

FILED

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ORDER
2009 JUL 20 A 10:17

STATE OF VERMONT
WASHINGTON COUNTY, SS. A 11:24

STATE OF VERMONT, *JK*

Plaintiff,

v.

SUSAN AIKEN,
Defendant.

Stipulation
SUPERIOR COURT
WASHINGTON COUNTY

) Washington Superior Court

) Docket No. *Wncv*

4967.09

CONSENT DECREE, FINAL ORDER AND JUDGMENT

To resolve the violations of law as set out in the Complaint filed in the above captioned matter, Defendant Susan Aiken stipulates and agrees to the following:

1. Defendant shall permanently and voluntarily surrender her essential maintenance practice ("EMP") certificate #1433 which permits her to perform EMPs in Vermont.
2. Defendant shall not perform EMPs on any Vermont properties for the next 6 months starting with the date this Consent Decree is approved by the Court, and, prior to resuming the performance of EMPs, Defendant shall again take the EMP compliance class and successfully receive a new EMP certificate from the Vermont Department of Health.
3. Unless Defendant employs someone who is certified to perform EMP work to perform EMP work, Defendant will modify any existing and new property management services contracts to be clear that Defendant, Aikencrest, LLC, or any other company owned by Defendant, will not perform EMP work during the time specified by paragraph 2 above. The modification shall clearly inform the property owner of their responsibilities to perform annual EMPs and maintain the property in compliance with the lead law.

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Montpelier, VT
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4. If Defendant performs EMP compliance work at any properties in the future, subject to the terms set forth in paragraph 2 above, she shall not file, or permit to be filed on her behalf, any false or inaccurate EMP compliance statements with the State of Vermont.

PAYMENT

5. Defendant shall pay the sum of \$10,000.00 for the filing of a false Affidavit of Performance of Essential Maintenance Practices with the State of Vermont in August of 2008. Payment shall be made to the "State of Vermont" and shall be sent to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.

6. Payment of the penalty listed in paragraph 5 above shall be as follows: An initial payment of \$3,000.00 is due and payable upon Defendant's signing of this Consent Decree. Thereafter, payments will be due on the first day of each month in the amount of at least \$1,000.00 until the remaining balance owed is paid in full. The first payment of at least \$1,000.00 is due and payable August 1, 2009. All payments to the State shall be sent to the address listed in paragraph 5 above.

OTHER RELIEF

7. Any future failure by Defendant to comply with the terms of this Consent Decree shall be subject to additional penalties of no less than \$1,000.00 and no more than \$10,000.00 per violation per day for each day the violation exists.

8. Nothing in this Consent Decree in any way affects Defendant's other obligations under state, local, or federal law.

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9. This Consent Decree resolves only the violations of the Consumer Fraud Act and lead law set forth in the Complaint and has no effect upon any other State agencies or actions against Defendant which may be taken by a State agency.

STIPULATION

Defendant acknowledges receipt of and voluntarily agrees to the terms of this Consent Decree and waives any formal service of the Complaint and Consent Decree.

DATED at St. Johnsbury, Vermont this 2nd day of July, 2009.

Susan Aiken
Susan Aiken

ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 7th day of July, 2009.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:

Robert F. McDougall
Robert F. McDougall
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609
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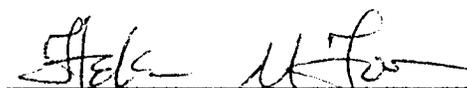
DECREE, ORDER AND FINAL JUDGMENT

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. Susan Aiken, Docket

No. 496-7-09 Wncv.

SO ORDERED.

DATED at Montpelier, Vermont this 14th day of July, 2009.



Washington Superior Court Judge

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