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PERRY COUNTY

IN THE COURT OF COMMON PLEAS, PERRY COUNTY, OHIO

2023 JUN 14 PM 3:07

The State of Ohio, :
Plaintiff, : Case No. **WESLEY T HARLAN**
vs. : **22-009**
Altier Brothers, Inc. : PLEA OF GUILTY
Defendant. :

The undersigned organization, Altier Brothers, Inc., hereby enters a plea of GUILTY to the following offenses:

- Ct. 1: THEFT (Value between \$1,000-\$7,500)
(R.C. Section 2913.02 (A) (3) and (B) (2))
FELONY OF THE FIFTH DEGREE
- Ct. 3: KNOWINGLY IMPROPERLY STORE OR DISCHARGE OF
BRINE
(R.C. Sections 1509.22(A) and 1509.99(C))
UNCLASSIFIED MISDEMEANOR

MAXIMUM PENALTY:

The organization understands that the maximum penalty as to the above offense in **Count 1** is as follows:

The charge of Theft, a felony of the fifth degree, carries a maximum penalty of an organizational fine of up to \$7,500.00 (R.C. 2929.31(A) (7)).

The organization understands that the maximum penalty as to the above offense in **Count 3** is as follows:

The charge of Knowingly Improperly Store or Dispose of Brine, an unclassified misdemeanor, carries a maximum penalty of a fine of \$10,000.00.

Court costs, restitution and other financial sanctions including fines, day fines, and reimbursement for the cost of any sanctions may also be imposed.

Notice is hereby given pursuant to Revised Code §2947.23 (A)(1) that if you fail to pay the judgment for costs or fail to make payments toward the judgment under a payment schedule approved by the court, the court may order the organization to perform community service in an amount of not more than forty hours per month until the judgment is paid or until the court is satisfied that the organization is in compliance with the approved payment schedule. You are further notified that you will receive credit upon the judgment at the specified hourly credit rate per hour of community service performed and each hour of community service performed will reduce the judgment by that amount.

You have the right to appeal and to have notice of a timely appeal filed on your behalf. If you are indigent, you have the right to have an appeal filed with no cost to you and to have documents provided without payment by you and the right to have counsel appointed without cost.

On behalf of the organization, I understand the nature of the charges and the possible defenses the organization might have. I am satisfied with the organization attorney's advice and competence. I am not under the influence of drugs or alcohol. No threats have been made to me or the organization. No promises have been made except as part of this plea agreement stated entirely as follows:

For the offenses of Count 1: Theft, a felony of the fifth degree, and Count 3: Knowingly Improperly Store or

Dispose of Brine, an unclassified misdemeanor, the State will recommend to the Court that the organization be placed on community control for 1 year, pay a fine of \$1,000.00 for Count 1 and \$4,000.00 for Count 3, totaling \$5,000.00 in fines, and pay agreed restitution by donating \$10,000.00 to Rural Action for use by its Sunday Creek Watershed Group for remediation and/or restoration of Sunday Creek downstream from Corning, Ohio, remove all brine and wastewater storage containers within 90 days of sentencing, to be verified through an ODNR oil & gas inspector, and pay court costs. Defendant organization agrees that all financial sanctions be paid within 30 days of sentencing. The company's former President has paid \$5,129.16 as restitution for the funds the company received for illegal brine disposal. The State will recommend that Count 2, Count 4, and Count 5 be dismissed at sentencing. The parties otherwise reserve the right to speak at sentencing.

I understand on behalf of the corporation that the Judge is not bound by the Prosecutor's recommendation and can reject the Prosecutor's recommendation. If the Judge rejects the Prosecutors recommendation, I understand that she can impose a sentence ranging from the minimum to the maximum permitted by law for each count.

I understand on behalf of the corporation by pleading GUILTY I give up my right to a jury trial or court trial, where I could confront and have my attorney question witnesses against me, and where I could use the power of the court to call witnesses to testify for me. I know at trial I would not have to take the witness stand and could not be forced to testify against myself and that no one could comment if I chose not to testify. I understand I waive my right to have the prosecutor prove my guilt beyond a reasonable doubt on every element of each charge.

By pleading guilty, on behalf of the corporation I admit committing the offenses and will tell the Court the

facts and circumstances of my guilt. I know the judge may either sentence me today or refer my case for a presentence report. I understand my right to appeal a maximum sentence, my other limited appellate rights and that any appeal must be filed within thirty (30) days of my sentence. I understand the consequences of a conviction upon me if I am not a U.S. citizen. I enter this plea voluntarily.

Dated: 6/12/2023

Susan Horn

Todd Altier

Corporate Officer for
Altier Brothers, Inc.
Defendant
Todd Altier
Susan Horn

Matthew E. Meyer

Matthew E. Meyer(0075253)
Kenneth Egbert, Jr.(0042321)
Assistant Attorneys General
Special Prosecuting Attorneys

K. Robert Toy

K. Robert Toy(0011061)
Attorney for Defendant
ANDREW E. GREEN (0096926)

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IN THE COURT OF COMMON PLEAS, PERRY COUNTY, OHIO

2023 JUN 14 PM 3:08

The State of Ohio, :
Plaintiff, : Case No. **WESLEY T HARLAN**
vs. : **22-CR-0091**
Altier Brothers, Inc., : MOTION TO DISMISS COUNTS
Defendant. :

Now comes the State of Ohio, by and through the Special Prosecuting Attorneys and Assistant Ohio Attorneys General, and moves this Court to dismiss Count 2, Count 4, and Count 5 of the Indictment for the reason that pursuant to the negotiated plea agreement, the State of Ohio agreed to dismiss Count 2, Count 4, and Count 5 upon Defendant entering a guilty plea to Count 1 and Count 3 of the Indictment. The State's motion to dismiss counts was agreed to be requested at the time of sentencing with costs to Defendant.

Respectfully submitted,


Matthew E. Meyer (0075253)
Kenneth Egbert, Jr. (0042321)
Assistant Attorneys General
Special Prosecuting Attorneys

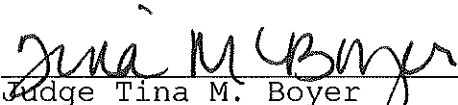
Dated: 6/12/23

corporate representative, informed the Court that it wished to withdraw its former plea of "Not Guilty" and to enter a plea of "Guilty" to Count 1: Theft (R.C. Section 2913.02(A)(3) and (B)(2), a felony of the fifth degree, and Count 3: Knowingly Improperly Store or Dispose of Brine (R.C. Sections 1509.22(B)(2)(a) and 1509.99(C)), an unclassified misdemeanor.

The Court, FINDING said plea to be voluntarily, knowledgeably and intelligently made, with full awareness of the consequences, and after ample opportunity for consultation with counsel, and further FINDING it to be factually true that said crimes were committed by the Defendant organization as alleged, accepted the Defendant's plea of "Guilty" and found the Defendant organization "Guilty" of Count 1: Theft (R.C. Section 2913.02(A)(3) and (B)(2), a felony of the fifth degree, and Count 3: Knowingly Improperly Store or Dispose of Brine (R.C. Sections 1509.22(B)(2)(a) and 1509.99(C)), an unclassified misdemeanor.

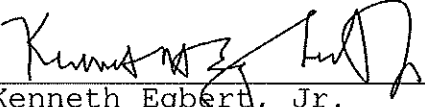
Pursuant to plea negotiations, the State of Ohio filed a motion to dismiss Count 2, Count 4, and Count 5 upon the Defendant organization entering a plea of "Guilty" to Count 1 and Count 3.

The parties waived completion of a pre-sentence investigation report; thus, the Court proceeded with sentencing.



Judge Tina M. Boyer

APPROVED:



Kenneth Egbert, Jr.
Special Prosecuting Attorney

/s/ Andrew Grillo per email approval on 06/13/2023
Andrew Grillo
Attorney for Defendant

IN THE COMMON PLEAS COURT OF PERRY COUNTY, OHIO

STATE OF OHIO, :
 PLAINTIFF, :
 v. :
 ALTIER BROTHERS, INC. :
 DEFENDANT. :

2023 JUN 14 PM 3:08
 CASE NO. 22-CR-0091
 JUDGE TINA M. BOYER
 WESLEY T HARLAN
 CLERK OF COURT
 UNIFORM SENTENCING ENTRY

This case came before the Court on June 12, 2023, for sentencing pursuant to R.C. 2929.19. The defendant was present in the courtroom. Counsel for the defendant Andrew Grillo, was present. The State of Ohio, as represented by Kenneth Egbert, Jr. was present.

The Court gave defense counsel an opportunity to speak and present mitigation on the defendant's behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution. The Court gave the prosecuting attorney an opportunity to address the court.

Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTION & FINDINGS

The Court finds that the defendant was found guilty of the following:

Instrument-Type	Count	Offense	Offense Level	Disposition	Date (M/D/Y)
IND	1	2913.02(A)(3) - Theft	F5	Guilty Plea	06/12/2023
IND	3	1509.22(a) and 1509.99(C) Knowingly improperly store or discharge of brine	Unclassified misdemeanor	Guilty Plea	06/12/2023

SENTENCE

The presentence investigation was waived by the parties. The Court has considered the factors in R.C. 2929.13, finds the defendant amenable to available community control sanctions, and sentences the defendant to a one (1) year term of community control supervision under the Court's standard terms of Community Control. The Court reserves the right pursuant to R.C. 2929.15 to modify the conditions of community control, to extend the period of supervision, or to impose more restrictive sanctions if the defendant is found to be in violation of community control.

The sentence imposed in this case is authorized by law and was recommended jointly by the defendant and the prosecution in the case pursuant to R.C. 2953.08(D).

The Court orders that the defendant shall pay the costs of prosecution and any jury fees permitted pursuant to R.C. 2947.23, as determined by the clerk of courts.

By stipulation of the parties and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of ten thousand dollar(s) (\$10,000.00) to Rural Action for use by its Sunday Creek Watershed Group for remediation and/or restoration of Sunday Creek downstream from Corning, Ohio. This amount shall be paid within thirty (30) days. This order of restitution by the Court can be converted to a civil judgement and collected by the victim through a civil action.

The defendant shall remove all brine and wastewater storage containers within 90 days of sentencing to be verified through Ohio Department of Natural Resources oil and gas inspector.

Upon the record before the Court and any evidence presented and having considered the defendant's present and future ability to pay, the Court finds that the defendant is able to pay a fine and imposes a fine as listed below.

Count #	Mandatory Fine	Amount Of Fine Imposed	Fine Waived
1	No	one thousand dollar(s) (\$1,000.00)	No
3	No	four thousand dollar(s) (\$4,000.00)	No

Counts 2, 4 and 5 are dismissed pursuant to the plea agreement.

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant's right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

IT IS SO ORDERED.

JUDGE: Jana M. Byrner
DATE: 6/14/23