

3. The inspections described in paragraph 2 will be performed within a reasonable time, with priority given to the 14 properties listed in Attachment A which are italicized and to properties where children, particularly children age six and younger, are known to reside.
4. Within 30 days of completion of the inspection at a given property, Defendant shall perform any identified EMP work required by the lead law. Upon completion of any identified EMP work, Defendant shall file with the Vermont Department of Health, Defendant's insurance carrier and with the Attorney General's Office at the address listed in paragraph 1, a completed EMP compliance statement for the property. Defendant will also give a copy of the completed EMP compliance statement to an adult in each rented unit of the property.
5. Defendant shall fully and timely comply with the requirements of the lead law, 18 V.S.A., Chapter 38, as long as he maintains any ownership or property management interest in the properties or in any other pre-1978 rental housing in which he acquires an interest.
6. Should any unit in a property which is not EMP compliant become vacant, Defendant shall not rent, or offer for rent, that unit until the EMP compliance statement for the property is distributed as described in paragraph 4.

PENALTIES

7. Defendant shall pay the sum of \$18,000.00 in civil penalties to the State of Vermont for the allegations in the Complaint. 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. Defendant shall pay the sum in four payments as follows: (1) a

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\$5,000.00 payment no later than July 1, 2009; (2) a \$5,000 payment no later than November 1, 2009; (3) a \$5,000.00 payment no later than March 1, 2010; and (4) a \$3,000.00 payment no later than July 1, 2010.

8. In addition to the payment described in paragraph 7, Defendant shall expend at least \$71,500.00, 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 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 Attorney General's Office, which shall have complete discretion to determine whether the improvements count toward the required expenditure.

9. The expenditures described in paragraph 8 above shall reflect work performed between October 1, 2008, and July 1, 2010. Defendant shall provide written documentation of the expenditures to the Attorney General's Office at the address provided in paragraph 1.

10. Defendant shall provide the Attorney General's Office with four written updates on the status of the work described in paragraph 8, including documentation of the amounts spent on lead hazard reduction improvements at the time of the update. The four updates shall be due: (1) no later than August 1, 2009; (2) no later than November 1, 2009; (3) no later than March 1, 2010; (4) no later than July 1, 2010.
11. If Defendant anticipates not being able to fully comply with paragraphs 8 and 9 by July 1, 2010, solely due to delays relating to obtaining zoning or permit approval for the work to be performed, Defendant may request an extension of the July 1, 2010 deadline from the Attorney General's Office; such request shall be made no later than June 1, 2010.

DISMISSAL OF COUNTERCLAIMS

12. Defendant hereby dismisses all Counterclaims against the State of Vermont.

OTHER RELIEF

13. 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.
14. This Consent Decree shall not affect marketability of title.
15. Should Defendant fully transfer or sell his ownership interest in any of the properties after completing all obligations under this Consent Decree, then 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 obligations of future owners of any of the properties under Vermont law, including under the lead law.

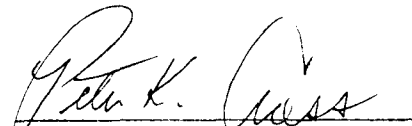
16. Nothing in this Consent Decree in any way affects Defendant's other obligations under state, local, or federal law.

17. If Defendant shall, at any time in the future fail to comply with the terms and conditions of this Consent Decree, then each future failure of Defendant to comply with the terms and conditions of this Consent Decree shall constitute a separate civil action for which the State of Vermont may pursue additional civil penalties beyond the civil penalty outlined herein.

STIPULATION

Defendant Peter Cross acknowledges receipt of and voluntarily agrees to the terms of this Consent Decree and waives any service requirements of the Consent Decree, Order and Final Judgment.

DATED at _____, Vermont this _____ day of June, 2009.


Peter Cross

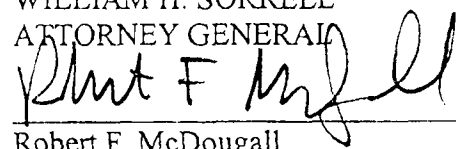
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 7th day of ~~June~~^{July}, 2009.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:


Robert F. McDougall
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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. Peter Cross*, 150-3-09 Wncv.

SO ORDERED.

DATED at Montpelier, Vermont this 14th day of ~~June~~ ^{July}, 2009



Washington Superior Court Judge

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