

STATE OF VERMONT
WASHINGTON COUNTY, SS.

FILED
Stipulation

STATE OF VERMONT,)
Plaintiff,)
)
v.)
STEVEN DAVIS,)
Defendant.)

2009 OCT 15 P 12:22

DW

SUPERIOR COURT
WASHINGTON COUNTY

Washington Superior Court

Docket No. 791-10-09 Wncv

STIPULATION OF SETTLEMENT AND CONSENT DECREE

To resolve the allegations in the Complaint filed in the above captioned matter, Plaintiff State of Vermont and Defendant Steven Davis, stipulate and agree to the following:

1. Not later than October 31, 2009, Defendant shall complete all essential maintenance practices ("EMPs") at the properties listed in Attachment A of the Complaint ("the properties") and shall file with the Vermont Department of Health, Defendant's 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.
2. Defendant shall not rent, or offer for rent, any unit which becomes vacant in a building 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 1 above.
3. Defendant shall fully and timely comply with the requirements of the Vermont lead law, 18 V.S.A., Chapter 38, as long as he maintains any ownership or property management service interest in the properties and in any other pre-1978 rental housing in which he acquires an ownership interest.

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

PENALTIES

4. Defendant shall pay four thousand dollars (\$4,000.00) in civil penalties to the State of Vermont.

5. The payment schedule for the four thousand dollar civil penalty shall be as follows: not later than the last day of each month, Defendant shall pay at least five hundred dollars (\$500.00) to the State of Vermont until the total penalty amount is paid in full. Payment shall be made to the "State of Vermont" and shall be sent to the Attorney General's Office at the address listed in paragraph 1. The first payment of at least five hundred dollars shall be due no later than November 30, 2009.

6. In addition to the payment described in paragraphs 4 and 5, Defendant shall expend at least three thousand five hundred dollars (\$3,500.00), including the actual cost of materials and the actual (or if the work is done by employees of Defendant, 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 Defendant currently has, or acquires, 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 Defendant 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.

7. The expenditures described in paragraph 6 above shall reflect work performed between August 1, 2009, and April 1, 2010. Defendant shall provide written documentation of the expenditures to the Office of the Attorney General at the address provided in paragraph 1.

OTHER RELIEF

8. This Consent Decree is binding on Defendant, however, sale of any of the properties may not occur unless all obligations have been completed or this Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations. 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.

9. 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.

10. This Consent Decree shall not affect marketability of title.

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

12. In addition to any other penalties which might be appropriate under Vermont law, 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 per violation of the Consent Decree per day for each day the violation exists.

STIPULATION

Defendant Steven Davis acknowledges receipt of and voluntarily agrees to the terms of this Consent Decree and waives any formal service requirements of the Complaint, Consent Decree, and Decree, Order and Final Judgment.

DATED at _____, Vermont this 10 day of 12, 2009.



Steven Davis

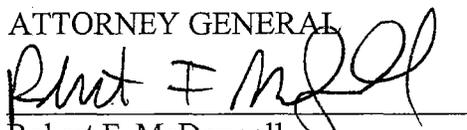
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 15th 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

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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. Steven Davis*, Docket

No. 791-10-09 Wncv.

SO ORDERED..

DATED at Montpelier, Vermont this 2 day of Nov, 2009.



Washington Superior Court Judge

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