STATE OF VERMONT
WASHINGTON COUNTY, SS.

2008 DEC 18 P 3: 11

SUPERIOR COURT
WASHINGTON COUNTY

STATE OF VERMONT, Plaintiff,	)	
v.	)	Washington Superior Court Docket No. 838-1208
GEORGE HUNTINGTON, Defendant.	)	

CONSENT DECREE, FINAL ORDER AND JUDGMENT

To resolve the allegations in the Complaint filed in the above captioned matter, Defendant George Huntington stipulates and agrees to the following:

1. Not later than December 31, 2008, Defendant shall complete essential maintenance practices ("EMPs") at the properties listed in Attachment 1 of the Complaint ("the properties") .
2. Not later than December 31, 2008, Defendant will file with the Vermont Department of Health and Defendant's insurance carrier a completed EMP compliance statement for each of the properties, and will give a copy to an adult in each rented unit of the compliance statement for that tenant's property. Defendant shall also provide a copy of the completed EMP Compliance Statement to the Office of the Attorney General at the following address: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.
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 or in any other pre-1978

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residential housing in which he acquires an ownership or property management interest.

PAYMENT AND ABATEMENT

4. Defendant shall pay the total sum of $5,000.00 to the State of Vermont. The payment shall occur through minimum payment s of $1,000.00 due on January 15, 2009 and February 15, 2009 and the remaining balance paid in full with a final payment due by March 15, 2009. Payments 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.
5. In addition to the payments described in paragraph 4, Defendant shall expend at least $43,000.00 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:
    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 Attorney General's Office, which shall have complete discretion to determine whether the improvements count toward the required expenditure.

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6. The expenditures described in paragraph 5 above shall reflect work performed between May 1, 2008 and December 31, 2009. Defendant shall provide written documentation of the expenditures to the Vermont Attorney General's Office at the address provided in paragraph 4.

OTHER RELIEF

7. No later than January 15, 2009, Defendant shall provide written verification that each of the properties listed in Attachment 2 to the Complaint are exempt from Vermont's Lead Poisoning Law. Verification shall be sent to the Vermont Attorney General's Office at the address provided in paragraph 4. If Defendant is not able to demonstrate that the properties listed in Attachment 2 are exempt from Vermont's Lead Poisoning Law, then the expenditures described in paragraph 5 above shall be increased at a rate of $1,500 per property. By February 15, 2009, Defendant shall also be required to submit EMP compliance statements as provided in paragraph 2 for any property listed in Attachment 2 which is not exempt.
8. 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 target (pre-1978) housing.
9. This Consent Decree shall not affect marketability of title.
10. Should Defendant fully transfer or sell his ownership interest in any of the properties after completing all obligations under this Consent Decree and his obligations with respect to that particular property under this Consent Decree is extinguished. However, nothing in this Consent Decree in any way affects the

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obligations of future owners of any of the properties under Vermont law, including under the Vermont Lead Law.

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

12. Defendant shall not rent, or offer for rent, any unit in a building which is not compliant with the Vermont Lead Law until EMPs have been completed and the EMP compliance statement distributed as described in paragraph 2 above.

13. 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.

STIPULATION

Defendant acknowledges receipt of and voluntarily agrees to the terms of this Consent Decree. M

DATED at Montpelier, Vermont this 15 day of Dec, 2008.

George Huntington

Accepted on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 15th day of December, 2008.

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

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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: 838-12-08 Wncv.

SO ORDERED.

DATED at Montpelier, Vermont this 18th day of Dec., 2008.

Helen M. Toor
Washington Superior Court Judge

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