

chron

WILLIAM H. SORRELL
ATTORNEY GENERAL
JANET C. MURNANE
DEPUTY ATTORNEY GENERAL
WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



TEL: (802) 828-3171
FAX: (802) 828-2154
TTY: (802) 828-3665
CIVIL RIGHTS: (802) 828-3657
<http://www.atg.state.vt.us>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

October 13, 2009

Claire Mee, Clerk
Washington Superior Court
65 State Street
Montpelier, VT 05602

Re: State of Vermont v. James Theodore and JTT Properties
Docket No. Wncv

Dear Ms. Mee:

Enclosed for filing in the above matter, please find the State of Vermont's Complaint. Additionally, for approval by the Court, please find the parties' signed Stipulation of Settlement and Consent Decree and proposed Decree, Order and Final Judgment.

Sincerely,


Robert F. McDougall
Assistant Attorney General

Enclosure

CC: James Theodore
c/o JTT Properties
78 Strongs Avenue
Rutland, VT 05701

STATE OF VERMONT
WASHINGTON COUNTY, SS.

STATE OF VERMONT,)
Plaintiff,)
)
v.) Washington Superior Court
) Docket No. Wncv
JAMES THEODORE and)
JTT PROPERTIES,)
Defendants.)

COMPLAINT

NOW COMES the State of Vermont, by and through Vermont Attorney General William H. Sorrell, and pursuant to the Vermont lead law, 18 V.S.A., Chapter 38; and the Vermont Consumer Fraud Act, 9 V.S.A., Chapter 63; hereby makes the following complaint against James Theodore and JTT Properties who own numerous residential rental properties in Rutland, Vermont, and have failed to perform essential maintenance practices as required by 18 V.S.A. § 1759(b) and has made at least five false filings with the State of Vermont representing that some rental properties are in compliance with the lead law.

ALLEGATIONS

The Parties

1. Upon information and belief, James Theodore is the owner of JTT Properties.
2. Theodore and/or JTT Properties (hereinafter “Defendants”) own at least 11 residential rental properties in Rutland, Vermont.
3. The five properties listed in Attachment A (“the properties) include 27 rental units.
4. The properties were constructed prior to 1978, are “rental target housing” within the meaning of the Vermont lead law, 18 V.S.A. § 1751(23), and are subject to the requirements of 18 V.S.A. Chapter 38.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

5. The Attorney General has the right to appear in any civil action in which the State, in his judgment, has an interest. 3 V.S.A. § 157.

6. The Attorney General has an interest in ensuring that landlords comply with Vermont laws regarding habitability of housing.

7. The Attorney General has an interest in ensuring that documents and representations made to the State of Vermont and its agencies are accurate and truthful.

Statutory scheme

8. Lead-based paint in housing, the focus of the Vermont lead law, is a leading cause of childhood lead poisoning, which can result in adverse health effects, including decreases in IQ.

9. The lead law requires that essential maintenance practices (“EMPs”) specified in 18 V.S.A. § 1759 be performed at all pre-1978 rental housing.

10. All paint in pre-1978 housing is presumed to be lead-based unless a certified inspector has determined that it is not lead-based. 18 V.S.A. § 1759(a).

11. EMPs include, but are not limited to, installing window well inserts, visually inspecting properties at least annually for deteriorated paint, restoring surfaces to be free of deteriorated paint within 30 days after such paint has been visually identified or reported to the owner, and posting lead-based paint hazard information in a prominent place. 18 V.S.A. § 1759(a)(2), (4) and (7).

12. The EMP requirements also mandate that an owner of pre-1978 rental housing file affidavits or compliance statements attesting to EMP performance with the Vermont Department of Health and with the owner's insurance carrier. 18 V.S.A. § 1759(b).

13. 18 V.S.A. § 1759(a)(3) requires that a property owner “[p]romptly and safely remove or stabilize lead-based paint if more than one square foot of deteriorated lead-based paint is found on any interior or exterior surface located within any area of the dwelling to which access by tenants is not restricted.”

14. Under the lead law, all paint in pre-1978 rental housing is “presumed to be lead-based unless a lead inspector or lead risk assessor has determined that it is not lead-based.” 18 V.S.A. § 1760(a).

15. The lead law defines “deteriorated paint” as “any interior or exterior lead-based paint or other coating that is peeling, chipping, chalking, or cracking or any paint or other coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.” 18 V.S.A. § 1751(b)(4).

16. Owners of pre-1978 rental housing must “[i]nstall window well inserts in all windows or protect window wells by another method approved by [the Department of Health].” 18 V.S.A. § 1759(a)(1).

17. A violation of the lead law requirements may result in a maximum civil penalty of \$10,000.00. 18 V.S.A. § 130(b)(6). Each day that a violation continues is a separate violation. 18 V.S.A. § 130(b)(6).

18. The Vermont Consumer Fraud Act, 9 V.S.A Chapter 63, prohibits unfair and deceptive acts and practices, which includes the offering for rent, or the renting of, target housing that is noncompliant with the lead law.

19. Violations of the Consumer Fraud Act are subject to a civil penalty of up to \$10,000.00 per violation. 9 V.S.A. § 2458(b)(1). Each day that a violation continues is a separate violation.

Facts relating to Defendants

20. Defendants are the owners of the properties listed in Attachment A which they have in the past and continue presently to rent and offer for rent. Attachment A.

21. The Department of Health received EMP compliance statements for the properties on December 23, 2008, certifying that each of the properties was compliant with the lead law. Attachment B (EMP statements received on December 23, 2008 for the properties).

22. On February 26, 2009, Department of Health Program Technician and Lead Inspector Technician Edmond Daudelin inspected the property at 49 Williams Street. His inspection included the property's interior and exterior.

23. Daudelin found that there was deteriorated paint at the property on interior and exterior surfaces. The EMP compliance statement for the property represented that the removal or stabilization of deteriorated paint on interior and exterior surfaces had occurred at the property. Attachment B.

24. Daudelin also found that a number of windows did not have window well inserts. The EMP compliance statement for the property represented that window well inserts were installed at the property. Attachment B.

25. Daudelin photographed the deteriorated paint and windows without window well inserts. Attachment C (photographs of the properties)¹.

26. On June 3, 2009, an investigator from the Attorney General's Office performed a visual inspection of the four other properties listed in Attachment A.

27. The investigator observed deteriorated paint on the exteriors of the four properties.

¹ The photographs of the properties are labeled in Attachment C using the following method: each property is identified at the top of a page by its street address; the side of the building shown in each photo is labeled with a letter with the "A" side being the side facing the street, the other three sides of each property are labeled moving clockwise around the building as "B", "C", and "D" respectively.

28. The investigator photographed the deteriorated paint he observed on June 3, 2009. Attachment C.

29. EMP compliance statements for the four properties visited by the Attorney General's Office on June 3, 2009 represented that there was no deteriorated paint at the properties.

FIRST CAUSE OF ACTION – Failure to perform essential maintenance practices

30. The lead law requires that EMPs specified in 18 V.S.A. § 1759 be performed at all pre-1978 rental housing and that compliance statements attesting to EMP performance be filed with the Department of Health and the property owner's insurance carrier on an annual basis. 18 V.S.A. § 1759. Copies of the compliance statements must also be given to all tenants at the property and to new tenants prior to entering a lease agreement. 18 V.S.A. § 1759(b)(3)-(4).

31. EMPs require that a property owner “[p]romptly and safely remove or stabilize lead-based paint if more than one square foot of deteriorated lead-based paint is found on any interior or exterior surface located within any area of the dwelling to which access by tenants is not restricted.” 18 V.S.A. § 1759(a)(3).

32. Owners must also install “window well inserts in all windows or protect window wells by another method approved by [the Department of Health].” 18 V.S.A. §1759(a)(1).

33. The photographs of the five properties show deteriorated paint visible on the exterior surfaces of the properties in violation of 18 V.S.A. § 1759(a)(3). Attachment C. The photographs of 49 Williams Street also show deteriorated paint visible on interior surfaces.

Id.

34. One of the photographed properties, 49 Williams Street, shows it to be missing window well inserts in violation of 18 V.S.A. § 1759(a)(1).

35. Defendants violated Vermont's lead law, 18 V.S.A., Chapter 38, by failing to perform the required EMPs at the properties.

36. Each of the five noncompliant properties represents a separate violation of the lead law and each day is a separate violation.

SECOND CAUSE OF ACTION – Consumer Fraud: noncompliant rental housing

37. The Vermont Consumer Fraud Act, 9 V.S.A., Chapter 63, prohibits unfair and deceptive acts and practices in commerce, which include the rental of, or offering for rent, housing that is noncompliant with the lead law.

38. By renting to tenants, and by offering for rent, properties that are not in compliance with the lead law, Defendants engaged in unfair acts and practices in commerce in violation of the Consumer Fraud Act, 9 V.S.A. § 2453(a).

39. Each of the five noncompliant properties represents a separate violation of the Consumer Fraud Act and each day is a separate violation.

THIRD CAUSE OF ACTION – Consumer Fraud: false filings with the State

40. The Vermont Consumer Fraud Act, 9 V.S.A., Chapter 63, prohibits unfair and deceptive acts and practices in commerce.

41. On December 23, 2008, Defendants filed EMP compliance statements for the properties with the State of Vermont Department of Health.

42. Visual exterior and interior inspections of the 49 Williams Street property by the Department of Health on February 26, 2009 determined that it was not in compliance with the lead law as represented by Defendants in their December 23, 2009 filings. Visual exterior inspections of the properties by the Attorney General's Office on June 3, 2009

determined that four more properties were not in compliance with the lead law as represented by Defendants in their December 23, 2009 filings.

43. By submitting at least five false EMP compliance statements to the State of Vermont Department of Health on December 23, 2008, and by falsely representing that the properties were in compliance with the lead law, Defendants engaged in unfair and deceptive acts and practices in commerce in violation of the Consumer Fraud Act, 9 V.S.A. § 2453(a).

44. The false EMP compliance statements received by the State of Vermont Department of Health on December 23, 2009, represent that Defendants would be giving copies of the compliance statement to tenants at each of the properties and to their insurance liability company.

45. By providing at least five false EMP compliance statements to their tenants and their insurance liability company which wrongfully represented the properties to be in compliance with the lead law, Defendants engaged in unfair and deceptive acts and practices in commerce in violation of the Consumer Fraud Act, 9 V.S.A. § 2453(a).

46. Each of the false EMP compliance statements which were received by the State of Vermont Department of Health on December 23, 2009, represents a separate violation of the Consumer Fraud Act and each day represents a separate violation.

RELIEF SOUGHT

WHEREFORE, based on the allegations set forth above, the State of Vermont respectfully requests that the Court award the following relief:

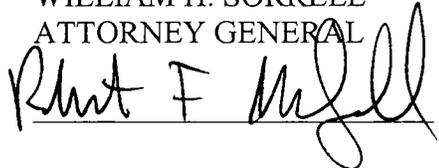
1. An Order finding that Defendants violated 18 V.S.A. § 1759 for each of the five non-compliant properties and that the violations are continuing.

2. An Order finding that Defendants violated 9 V.S.A. § 2453(a) for renting or offering for rent each of the five non-compliant properties and that the violations are continuing.
3. An Order finding that Defendants violated 9 V.S.A. § 2453(a) by submitting at least five false EMP compliance statements for the properties to the State of Vermont Department of Health and that the violations are continuing.
4. Civil Penalties of not more than \$10,000 for each violation of the lead law.
5. Civil Penalties of not more than \$10,000 for each violation of the Consumer Fraud Act.
6. An Order requiring that Defendants hire, at their expense and with the approval of the Attorney General's Office, an independent contractor who is certified by the Department of Health to perform EMP work to conduct compliance inspections of the interior and exterior of the five identified non-compliant properties and all other rental housing properties owned by Defendants.
7. An Order requiring that Defendants bring the identified five non-compliant properties and any other non-compliant properties identified by the independent inspection into compliance with the requirements of the lead law
8. An Order requiring reimbursement to the State for the reasonable value of its services and its expenses in investigating and prosecuting this action.
9. Such other relief as the Court may deem just and appropriate.

DATED at Montpelier, Vermont this 13th day of October, 2009.

Respectfully submitted,

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

Robert F. McDougall
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609
802.828.3186

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

ATTACHMENT A

1. 49 Williams Street, Rutland, Vermont – 6 units
2. 78 Strong Street, Rutland, Vermont – 8 units
3. 38 Cottage Street, Rutland, Vermont – 7 units
4. 20 Church Street, Rutland, Vermont – 2 units
5. 60 Elm Street, Rutland, Vermont – 4 units

Five properties – 27 units

Essential Maintenance Practices Compliance Statement

(in accordance with 18 VSA § 1759)

An EMP Compliance Statement must be filed every 365 days for each residential rental property.
 A separate EMP Compliance Statement is required for each building along with its outbuilding(s). Please print.

Physical Address of Property: 49 Williams Street Original Date of Construction: 1900 +/-
Rutland, VT 05701 Number of Units in Building: 6

I hereby certify that: 1) the following essential maintenance practices were completed on the dates given by the EMP certified person or entity specified for the property listed above; 2) all work was performed using lead safe work practices; and 3) that all information provided on this form is true and accurate. I understand that providing false, incomplete or inaccurate information on this form is unlawful and is punishable by civil and criminal penalties pursuant to Vermont law.

JIT Properties Property Owner's or Manager's name
Candace Dupre, Mgr Property Owner's or Manager's Signature
8 Strongs Avenue Property Owner's or Manager's Address
Rutland, VT 05701 Phone Number
(802) 775-7368

Name of All Other Owner(s) and Property /Management Co., if any	Address	Phone Number

Side 1: For the Property

1. Visually inspected all exterior surfaces of the building and outbuilding(s) to identify deteriorated paint.	EMP Certificate #	Date
	<u>10324</u>	<u>12.1.08</u>
2. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on exterior surfaces within 30 days of visual inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
<input type="checkbox"/> Access to the area by children was blocked if deteriorated paint was identified after November 1 and will be fixed by May 31.		
3. For any outdoor area, removed all visible paint chips from the ground on the property. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
4. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces in common areas within 30 days of inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
5. Performed annual specialized cleaning in common areas within the building.	EMP Certificate #	Date
	<u>10324</u>	<u>9.12.08</u>
6. Posted a notice to occupants encouraging them to report deteriorated paint to the owner or owner's agent. <u>Hullway</u>	Location	Date
	<u>10324</u>	<u>6.9.08</u>

Side 2: For Each Unit at 49 Williams Street Rutland, VT 05701
 Address of Rental Property

7. Visually Inspected window wells to verify that inserts were installed in wooden windows or were not needed because windows are aluminum or vinyl.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date Insert verified or Installed	<u>9.11.04</u>	<u>9.14.04</u>	<u>9.11.04</u>	<u>9.14.04</u>	<u>9.14.04</u>	<u>9.14.04</u>
Vinyl/aluminum window						
Other: please specify						

8. Visually inspected all interior surfaces of the units to identify deteriorated paint. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces within 30 days of visual inspection or report by tenant.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date inspected	<u>6.9.08</u>	<u>10.1.07</u>	<u>7.25.08</u>	<u>12.1.06</u>	<u>9.1.08</u>	<u>11.1.07</u>
No deteriorated paint	✓	✓	✓	✓	✓	✓
Date deteriorated paint stabilized						

9. At change of tenant, visually inspected unit interior and building exterior to identify deteriorated paint and performed specialized cleaning in unit. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. within 30 days.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date inspected		<u>7.25.08</u>	<u>7.25.08</u>		<u>9.1.08</u>	
No deteriorated paint		✓	✓		✓	
Date deteriorated paint stabilized						
Date performed cleaning						
No change of tenant	✓	X		✓		✓

10. Prior to entering into a lease or rental agreement (written or oral), provided to approved tenants a copy of the pamphlet "Protect Your Family From Lead in Your Home" and a copy of the most recent EMP Compliance Statement.

<u>3</u>	<u>7.25.08</u>	<u>7.25.08</u>	<u>7.25.08</u>
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
<u>5</u>	<u>9.1.08</u>	<u>9.1.08</u>	<u>9.1.08</u>
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement

No new lease or rental agreements during this time period

11. Within 10 days of signing this Compliance Statement, I will ensure that the pamphlet "Protect Your Family From Lead in Your Home" and a copy of this EMP Compliance Statement will be given to tenants. A copy of this EMP Compliance Statement will also be given to my liability insurance company.

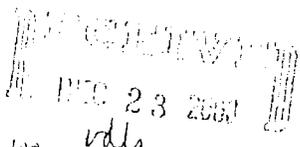
Christy Dume Noel
 Property Owner's or Manager's Signature Date

The date that this compliance statement is received by the Department of Health becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next compliance statement within 365 days of the date this compliance statement is received by the Department. Each year a compliance statement must be given to each tenant and must be filed with the owner's liability insurance carrier and with the VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.

Essential Maintenance Practices Compliance Statement

(in accordance with 18 VSA § 1759)

An EMP Compliance Statement must be filed every 365 days for each residential rental property.
 A separate EMP Compliance Statement is required for each building along with its outbuilding(s). Please print.



Physical Address of Property: 30 Church Street Original Date of Construction: 1900-1000
Rutland, VT 05701 Number of Units in Building: 2

I hereby certify that: 1) the following essential maintenance practices were completed on the dates given by the EMP certified person or entity specified for the property listed above; 2) all work was performed using lead safe work practices; and 3) that all information provided on this form is true and accurate. I understand that providing false, incomplete or inaccurate information on this form is unlawful and is punishable by civil and criminal penalties pursuant to Vermont law.

JIT properties Legibly print property owner's or manager's name
Christine Byrne, Mgr Property Owner's or Manager's Signature
78 Strongs Avenue Property Owner's or Manager's Address
Rutland, VT 05701
(802) 775-7368 Phone Number

Name of All Other Owner(s) and Property /Management Co., if any	Address	Phone Number

Side 1: For the Property

1. Visually inspected all exterior surfaces of the building and outbuilding(s) to identify deteriorated paint.	EMP Certificate #	Date
	<u>10324</u>	<u>12.01.08</u>
2. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on exterior surfaces within 30 days of visual inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
<input type="checkbox"/> Access to the area by children was blocked if deteriorated paint was identified after November 1 and will be fixed by May 31.		
3. For any outdoor area, removed all visible paint chips from the ground on the property. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
4. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces in common areas within 30 days of inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
5. Performed annual specialized cleaning in common areas within the building.	EMP Certificate #	Date
	<u>10324</u>	<u>9.12.08</u>
6. Posted a notice to occupants encouraging them to report deteriorated paint to the owner or owner's agent. <u>Hallway</u>	Location	Date
	<u>10324</u>	<u>6.9.08</u>

Side 2: For Each Unit at 30 Church Street Rutland, VT 05701
 Address of Rental Property

7. Visually inspected window wells to verify that inserts were installed in wooden windows or were not needed because windows are aluminum or vinyl.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # _____	Unit # _____	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date insert verified or installed	<u>8.1.08</u>	<u>4.14.08</u>				
Vinyl/aluminum window						
Other: please specify						

8. Visually inspected all interior surfaces of the units to identify deteriorated paint. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces within 30 days of visual inspection or report by tenant.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # _____	Unit # _____	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date inspected	<u>8.1.08</u>	<u>4.14.08</u>				
No deteriorated paint	✓	✓				
Date deteriorated paint stabilized						

9. At change of tenant, visually inspected unit interior and building exterior to identify deteriorated paint and performed specialized cleaning in unit. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. within 30 days.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # _____	Unit # _____	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date inspected		<u>4.14.08</u>				
No deteriorated paint		✓				
Date deteriorated paint stabilized						
Date performed cleaning						
No change of tenant	✓					

10. Prior to entering into a lease or rental agreement (written or oral), provided to approved tenants a copy of the pamphlet "Protect Your Family From Lead in Your Home" and a copy of the most recent EMP Compliance Statement.

<u>2</u>	<u>4.14.08</u>	<u>4.14.08</u>	<u>4.14.08</u>
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement

No new lease or rental agreements during this time period

11. Within 10 days of signing this Compliance Statement, I will ensure that the pamphlet "Protect Your Family From Lead in Your Home" and a copy of this EMP Compliance Statement will be given to tenants. A copy of this EMP Compliance Statement will also be given to my liability insurance company.

Combey Dupre, MGR 12.15.08
 Property Owner's or Manager's Signature Date

The date that this compliance statement is received by the Department of Health becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next compliance statement within 365 days of the date this compliance statement is received by the Department. Each year a compliance statement must be given to each tenant and must be filed with the owner's liability insurance carrier and with the VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.

Essential Maintenance Practices Compliance Statement

(in accordance with 18 VSA § 1759)

An EMP Compliance Statement must be filed every 365 days for each residential rental property. A separate EMP Compliance Statement is required for each building along with its outbuilding(s). Please print: vdh

Physical Address of Property: 35 cottage street Rutland, VT 05701 Original Date of Construction: 1960 +/-
 Number of Units in Building: 1

I hereby certify that: 1) the following essential maintenance practices were completed on the dates given by the EMP certified person or entity specified for the property listed above; 2) all work was performed using lead safe work practices; and 3) that all information provided on this form is true and accurate. I understand that providing false, incomplete or inaccurate information on this form is unlawful and is punishable by civil and criminal penalties pursuant to Vermont law.

JIT Properties Legibly print property owner's or manager's name
Camryn Dwyre, mgr Property Owner's or Manager's Signature
18 Strongs Avenue Rutland, VT 05701 Property Owner's or Manager's Address
(802) 775-7368 Phone Number
 Date

Name of All Other Owner(s) and Property /Management Co., if any	Address	Phone Number

Side 1: For the Property

1. Visually inspected all exterior surfaces of the building and outbuilding(s) to identify deteriorated paint.	EMP Certificate #	Date
	<u>10324</u>	<u>12.01.08</u>
2. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on exterior surfaces within 30 days of visual inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u> </u>
<input type="checkbox"/> Access to the area by children was blocked if deteriorated paint was identified after November 1 and will be fixed by May 31.		
3. For any outdoor area, removed all visible paint chips from the ground on the property. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u> </u>
4. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces in common areas within 30 days of inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u> </u>
5. Performed annual specialized cleaning in common areas within the building.	EMP Certificate #	Date
	<u>10324</u>	<u>01.12.08</u>
6. Posted a notice to occupants encouraging them to report deteriorated paint to the owner or owner's agent.	Location	Date
	<u>Hallway</u>	<u>6.9.08</u>

Side 2: For Each Unit at 38 Cottage Street Rutland, VT 05701
 Address of Rental Property

7. Visually inspected window wells to verify that inserts were installed in wooden windows or were not needed because windows are aluminum or vinyl.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date insert verified or installed	<u>10.1.08</u>	<u>7.1.02</u>		<u>8.1.02</u>	<u>7.1.08</u>	
Vinyl/aluminum window			✓			✓
Other: please specify						

8. Visually inspected all interior surfaces of the units to identify deteriorated paint. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces within 30 days of visual inspection or report by tenant.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date inspected	<u>10.1.08</u>	<u>7.1.07</u>	<u>10.24.08</u>	<u>7.1.08</u>	<u>7.1.08</u>	<u>8.5.07</u>
No deteriorated paint	✓	✓	✓	✓	✓	✓
Date deteriorated paint stabilized						

9. At change of tenant, visually inspected unit interior and building exterior to identify deteriorated paint and performed specialized cleaning in unit. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. within 30 days.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date inspected	<u>10.1.08</u>		<u>10.24.08</u>		<u>7.1.08</u>	
No deteriorated paint	✓	✓	✓	✓	✓	✓
Date deteriorated paint stabilized						
Date performed cleaning						
No change of tenant		✓		✓		✓

10. Prior to entering into a lease or rental agreement (written or oral), provided to approved tenants a copy of the pamphlet "Protect Your Family From Lead in Your Home" and a copy of the most recent EMP Compliance Statement.

Unit # <u>1</u>	<u>10.1.08</u>	<u>10.1.08</u>	<u>10.1.08</u>
Unit # <u>3</u>	<u>10.24.08</u>	<u>10.24.08</u>	<u>10.24.08</u>
Unit # <u>5</u>	<u>7.1.08</u>	<u>7.1.08</u>	<u>7.1.08</u>
	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement

No new lease or rental agreements during this time period

11. Within 10 days of signing this Compliance Statement, I will ensure that the pamphlet "Protect Your Family From Lead in Your Home" and a copy of this EMP Compliance Statement will be given to tenants. A copy of this EMP Compliance Statement will also be given to my liability insurance company.

Cambridge Dwyer, MGR.
 Property Owner's or Manager's Signature Date

The date that this compliance statement is received by the Department of Health becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next compliance statement within 365 days of the date this compliance statement is received by the Department. Each year a compliance statement must be given to each tenant and must be filed with the owner's liability insurance carrier and with the VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.

Side 2: For Each Unit at 38 Cottage Street Rutland, VT 05701
 Address of Rental Property

7. Visually inspected window wells to verify that inserts were installed in wooden windows or were not needed because windows are aluminum or vinyl.

	Unit # <u>7</u>	Unit # _____				
EMP Certificate # <u>10324</u>						
Date insert verified or installed	<u>4/17/08</u>					
Vinyl/aluminum window						
Other: please specify						

8. Visually inspected all interior surfaces of the units to identify deteriorated paint. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces within 30 days of visual inspection or report by tenant.

	Unit # <u>7</u>	Unit # _____				
EMP Certificate # <u>10324</u>						
Date inspected	<u>11.24.08</u>					
No deteriorated paint	<input checked="" type="checkbox"/>					
Date deteriorated paint stabilized						

9. At change of tenant, visually inspected unit interior and building exterior to identify deteriorated paint and performed specialized cleaning in unit. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. within 30 days.

	Unit # <u>7</u>	Unit # _____				
EMP Certificate # <u>10324</u>						
Date inspected	<u>11.24.08</u>					
No deteriorated paint	<input checked="" type="checkbox"/>					
Date deteriorated paint stabilized						
Date performed cleaning						
No change of tenant						

10. Prior to entering into a lease or rental agreement (written or oral), provided to approved tenants a copy of the pamphlet "Protect Your Family From Lead In Your Home" and a copy of the most recent EMP Compliance Statement.

<u>7</u>	<u>6.13.08</u>	<u>6.13.08</u>	<u>6.13.08</u>
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement

No new lease or rental agreements during this time period

11. Within 10 days of signing this Compliance Statement, I will ensure that the pamphlet "Protect Your Family From Lead in Your Home" and a copy of this EMP Compliance Statement will be given to tenants. A copy of this EMP Compliance Statement will also be given to my liability insurance company.

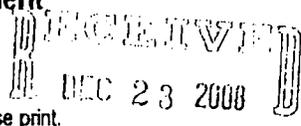
Cindy Dupre, MGR
 Property Owner's or Manager's Signature

_____ Date

The date that this compliance statement is received by the Department of Health becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next compliance statement within 365 days of the date this compliance statement is received by the Department. Each year a compliance statement must be given to each tenant and must be filed with the owner's liability insurance carrier and with the VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.

Essential Maintenance Practices Compliance Statement

(in accordance with 18 VSA § 1759)



An EMP Compliance Statement must be filed every 365 days for each residential rental property. A separate EMP Compliance Statement is required for each building along with its outbuilding(s). Please print.

Physical Address of Property: 600 Elm Street
Rutland, VT 05701

Original Date of Construction: 1900 +/-
Number of Units in Building: 4

I hereby certify that: 1) the following essential maintenance practices were completed on the dates given by the EMP certified person or entity specified for the property listed above; 2) all work was performed using lead safe work practices; and 3) that all information provided on this form is true and accurate. I understand that providing false, incomplete or inaccurate information on this form is unlawful and is punishable by civil and criminal penalties pursuant to Vermont law.

Jill Payerette Legibly print property owner's or manager's name
Kimberly Dupu, Mgr Property Owner's or Manager's Signature
18 Strongs Avenue Rutland, VT 05701 (802) 775-7368 Date
Property Owner's or Manager's Address Phone Number

Name of All Other Owner(s) and Property /Management Co., if any	Address	Phone Number

Side 1: For the Property

1. Visually inspected all exterior surfaces of the building and outbuilding(s) to identify deteriorated paint.	EMP Certificate #	Date
	10324	12.1.08
2. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on exterior surfaces within 30 days of visual inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	10324	/
<input type="checkbox"/> Access to the area by children was blocked if deteriorated paint was identified after November 1 and will be fixed by May 31.		
3. For any outdoor area, removed all visible paint chips from the ground on the property. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	10324	/
4. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces in common areas within 30 days of inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	10324	/
5. Performed annual specialized cleaning in common areas within the building.	EMP Certificate #	Date
	10324	N/A
6. Posted a notice to occupants encouraging them to report deteriorated paint to the owner or owner's agent.	Location	Date
	10324	6.9.06

Side 2: For Each Unit at 60 Elm Street Rutland, VT
 Address of Rental Property

7. Visually inspected window wells to verify that inserts were installed in wooden windows or were not needed because windows are aluminum or vinyl.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date insert verified or installed		<u>8.29.08</u>				
Vinyl/aluminum window						
Other: please specify						

8. Visually inspected all interior surfaces of the units to identify deteriorated paint. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces within 30 days of visual inspection or report by tenant.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date inspected	<u>8.1.08</u>	<u>8.29.08</u>	<u>6.30.07</u>	<u>6.30.07</u>		
No deteriorated paint	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Date deteriorated paint stabilized						

9. At change of tenant, visually inspected unit interior and building exterior to identify deteriorated paint and performed specialized cleaning in unit. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. within 30 days.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date inspected		<u>8.29.08</u>				
No deteriorated paint.		<input checked="" type="checkbox"/>				
Date deteriorated paint stabilized						
Date performed cleaning						
No change of tenant	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

10. Prior to entering into a lease or rental agreement (written or oral), provided to approved tenants a copy of the pamphlet "Protect Your Family From Lead in Your Home" and a copy of the most recent EMP Compliance Statement.

<u>2</u>	<u>8.29.08</u>	<u>8.29.08</u>	<u>8.29.08</u>
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement

No new lease or rental agreements during this time period

11. Within 10 days of signing this Compliance Statement, I will ensure that the pamphlet "Protect Your Family From Lead in Your Home" and a copy of this EMP Compliance Statement will be given to tenants. A copy of this EMP Compliance Statement will also be given to my liability insurance company.

Anthony Dupre, MGR
 Property Owner's or Manager's Signature Date

The date that this compliance statement is received by the Department of Health becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next compliance statement within 365 days of the date this compliance statement is received by the Department. Each year a compliance statement must be given to each tenant and must be filed with the owner's liability insurance carrier and with the VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.

Essential Maintenance Practices Compliance Statement

(in accordance with 18 VSA § 1759)

An EMP Compliance Statement must be filed every 365 days for each residential rental property. A separate EMP Compliance Statement is required for each building along with its outbuilding(s). Please print.

Physical Address of Property: 75 Shongas Avenue Original Date of Construction: 1960 +/-
Rutland, VT 05701 Number of Units in Building: 8

I hereby certify that: 1) the following essential maintenance practices were completed on the dates given by the EMP certified person or entity specified for the property listed above; 2) all work was performed using lead safe work practices; and 3) that all information provided on this form is true and accurate. I understand that providing false, incomplete or inaccurate information on this form is unlawful and is punishable by civil and criminal penalties pursuant to Vermont law.

JIT Properties Camber Dupre, MGR
 Legibly print property owner's or manager's name Property Owner's or Manager's Signature Date
75 Shongas Avenue Rutland, VT 05701 (802) 775-7368
 Property Owner's or Manager's Address Phone Number

Name of All Other Owner(s) and Property /Management Co., if any	Address	Phone Number

Side 1: For the Property

1. Visually inspected all exterior surfaces of the building and outbuilding(s) to identify deteriorated paint.	EMP Certificate #	Date
	<u>10324</u>	<u>12.1.08</u>
2. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on exterior surfaces within 30 days of visual inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
<input type="checkbox"/> Access to the area by children was blocked if deteriorated paint was identified after November 1 and will be fixed by May 31.		
3. For any outdoor area, removed all visible paint chips from the ground on the property. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
4. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces in common areas within 30 days of inspection or report by tenant. <input checked="" type="checkbox"/> None	EMP Certificate #	Date
	<u>10324</u>	<u>/</u>
5. Performed annual specialized cleaning in common areas within the building.	EMP Certificate #	Date
	<u>10324</u>	<u>9.12.08</u>
6. Posted a notice to occupants encouraging them to report deteriorated paint to the owner or owner's agent. <u>Hallway</u>	Location	Date
	<u>10324</u>	<u>6.9.08</u>

Side 2: For Each Unit at 78 Slings Avenue Rutland VT
Address of Rental Property

7. Visually inspected window wells to verify that inserts were installed in wooden windows or were not needed because windows are aluminum or vinyl.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date insert verified or installed	<u>6.1.07</u>	<u>12.13.07</u>	<u>6.1.05</u>	<u>4.3.08</u>	<u>8.17.07</u>	<u>3.3.06</u>
Vinyl/aluminum window						
Other: please specify						

8. Visually inspected all interior surfaces of the units to identify deteriorated paint. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces within 30 days of visual inspection or report by tenant.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date inspected	<u>6.1.07</u>	<u>10.12.07</u>	<u>6.1.05</u>	<u>4.3.08</u>	<u>8.17.07</u>	<u>3.3.06</u>
No deteriorated paint	✓	✓	✓	✓	✓	✓
Date deteriorated paint stabilized						

9. At change of tenant, visually inspected unit interior and building exterior to identify deteriorated paint and performed specialized cleaning in unit. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. within 30 days.

	Unit # <u>1</u>	Unit # <u>2</u>	Unit # <u>3</u>	Unit # <u>4</u>	Unit # <u>5</u>	Unit # <u>6</u>
EMP Certificate # <u>10324</u>						
Date inspected				<u>4.3.08</u>		
No deteriorated paint	<u>6.1.07</u>	<u>10.12.07</u>	<u>6.1.05</u>	✓	<u>8.17.07</u>	<u>3.3.06</u>
Date deteriorated paint stabilized						
Date performed cleaning						
No change of tenant	✓	✓	✓		✓	✓

10. Prior to entering into a lease or rental agreement (written or oral), provided to approved tenants a copy of the pamphlet "Protect Your Family From Lead in Your Home" and a copy of the most recent EMP Compliance Statement.

<u>4</u>	<u>4.3.08</u>	<u>4.3.08</u>	<u>4.3.08</u>
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement
Unit #	Date gave pamphlet	Date gave Compliance Statement	Date entered into lease or rental agreement

No new lease or rental agreements during this time period

11. Within 10 days of signing this Compliance Statement, I will ensure that the pamphlet "Protect Your Family From Lead in Your Home" and a copy of this EMP Compliance Statement will be given to tenants. A copy of this EMP Compliance Statement will also be given to my liability insurance company.

Cynthia Dume, mgr
Property Owner's or Manager's Signature

Date

The date that this compliance statement is received by the Department of Health becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next compliance statement within 365 days of the date this compliance statement is received by the Department. Each year a compliance statement must be given to each tenant and must be filed with the owner's liability insurance carrier and with the VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.

Side 2: For Each Unit at 78 Strongs Avenue Rutland, VT
 Address of Rental Property

7. Visually inspected window wells to verify that inserts were installed in wooden windows or were not needed because windows are aluminum or vinyl.

	Unit # <u>7(S2A)</u>	Unit # <u>8(S2)</u>	Unit # _____	Unit # _____	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>	<u>5.1.07</u>	<u>2.1.01</u>				
Date insert verified or installed						
Vinyl/aluminum window						
Other: please specify						

8. Visually inspected all interior surfaces of the units to identify deteriorated paint. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. on interior surfaces within 30 days of visual inspection or report by tenant.

	Unit # <u>7(S2A)</u>	Unit # <u>8(S2)</u>	Unit # _____	Unit # _____	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date inspected	<u>5.1.07</u>	<u>8.12.08</u>				
No deteriorated paint	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Date deteriorated paint stabilized						

9. At change of tenant, visually inspected unit interior and building exterior to identify deteriorated paint and performed specialized cleaning in unit. Used safe work practices to stabilize deteriorated paint exceeding 1 sq. ft. within 30 days.

	Unit # <u>7(S2A)</u>	Unit # <u>8(S2)</u>	Unit # _____	Unit # _____	Unit # _____	Unit # _____
EMP Certificate # <u>10324</u>						
Date inspected	<u>5.1.07</u>	<u>8.12.08</u>				
No deteriorated paint						
Date deteriorated paint stabilized						
Date performed cleaning						
No change of tenant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				

10. Prior to entering into a lease or rental agreement (written or oral), provided to approved tenants a copy of the pamphlet "Protect Your Family From Lead in Your Home" and a copy of the most recent EMP Compliance Statement.

Unit # _____	Date gave pamphlet _____	Date gave Compliance Statement _____	Date entered into lease or rental agreement _____
Unit # _____	Date gave pamphlet _____	Date gave Compliance Statement _____	Date entered into lease or rental agreement _____
Unit # _____	Date gave pamphlet _____	Date gave Compliance Statement _____	Date entered into lease or rental agreement _____

No new lease or rental agreements during this time period

11. Within 10 days of signing this Compliance Statement, I will ensure that the pamphlet "Protect Your Family From Lead in Your Home" and a copy of this EMP Compliance Statement will be given to tenants. A copy of this EMP Compliance Statement will also be given to my liability insurance company.

Catherine Dupre, Mgr
 Property Owner's or Manager's Signature

 Date

The date that this compliance statement is received by the Department of Health becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next compliance statement within 365 days of the date this compliance statement is received by the Department. Each year a compliance statement must be given to each tenant and must be filed with the owner's liability insurance carrier and with the VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.



Side B - Staircase Interior



Side D - Front Door Casing



Side D - Front Door Casing



Side D - Porch

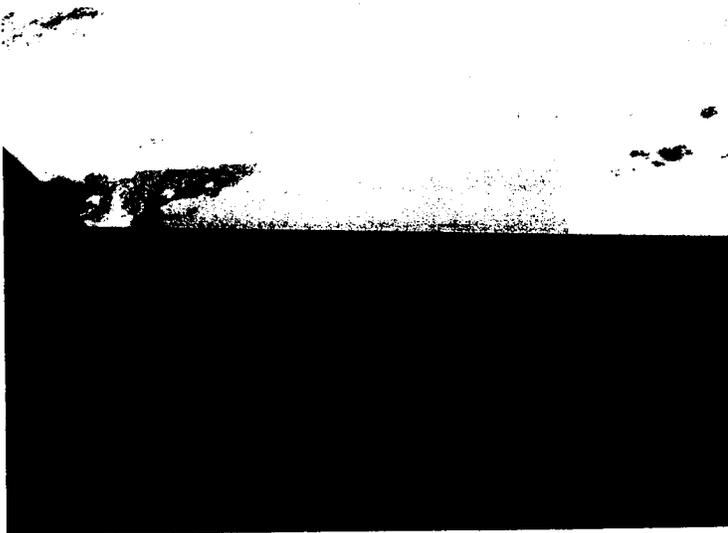
49 Williams Street, Rutland, VT



Side A - Window Well - Master Bedroom



Side D - Window Well - Master Bedroom



Side B - Window - Child's Bedroom



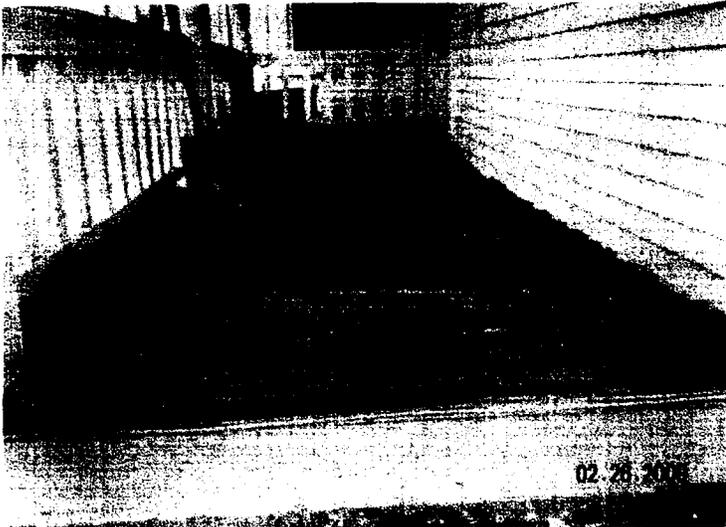
Side B - Window - Child's Bedroom



Side D - Front Door Casing



Side D - Window Well Next to Front Door



Side B - Porch

20 Church Street, Rutland, VT



Side A - Full View

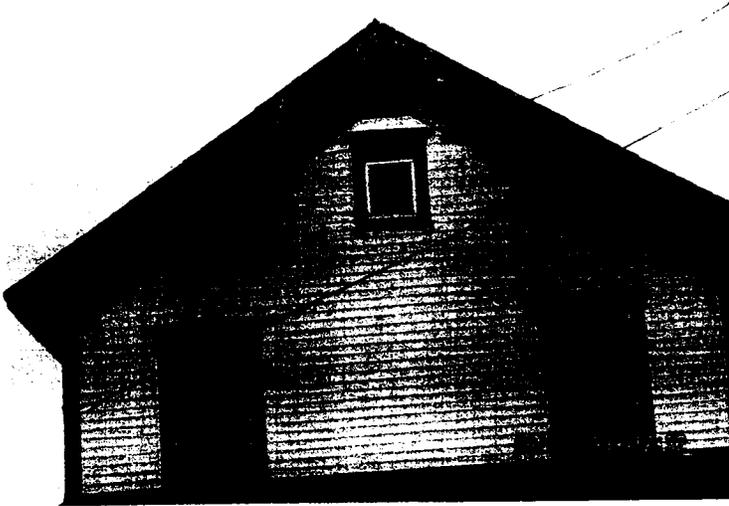


Side B - Partial View (Zoom)



Side B - Partial View (Zoom)

38 Cottage Street, Rutland, VT



Side A - Partial View (Zoom)



Side A - Partial View (Zoom)

0000

60 Elm Street, Rutland, VT



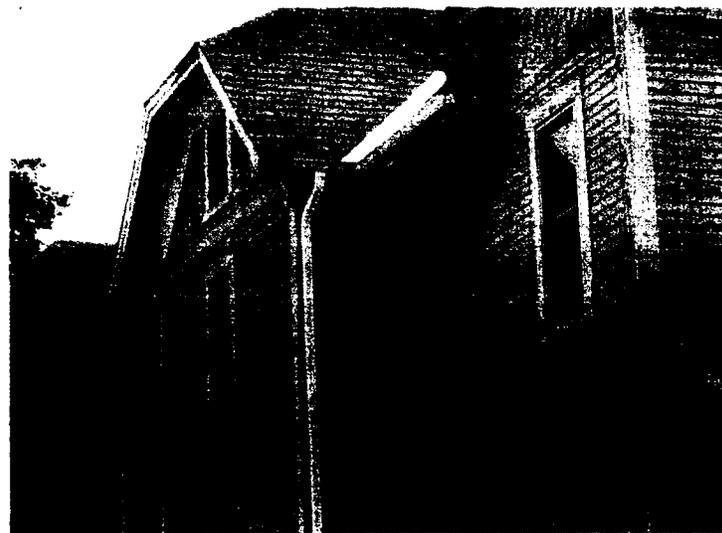
Side A - Partial View (Zoom)



Side A - Partial View (Zoom)



Side A - Partial View (Zoom)



Side B - Partial View (Zoom)

60 Elm Street, Rutland, VT



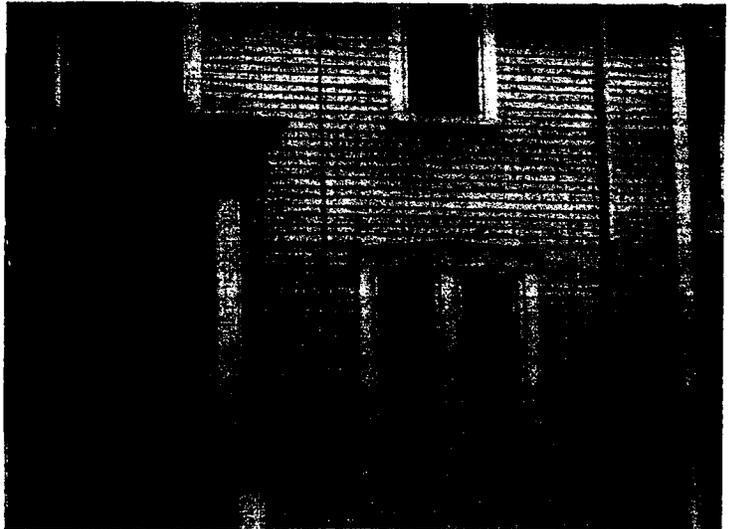
Side B - Partial View (Zoom)



Side D - Full View



Side D - Full View



Side D - Partial View (Zoom)

60 Elm Street, Rutland, VT



Side D - Partial View



Side D - Partial View



Side D - Partial View (Zoom)



Side D - Partial View (Zoom)

60 Elm Street, Rutland, VT



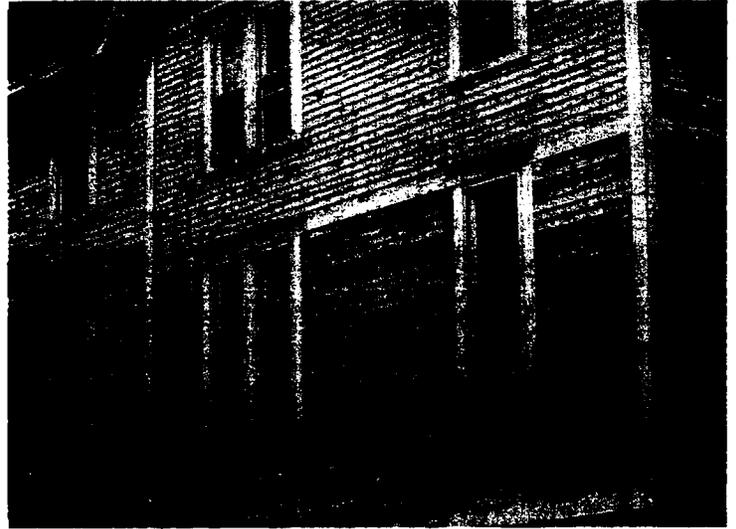
Side D - Partial View (Zoom)



Side C - Full View



Side C - Partial View (Zoom)



Side C - Partial View (Zoom)

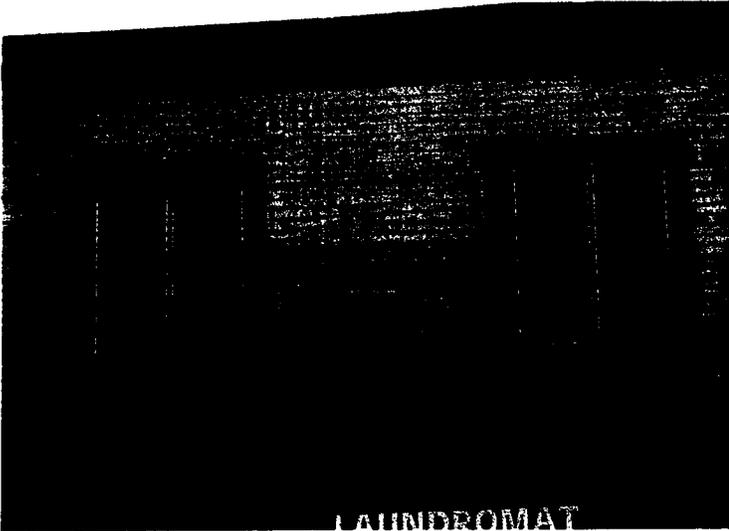
78 Strongs Avenue, Rutland, VT



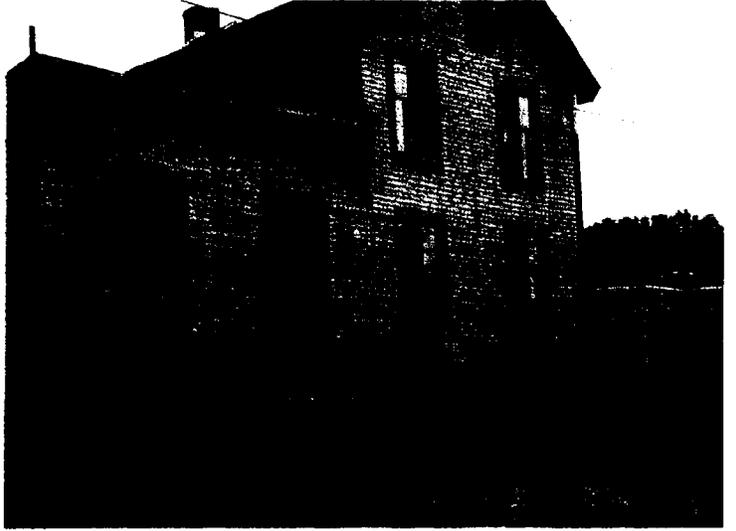
Side D - Partial View (Zoom)



Side A - Partial View (Zoom)



Side A - Partial View (Zoom)



Side A - Partial View (Zoom)

STATE OF VERMONT
WASHINGTON COUNTY, SS.

STATE OF VERMONT,)
Plaintiff,)
)
v.) Washington Superior Court
) Docket No. Wncv
JAMES THEODORE and)
JTT PROPERTIES,)
Defendants.)

STIPULATION OF SETTLEMENT AND CONSENT DECREE

To resolve the allegations in the Complaint filed in the above captioned matter, Plaintiff State of Vermont and Defendants James Theodore and JTT Properties (“Defendants”), stipulate and agree to the following:

1. Defendants have enrolled the five properties listed in Attachment A to the Complaint (hereinafter “the properties”) in the Vermont Housing and Conservation Board’s lead program.
2. Within one week of completion of the work at the properties by Defendants and the Vermont Housing and Conservation Board, Defendants will file with the Vermont Department of Health, Defendants’ insurance carrier and with the Office of the Attorney General, a completed EMP compliance statement for each of the properties, and will give a copy of the compliance statement to an adult in each rented unit of the properties. The copy for the Office of the Attorney General shall be sent to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.
3. In the event Defendants wish to rent a unit which becomes vacant in any of the properties that is not EMP compliant, they shall provide advance written notice of the intent

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

to rent to the Office of the Attorney General at the address listed in paragraph 2.

Defendants' advance written notice shall also: (1) verify that the interior of the specific unit to be rented is EMP compliant; (2) provide an update as to the remaining EMP work to be performed at the property; and (3) provide a date by which the entire property will be EMP compliant. Otherwise, Defendants shall not rent, or offer for rent, any unit which becomes vacant in any of the properties that is not EMP compliant until such time as the EMP work is complete and the EMP compliance statement is distributed as described in paragraph 2 above.

4. Defendants shall fully and timely comply with the requirements of the Vermont lead law, 18 V.S.A., Chapter 38, as long as they maintain any ownership or property management service interest in the properties and in any other pre-1978 rental housing in which they currently have, or later acquire, an ownership interest.

PENALTIES

5. Defendants shall pay fourteen thousand dollars (\$14,000.00) in civil penalties to the State of Vermont for the filing of false EMP compliance statements with the Vermont Department of Health.

6. Payment of the fourteen thousand dollars (\$14,000.00) civil penalty described in paragraph 5 shall be as follows:

- a. Defendants shall pay four thousand dollars (\$4,000.00) upon execution of the Consent Decree. Payment shall be made to the "State of Vermont" and shall be sent to the Office of the Attorney General at the address listed in paragraph 2.
- b. Based upon Defendants' demonstrated inability to pay the remaining ten thousand dollars (\$10,000.00) of the civil penalty in paragraph 5 at the present

time, payment of the remaining civil penalty shall be due upon sale of any of the properties listed in Attachment A of the Complaint or any other properties owned by Defendants, including but not limited to: (a) 15 Woodstock Avenue, Rutland; (b) 33 Woodstock Avenue, Rutland; (c) 129 Curtis Avenue, Rutland; (d) Mill River Apartments, Rutland; (e) 90 Barnes Street, Rutland; (f) 18 Church St., Rutland; (g) 71 Joilette Street, Rutland; (h) 340 Kelly Street, Rutland; (i) 45 Pleasant Street, Rutland; and (j) 45 ½ Pleasant Street, Rutland. Defendants may pay the civil penalty prior to the sale of any properties if they are able.

c. Until such time as the civil penalty in paragraph 5 is paid in full, the Decree, Order and Final Judgment shall be recorded as a judgment lien in accordance with 12 V.S.A. § 2901 for the remaining ten thousand dollars (\$10,000.00) on the properties and those other properties listed above. Interest on the judgment lien shall accrue at the statutory rate, however, the State agrees to waive interest for the first year following the date that the judgment lien is recorded. 12 V.S.A. § 2903. Defendants shall be responsible for any costs incurred by the State related to the recording of the judgment lien.

d. Nothing in this Consent Decree shall limit the State's authority to enforce this judgment under any other provision of law.

7. In addition to the payment of civil penalties described in paragraphs 5 and 6, Defendants shall expend at least seven thousand five hundred dollars (\$7,500.00), including the actual cost of materials and the actual (or if the work is done by employees of Defendants, the reasonable) cost of labor, on any or all of the following lead hazard

reduction improvements at any of the properties or in any other pre-1978 rental housing in which Defendants currently have, or acquire, an interest:

- a. Replacement of painted windows;
- b. Replacement of painted doors;
- c. Covering of painted exterior walls with siding; and
- d. Replacement or covering of interior or exterior (including porch) floors and stairs with permanent carpeting or other permanent floor covering;

provided that the building component in question was installed and first painted before 1978; *and further provided that* Defendants may submit for prior approval other potential lead hazard reduction improvements (e.g. soil coverage) to the Office of the Attorney General, which shall have complete discretion to determine whether the improvements count toward the required expenditure.

8. The expenditures described in paragraph 7 above shall reflect work performed between June 1, 2009, and December 31, 2009. Defendants shall provide written documentation of the expenditures to the Office of the Attorney General at the address provided in paragraph 2. The expenditures described in paragraph 7 above shall be independent of any expenditure resulting from the enrollment of the properties in the Vermont Housing and Conservation Board's lead program.

9. In the event that Defendants wish by agreement with the Office of the Attorney General to extend any of the dates above, such request must be made by Defendants at least 10 days in advance of the dates specified in this Consent Decree.

Office of the
ATTORNEY
GENERAL
09 State Street
fontpelier, VT
05609

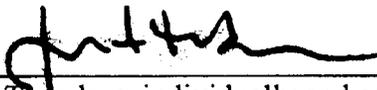
OTHER RELIEF

10. This Consent Decree is binding on Defendants, however, sale of any of the properties may not occur unless all obligations in paragraphs 2 and 5 through 8 have been completed or this Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations and the judgment lien created by this Consent Decree and recorded is discharged with respect only to the sale of any such properties. However, nothing in this Consent Decree in any way affects the obligations of future owners of any of the properties under Vermont law, including under the Vermont lead law.
11. Transfer of ownership of any of the properties shall be consistent with Vermont law, including the provisions of 18 V.S.A. § 1767 specifically relating to the transfer of ownership of pre-1978 rental housing.
12. This Consent Decree shall not affect marketability of title except as provided in paragraph 10 above.
13. Nothing in this Consent Decree in any way affects Defendants' other obligations under state, local, or federal law.
14. In addition to any other penalties which might be appropriate under Vermont law, any future failure by Defendants to comply with the terms of this Consent Decree shall be subject to additional penalties of no less than one thousand dollars (\$1,000.00) per violation of the Consent Decree per day for each day the violation exists.

STIPULATION

Defendants James Theodore and JTT Properties acknowledge receipt of and voluntarily agree to the terms of this Consent Decree and waive any formal service requirements of the Complaint, Consent Decree, and Decree, Order and Final Judgment.

DATED at Rutland, Vermont this 9th day of October, 2009.


James Theodore, individually and on behalf
of JTT Properties

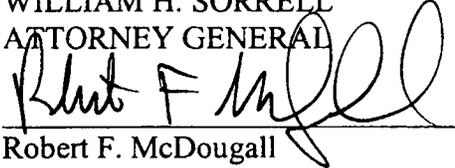
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 13th day of October, 2009.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:


Robert F. McDougall
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609
802.828.3186

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

DECREE, ORDER AND FINAL JUDGMENT

This Consent Decree is accepted and entered as a Decree, Order and Final Judgment of this Court in the matter of: *State of Vermont v. James Theodore and JTT Properties*, Docket No. _____.

This Decree, Order and Final Judgment may be recorded as a judgment lien in accordance with 12 V.S.A. § 2901 in the amount of ten thousand dollars (\$10,000.00) as provided in paragraph 6 of the Consent Decree.

SO ORDERED.

DATED at Montpelier, Vermont this _____ day of _____, 2009.

Washington Superior Court Judge

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609