

**FILED** STATE OF VERMONT  
WASHINGTON COUNTY, SS.

*DW*  
JAN 16 2009  
Stipulation

2009 JAN 21 A 11:34 )  
 STATE OF VERMONT, )  
 Plaintiff, )  
 SUPERIOR COURT )  
 WASHINGTON COUNTY )  
 v. ) Washington Superior Court  
 ) Docket No. 35-1-09 Wncv  
 SISTERS and BROTHERS INVESTMENT )  
 GROUP, LLP, )  
 Defendant. )

**STIPULATION OF SETTLEMENT AND CONSENT DECREE**

To resolve the allegations in the Complaint filed in the above captioned matter, Defendant Sisters and Brothers Investment Group, LLP, stipulates and agrees to the following:

1. Inspector Henry Robare of H. Robare Construction shall inspect all of the properties listed in Attachment 1 of the Complaint ("the properties") and inform Defendant and the Attorney General's Office of his findings with respect to the accuracy of essential maintenance practice ("EMP") compliance statements filed with the State of Vermont by Defendant in 2008. It is expected that Mr. Robare's inspections will be completed no later than January 15, 2009. Within five days of completion, copies of Mr. Robare's findings shall be sent to the Attorney General's Office by mail to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609. Defendant shall be responsible for the cost of Mr. Robare's inspection.
2. Not later than February 15, 2009, Defendant shall have an EMP contractor who is certified by the Vermont Department of Health complete all EMPs required by the Lead Law or recommended by Mr. Robare at the properties.

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

3. Not later than February 15, 2009, Defendant will file with the Vermont Department of Health, Defendant's insurance carrier and with the Office of the Attorney General at the address listed in paragraph 1, 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 property.

4. To the extent that Defendant identifies exterior EMP work to be performed, that work shall be completed by May 31, 2009. For properties requiring the completion of exterior EMP work to be delayed until May 31, 2009, Defendant shall ensure that access to surfaces and components with lead hazards and areas directly below the deteriorated surfaces is clearly restricted. These restrictions shall be in place at the time of the filing of EMP compliance statements described in paragraph 3.

5. In the event that the inspections described in paragraph 1 are not completed by January 15, 2009, the dates in paragraphs 2 and 3 shall be adjusted to 30 days from the completion of Mr. Robare's inspections. Should Defendant wish to otherwise extend any of the above dates by agreement with the Attorney General's Office, such request shall be made no later than 10 days in advance of the dates specified in this Consent Decree.

6. Defendant shall not rent, or offer for rent, any unit in a building which is not EMP compliant and until the EMP compliance statement is distributed as described in paragraph 3 above.

7. Defendant shall fully and timely comply with the requirements of the Vermont Lead Law, 18 V.S.A., Chapter 38, as long as it maintains any ownership or property management service interest in the properties or in any other pre-1978 residential housing in which it acquires an ownership interest.

## PENALTIES

8. Defendant shall pay the sum of \$10,000.00 to the State of Vermont for the filing of a false EMP compliance statement with the State of Vermont in connection with the instant matter in 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.

9. Defendant shall also pay the State of Vermont an additional \$1,000.00 for each false EMP compliance statement identified as a result of the inspection by Mr. Robare described in paragraph 1. This additional amount shall be at least \$12,000.00, reflecting false EMP statements known as of December 29, 2008 and anticipated additional false EMP statements for properties not yet inspected by Mr. Robare. The final amount will be determined upon completion of Mr. Robare's inspections, expected to be January 15, 2009.

10. Payment of all amounts described in paragraphs 8 and 9 shall be made to the State of Vermont no later than April 15, 2009.

11. In addition to the payments described in paragraphs 8 and 9, Defendant shall expend at least \$68,900.00, 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.

12. The expenditures described in paragraph 11 above shall reflect work performed between January 1, 2009 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 1.

13. If Defendant anticipates not being able to fully comply with paragraphs 11 and 12 by December 31, 2009, solely due to delays relating to obtaining zoning or permit approval for the work to be performed, Defendant may request an extension of the December 31, 2009 deadline from the Attorney General's Office; such request shall be made no later than December 1, 2009.

#### **OTHER RELIEF**

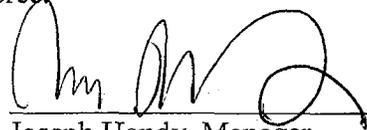
14. This Consent Decree is binding on Defendant, however, sale of any of the properties may not occur unless all obligations in paragraphs 2, 3, 4, 8, 9, 10, 11 and 12 have been completed or this Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations. 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.

15. 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 housing.
16. This Consent Decree shall not affect marketability of title.
17. Nothing in this Consent Decree in any way affects Defendant's other obligations under state, local, or federal law.
18. 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 per day for each day the violation exists.

#### STIPULATION

Defendant Sisters and Brothers Investment Group, LLP, acknowledges receipt of and voluntarily agrees to the terms of this Consent Decree and waives any formal service requirements of the Complaint and the Consent Decree.

Dated: 1/14/09

  
\_\_\_\_\_  
Joseph Handy, Manager,  
on behalf of Sisters and Brothers  
Investment Group, LLP

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

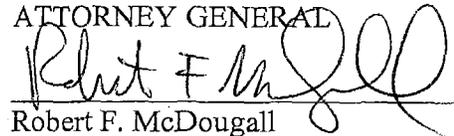
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 16<sup>th</sup> day of January, 2009

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:



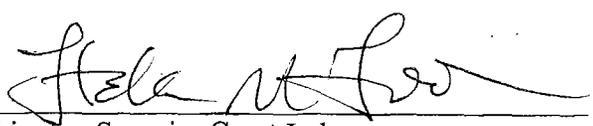
Robert F. McDougall  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, Vermont 05609  
802.828.3186

**CONSENT DECREE**

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. Sisters and Brothers Investment Group,*

*LLP., Docket No. 35-1-09 where however, only obligations  
relevant after Jan. 20, 2009 are enforceable  
as a court order.*  
SO ORDERED.

DATED at Montpelier, Vermont this 20<sup>th</sup> day of Jan., 2009.



Washington Superior Court Judge

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