

VT SUPERIOR COURT  
WASHINGTON UNIT  
STATE OF VERMONT  
CIVIL DIVISION

SUPERIOR COURT  
Washington Unit

*ORDER*  
2011 DEC 15 P 3:30

2011 DEC 15  
CIVIL DIVISION  
Docket No 42 Wncv

STATE OF VERMONT,  
Plaintiff,

*SA*

*proposed* 770-12-11

v.

FILED FILED

GAETAN MARCHESSAULT and  
MARY JANE MARCHESSAULT,  
Defendants.

**CONSENT DECREE, FINAL ORDER AND JUDGMENT**

To resolve the allegations in the Complaint filed in the above captioned matter, the parties, the State of Vermont and Defendants Gaetan Marchessault and Mary Jane Marchessault, stipulate and agree to the following:

1. Defendants no longer own the 76-78 Archibald Street property ("the property").
2. Defendants shall fully and timely comply with the requirements of the Vermont lead law, 18 V.S.A., Chapter 38, as long as they maintain any ownership interest in any pre-1978 residential housing in which they have or acquire an ownership interest or provide property management services (unless by property management contract Defendants are explicitly not responsible for EMPs).

**PAYMENT**

3. Defendants shall pay the sum of ten thousand dollars (\$10,000.00) in civil penalties to the State of Vermont for the filing of a false Essential Maintenance Practices Compliance Statement for the property in April 2011 and to resolve the other allegations of the Complaint.

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4. Based on Defendants' demonstrated inability to pay the penalty listed in the preceding paragraph and upon a review of financial information provided to the State by Defendants, the State agrees to accept a reduced penalty of two thousand dollars (\$2,000.00) provided that if it is determined that the financial information provided by Defendants is different in any material respect, the Attorney General may seek to impose the full penalty agreed to in paragraph 3.
5. Payment shall be made to the "State of Vermont" and shall be sent to the Attorney General's Office at the following address: Jessica Mishaan, Legal Assistant, Office of the Attorney General, 109 State Street, Montpelier, VT 05609-1001. The payment may be made in four installments as follows: (a) five hundred dollars (\$500.00) shall be due upon Defendants' signature of this Consent Decree; (b) five hundred dollars (\$500.00) shall be due no later than June 30, 2012; (c) five hundred dollars shall be due no later than December 31, 2012; and (d) five hundred dollars (\$500.00) shall be due no later than June 30, 2013.

**OTHER RELIEF**

6. Nothing in this Consent Decree in any way affects the obligations of current or future owners of the property under Vermont law, including under the Vermont lead law.
7. Nothing in this Consent Decree in any way affects Defendants' other obligations under state, local, or federal law.
8. Any future failure by Defendants to comply with the Vermont lead law at any other properties referenced through this Consent Decree shall be subject to additional

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penalties of no less than one thousand dollars (\$1,000.00) per violation per day for each day the violation exists.

9. In addition to any other penalties which might be appropriate under Vermont law, any future failure by Defendants to comply with the terms of this Consent Decree, shall be subject to a liquidated civil penalty in the amount of ten thousand dollars (\$10,000.00) and additional penalties of no less than one thousand dollars (\$1,000.00) per violation of the Consent Decree, per day for each day the violation exists.

#### STIPULATION

Defendants Gaetan Marchessault and Mary Jane Marchessault acknowledge receipt of and voluntarily agree to the terms of this Consent Decree and waive any formal service requirements of the Complaint, Consent Decree, Order and Final Judgment.

DATED at Burlington, Vermont this 6th day of December, 2011.

Gaetan Marchessault  
Gaetan Marchessault

DATED at Burlington, Vermont this 6th day of December, 2011.

Mary Jane Marchessault  
Mary Jane Marchessault

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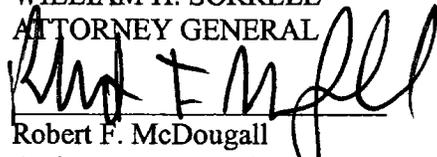
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 12<sup>th</sup> day of December, 2011.

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. Gaetan Marchessault and Mary Jane Marchessault*, Docket No. 770-12-11 Wncv.

SO ORDERED.

DATED at Montpelier, Vermont this 15<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
Washington Superior Court Judge

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