, the recommendations of counsel, and the factors set forth in Rev. Code §§ 2929.11 and 2929.18, hereby accepts the recommendation and sentences Defendant to six months incarceration, all time suspended. The Court further orders Defendant to serve six months of non-reporting probation and orders Defendant to pay a fine of \$1,000 to the Lucas County Clerk of Courts, plus Court costs. Costs shall also be paid to the Lucas County Clerk of Courts.

[Handwritten Signature]

Judge

Aug 30, 2007

Date

FILED
LUCAS COUNTY
2007 AUG 30 P 3:17
CLERK OF COURTS

E-JOURNALIZED

AUG 31 2007

FILED
LUCAS COUNTY

2007 AUG 30 P 3:17

COMMON PLEAS COURT
LUCAS COUNTY, OHIO

IN THE COMMON PLEAS COURT, LUCAS COUNTY, OHIO

STATE OF OHIO
Plaintiff.

v.

RICHARD VELLA
Defendant.

* CASE NO:
* G-4801-CR-0200702693-000
*
* JUDGMENT ENTRY
*
*
* JUDGE RUTH ANN FRANKS
*
*
*

August 30, 2007. Court Reporter Lynette Shindorf, State's Attorney: KARLA PERRIN, KORT GATTERDAM on behalf of Defendant, and Defendant RICHARD VELLA present in court.

Defendant advised of nature of charge and right to grand jury presentment. Defendant, orally and in writing, waived prosecution by indictment. Written waiver ordered filed.

Defendant acknowledged receipt of copy of the information, waived any defects as to time, place or manner of service, and waived its reading in open Court. Defendant entered a plea of No Contest to the offense of Criminal Endangering, in violation of R.C. 2909.06, a misdemeanor of the first degree. Pursuant to statements made by the State of Ohio by and through KARLA PERRIN, plea accepted. Defendant found guilty. Written plea and journal entry ordered filed.

Defendant and State waived any rights to presentence investigation and report. Matter proceeded to sentencing.

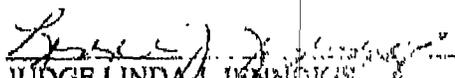
Pursuant to Crim.R. 32, all individuals afforded opportunity to be heard. Defendant committed to custody of the Corrections Center of Northwest Ohio for a period of six (6) months until released according to law.

EJOURNALIZED

AUG 31 2007

Imposition of incarceration portion of sentence ordered suspended. Defendant probated for a period of six (6) months *inactive* probation to the Lucas County Adult Probation Department conditioned upon compliance with the rules and regulations of the department and with special added conditions: pay a fine of \$1000.00 and pay the costs of prosecution.

Defendant found to have, or reasonably may be expected to have, the means to pay all or part of the applicable costs of supervision, confinement, assigned counsel, and prosecution as authorized by law. Defendant ordered to reimburse the State of Ohio and Lucas County for such costs. This order of reimbursement is a judgment enforceable pursuant to law by the parties in whose favor it is entered. Defendant further ordered to pay the cost assessed pursuant to R.C. 9.92(C), 2929.18 and 2951.021. Notification pursuant to R.C. 2947.23 given.


JUDGE LINDA A. HENNINGS
On Behalf of
JUDGE RUTH ANN FRANKS

FILED
LUCAS COUNTY
2007 AUG 30 P 3:17
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY
CRIMINAL DIVISION - GENERAL DIVISION

State of Ohio
Plaintiff,

vs.

Meridian Environmental Services, Inc. dba
Environmental Purification Industries Co.
Defendant.

FILED Case No.: CR07-02692
LUCAS COUNTY Information for: Ohio Adm. Code 3745-52-20;
R.C. 3734.11 and 3734.99(A)

SEP 10 A 11:44
COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

ENTRY OF NO CONTEST PLEA AND JUDGMENT ENTRY

Meridian Environmental Services, Inc., dba Environmental Purification Industries Co., Defendant in the above-captioned case, being represented by Kort W. Gatterdam, as legal counsel, has had its Constitutional and Statutory rights explained to it by the Court and by its counsel. The Defendant has reviewed the facts and law of this case with its counsel and understands the nature of the charge filed against it and the possible defenses it might have. The Defendant now desires to enter a plea of no contest to Failure to Prepare a Hazardous Waste Manifest, Ohio Adm. Code 3745-52-20, R.C. 3734.11 and 3734.99(A), an unclassified felony.

The Defendant understands that its no contest plea to the crime specified constitutes both an admission of the truth of the facts alleged in the bill of information and a waiver of any and all constitutional, statutory, or factual defenses with respect to such crime and this case. It further understands that by pleading "No Contest," it waives a number of important and substantial constitutional, statutory, and procedural rights, which include, but are not limited to, the right to have a trial by jury, the right to confront and cross-examine the State's witnesses who testify against its interests, the right to have compulsory process for obtaining witnesses in its favor, the right to require the State to prove its guilt beyond a reasonable doubt on the crime herein charged at a trial, and the right to appeal the verdict and rulings of the trial court made before or during trial, should those rulings or the verdict be against its interests. The Defendant, by and through its legal representative's signature hereto, acknowledges its right to remain silent and expressly waives that right with respect to this agreement. It also understands that it is pleading "No Contest" to a felony which is punishable by a fine not to exceed \$25,000. The Defendant understands that court costs, restitution, and other financial sanctions may be imposed. The Defendant understands its rights to appeal a probation sentence, its other limited appellate rights, and that any appeal must be filed within thirty (30) days of its sentence.

The Defendant and the State agree that the resolution stated herein represents a complete, integrated and final settlement of all claims, civil and criminal, arising out of the transportation of four drums of hazardous wastes from Defendant's former business location, 2111 Champlain Street, Toledo, Ohio, to the Ohio Pickling & Processing, LLC location of 1149 Campbell Street, Toledo, Ohio, and their ultimate disposal at Bismark Street in Toledo, Ohio between on or about August 2004 and August 2005. Upon entry of the instant plea and sentencing, the State of Ohio, the Ohio Environmental Protection Agency, Toledo Environmental Services, and any other subdivision of the State of Ohio that may have a claim, civil or criminal, against the Defendant or its employees, and Ohio Pickling & Processing, LLC, or its employees, hereby forever release and waive said claims for actions up through the date of the plea and sentencing.

The State agrees that the offense to which the Defendant is pleading can be sealed, pursuant to R.C. 2953.31 - 2953.36, if an application is filed at the expiration of three years from the date of Defendant's final discharge. Further, the State agrees that it will not oppose a motion to seal the record of conviction filed by the Defendant provided that all fines, restitution, and court costs are paid and that no same or similar acts are committed by the Defendant prior to the filing of such motion.

JOURNALIZED

SEP 18 2007

The Defendant understands that the Court, upon acceptance of its plea of "No Contest," will proceed with judgment and sentence. The Defendant hereby asserts that, except as provided in the sentence recommendation and as agreed upon in the foregoing paragraphs, no person has threatened it, promised it leniency, or in any other way coerced or induced it to plead "No Contest" as indicated above, and the decision to plead "No Contest" places the Defendant completely upon the mercy of the Court with respect to punishment. The plea represents the free and voluntary exercise of the Defendant's own will and best judgment. The Defendant is completely satisfied with the legal representation and advice it has received from its counsel.

DEFENDANT: Meridian Environmental Services, Inc. dba Environmental Purification Industries
Co. by: *Craig L. Gatterdam*

I hereby certify that I have counseled my client to the best of my professional ability with respect to the facts and law of this case. I have diligently investigated its cause and asserted all possible defenses. I represent that our client's representative is competent and authorized to proceed with the plea on behalf of the Defendant, as indicated herein, and in my opinion it acts knowingly, voluntarily, and intelligently in such matter.

ATTORNEY FOR THE DEFENDANT: *Kort W. Gatterdam*
Kort W. Gatterdam (0040434)

The Court, being fully advised as to the facts, hereby accepts the Defendant's plea of "No Contest," entered herein as voluntarily and intelligently made, with full knowledge of the consequences thereof, including waivers of all applicable rights and defenses and understanding of the maximum penalties. The plea is ordered filed. The Court finds the Defendant guilty of the offense to which the Defendant has entered its plea. A pre-sentence investigation report is NOT ordered.

APPROVED:

Karla G. Perrin
Karla G. Perrin (0078918)
Assistant Attorney General

JUDGE: *Richard J. Jones*

Kort W. Gatterdam
Kort W. Gatterdam (0040434)
Counsel for Defendant

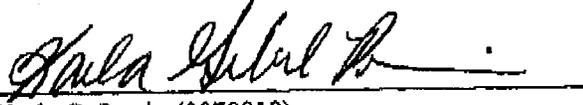
Date 8/30/07

FILED
LUCAS COUNTY
2007 SEP 10 AM 11:11
CLERK OF COURTS

Joint Sentence Recommendation:

The parties hereby recommend to the Court that a fine of \$25,000, plus Court costs, be imposed. In lieu of payment on the \$25,000 fine, the Defendant shall pay a total sum of \$35,000, as follows: \$7,500 shall be paid to the Ohio Environmental Protection Agency and \$7,500 to the Ohio Attorney General's Office, representing the Defendant's share of the payment for clean-up and investigative costs; \$5,000 to the Midwest Environmental Enforcement Association; and \$5,000 to the Northeast Environmental Enforcement Project.

The State of Ohio hereby acknowledges receipt from the Defendant of \$25,000.00 as provided herein. The parties additionally recommend that no further sanctions be imposed against the Defendant.



Karla G. Perrin (0078918)
Assistant Attorney General



Kort W. Gatterdam (0040473)
Counsel for Defendant

FILED
LUCAS COUNTY
2007 SEP 10 AM 11:11
CLERK OF COURTS
COURT HOUSE
COLUMBUS, OHIO 43260-1500

JUDGMENT ENTRY OF SENTENCE

The Court, having reviewed the facts of the case, the recommendations of counsel, and the factors set forth in Rev. Code §§ 2929.11 and 2929.18, hereby accepts the recommendation and imposes a sentence of a \$25,000 fine, plus Court costs. The Court hereby suspends payment of such fine upon Defendant's payment of \$25,000 as provided in the joint recommendation. Costs shall be paid to the Lucas County Clerk of Courts.

Eric J. Jones

Judge

Aug 30, 2007

Date

FILED
LUCAS COUNTY
2007 SEP 10 A 11:11
COURT REPORTER
JENNIFER L. BROWN
CLERK OF COURTS

FILED
LUCAS COUNTY

2007 AUG 30 P 3:16

COMMON PLEAS COURT
LUCAS COUNTY, OHIO

IN THE COMMON PLEAS COURT, LUCAS COUNTY, OHIO

STATE OF OHIO
Plaintiff.

v.

THE MERIDIAN ENVIRONMENTAL
SERVICES INC

Defendant.

* CASE NO:
* G-4801-CR-020070267-000

* JUDGMENT ENTRY

* JUDGE RUTH ANN FRANKS

Dated August 30, 2007. Court Reporter Lynette Shindorf of State of Ohio; KARLA PERRIN, KORT GATTERDAM present on behalf of the defendant, Defendant, THE MERIDIAN ENVIRONMENTAL SERVICES INC present in court.

Defendant in open Court being advised of constitutional rights and the nature of the charge orally and in writing waived prosecution by indictment. See 10.

Defendant acknowledged receipt of a copy of the information, waived any defects as to time, place or manner of service, and waived its reading in open Court. Defendant entered a plea of No Contest to the offense of Failure to Prepare a Hazardous Waste Manifest, in violation of Ohio Administrative Code Section 3745-52-20, and Ohio Revised Code Section 3734.11 and 3734.99(A), an unclassified felony. Plea accepted and ordered filed and pursuant to statements made by the State of Ohio, by and through KARLA PERRIN, finding of guilt made.

Defendant having waived his rights to a presentence investigation and report the sentencing hearing was held pursuant to R.C. 2929.19. Defendant was afforded all rights pursuant to Crim.R. 32. The Court has considered the record, oral statements, and any victim impact statement, as well as the principles and purposes of sentencing under R.C. 2929.11, and

E-JOURNALIZED

has balanced the seriousness and recidivism factors under R.C. 2929.12.

The Court herein imposes a \$25,000.00 fine. In lieu of payment of the fine, the defendant corporation is hereby Ordered to pay a total sum of \$25,000.00, to be distributed as follows: \$7500.00 shall be paid to the Ohio Environmental Protection Agency and \$7500.00 to the Ohio Attorney General's Office, representing the Defendant's share of the payment for clean-up and investigative costs; \$5000.00 to the Midwest Environmental Enforcement Association; and \$5000.00 to the Northeast Environmental Enforcement Project. It is further Ordered that Defendant pay the costs of prosecution.

Defendant found to have, or reasonably may be expected to have, the means to pay all or part of the applicable costs of supervision, confinement, assigned counsel, and prosecution as authorized by law. Defendant ordered to reimburse the State of Ohio and Lucas County for such costs. This order of reimbursement is a judgment enforceable pursuant to law by the parties in whose favor it is entered. Defendant further ordered to pay the cost assessed pursuant to R.C. 9.92(C), 2929.18 and 2951.021. Notification pursuant to R.C. 2947.23 given.


JUDGE LINDA J. JENNINGS
On Behalf of
JUDGE RUTH ANN FRANKS

FILED
LUCAS COUNTY
2007 AUG 30 P 3:16

FILED
LUCAS COUNTY

2007 AUG 30 P 3:16

COMMON PLEAS COURT
LUCAS COUNTY
CLERK

IN THE COMMON PLEAS COURT, LUCAS COUNTY, OHIO

STATE OF OHIO
Plaintiff.

v.

THE MERIDIAN ENVIRONMENTAL
SERVICES INC
Defendant.

* CASE NO:
* G-4801-CR-0200702692-000
*
* JUDGMENT ENTRY
*
*
* JUDGE RUTH ANN FRANKS
*
*
*

Dated August 30, 2007. Court Reporter Lynette Shindorf ordered, State of Ohio: KARLA PERRIN. KORT GATTERDAM present on behalf of the defendant. Defendant, THE MERIDIAN ENVIRONMENTAL SERVICES INC present in court.

Defendant in open Court being advised of constitutional rights and the nature of the charge orally and in writing waived prosecution by indictment. See 18.

Defendant acknowledged receipt of a copy of the information, waived any defects as to time, place or manner of service, and waived its reading in open Court. Defendant entered a plea of No Contest to the offense of Failure to Prepare a Hazardous Waste Manifest, in violation of Ohio Administrative Code Section 3745-52-20, and Ohio Revised Code Section 3734.11 and 3734.99(A), an unclassified felony. Plea accepted and ordered filed and pursuant to statements made by the State of Ohio, by and through KARLA PERRIN, finding of guilty made.

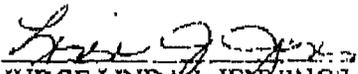
Defendant having waived his rights to a presentence investigation and report the sentencing hearing was held pursuant to R.C. 2929.19. Defendant was afforded all rights pursuant to Crim.R. 32. The Court has considered the record, oral statements, and any victim impact statement, as well as the principles and purposes of sentencing under R.C. 2929.11, and

E-JOURNALIZED

has balanced the seriousness and recidivism factors under R.C. 2929.12.

The Court herein imposes a \$25,000.00 fine. In lieu of payment of the fine, the defendant corporation is hereby Ordered to pay a total sum of \$25,000.00, to be distributed as follows: \$7500.00 shall be paid to the Ohio Environmental Protection Agency and \$7500.00 to the Ohio Attorney General's Office, representing the Defendant's share of the payment for clean-up and investigative costs; \$5000.00 to the Midwest Environmental Enforcement Association; and \$5000.00 to the Northeast Environmental Enforcement Project. It is further Ordered that Defendant pay the costs of prosecution.

Defendant found to have, or reasonably may be expected to have, the means to pay all or part of the applicable costs of supervision, confinement, assigned counsel, and prosecution as authorized by law. Defendant ordered to reimburse the State of Ohio and Lucas County for such costs. This order of reimbursement is a judgment enforceable pursuant to law by the parties in whose favor it is entered. Defendant further ordered to pay the cost associated pursuant to R.C. 9.92(C), 2929.18 and 2951.021. Notification pursuant to R.C. 2947.23 given.


JUDGE LINDA J. JENNINGS
On Behalf of
JUDGE RUTH ANN FRANKS

FILED
LUCAS COUNTY
2007 SEP 20 P 3:15

LUCAS COUNTY CLERK OF COURTS
700 ADAMS STREET
TOLEDO OHIO 43624
PH# (419)213-4483
FAX# (419)213-4291

FAX TRANSMITTAL

DATE: 9-18-07
TO: Douglas Young Attorney General's Office
FROM: [Signature]
FAX #: 419-666-6672-3279
CASE #: CL-07-2693 / CL-07-2692-

COMMENTS:

FAX OPERATOR: [Signature]

IF YOU HAVE TROUBLE RECEIVING THIS FAX PLEASE CONTACT OUR OFFICE