

**STATE OF VERMONT**

**SUPERIOR COURT  
FRANKLIN UNIT**

**CIVIL DIVISION  
DOCKET NO.**

STATE OF VERMONT, AGENCY  
OF NATURAL RESOURCES,  
Plaintiff,

v.

DAREN SIZEN and LAURA SIZEN,  
d/b/a SIZEN DAIRY FARM,  
Defendants.

**CONSENT ORDER AND FINAL JUDGMENT ORDER**

This action came before the Court pursuant to the parties' filing of Pleadings by Agreement under Vermont Rule of Civil Procedure 8(g). Based upon those Pleadings by Agreement and the parties' Stipulation for the Entry of Consent Order and Final Judgment Order ("Order"), and pursuant to 10 V.S.A. § 8221 and the Court's inherent equitable powers, it is hereby ADJUDGED, ORDERED and DECREED as follows:

**RESOLUTION OF VIOLATION**

1. The State of Vermont has alleged a violation of 10 V.S.A. § 1259, as set forth in paragraph 25 of the parties' Pleadings by Agreement. Defendants admit the factual allegations set forth in paragraphs 1 through 3 and 11 through 24 of the Pleadings by Agreement solely for purposes of resolving this case. Defendants neither admit nor deny liability for the alleged violation, but agree to the entry of this Order to resolve this matter. Defendants agree that the violation alleged in paragraph 25 of the Pleadings by Agreement is

deemed proven and established as a “prior violation” in any future State proceeding considering Defendants’ compliance record, including but not limited to permit proceedings and enforcement actions for penalties calculated pursuant to 10 V.S.A. § 8010.

**RELIEF**

2. This Court adopts the State’s assessed civil penalty for the violations described above in the amount of seven thousand five hundred dollars (\$7,500.00).
3. Pursuant to the Stipulation between the parties, Defendants shall pay the civil penalty as follows:
  - a. Defendants shall pay two thousand five hundred dollars (\$2,500.00) within thirty (30) days of the Court’s entry of this Order by check payable to the “State of Vermont” and sent to: Megan Hereth, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, VT 05609. If the State receives payment before the Court approves the Order, the State shall hold the check(s) in security and not deposit until Court approval. If the Court rejects the Order, the State shall return the check(s) to Defendants.
  - b. Defendants shall pay the remaining five thousand dollars (\$5,000.00) in monthly payments of \$208.33 per month over twenty-three (23) months, beginning with the first month following Court approval of the Order, and Defendants’ final twenty-fourth (24<sup>th</sup>) monthly payment

shall be in the amount of \$208.41.

4. If Defendants fail to pay the penalty described in paragraph 3, such failure shall constitute a breach of this Order, the entire unpaid amount shall become due immediately, and interest shall accrue on the entire unpaid balance at twelve percent (12%) per annum. Defendants shall also be liable for costs incurred by the State, including reasonable attorney's fees, to collect any unpaid penalty amount.
5. Defendants have taken corrective action sufficient to bring the farm into compliance with 10 V.S.A. § 1259 regarding the violation alleged in the Pleadings by Agreement. No further corrective action is required by this Order.

#### **OTHER PROVISIONS**

6. Defendants waive: (a) all rights to contest or appeal this Order; and (b) all rights to contest the obligations imposed upon Defendants under this Order in this or any other administrative or judicial proceeding involving the State of Vermont.
7. This Order is binding upon Defendants and their successors and assigns. Any change in Defendants' ownership, corporate, or other legal status, including but not limited to any transfer of assets, shall in no way alter the responsibilities of Defendants or their successors and assigns under this Order.
8. Nothing in this Order shall be construed to create or deny any rights in, or grant or deny any cause of action to, any person not a party to this Order.

9. This Order shall become effective only after it is entered as an order of the Court.  
When so entered by the Court, this Order shall become final.
10. Any violation of this Order shall be deemed a violation of a judicial order and may result in the imposition of injunctive relief and/or penalties, including penalties for contempt, as set forth in Title 10, Chapters 201 and 211.
11. The Court reserve continuing jurisdiction to ensure compliance with all statutes, rules, and regulations applicable to the specific facts described in the Pleadings by Agreement and in the Stipulation for the Entry of Final Judgment Order.
12. Defendants shall not be liable for additional civil or criminal penalties with respect to the specific facts described in the Pleadings by Agreement or in the Stipulation for the Entry of Final Judgment Order.
13. Nothing in this Order shall be construed as having relieved, modified, or in any manner affected Defendants' obligations to comply with all other applicable federal, state, or local statutes, regulations, permits, or directives.
14. This Order may be altered, amended, or otherwise modified only by subsequent written agreement signed by the parties hereto, or their legal representatives, and approved by this Court. Any representations not set forth in this Order, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.

SO ORDERED, and ENTERED as FINAL JUDGMENT.

DATED at St. Albans, Vermont, this 8th day of March, 2023.



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Superior Court Judge, Civil Division, Franklin Unit