

STATE OF VERMONT  
WASHINGTON COUNTY, SS.

FILED

2009 FEB 19 A 11:00

STATE OF VERMONT, )  
Plaintiff, )  
 )  
v. )  
 )  
ROBERT GRAY and KIM GRAY, )  
Defendants. )

SUPERIOR COURT  
WASHINGTON COUNTY  
Docket No. 09-2-01 Wncv

**CONSENT DECREE, FINAL ORDER AND JUDGMENT**

To resolve the allegations in the Complaint filed in the above captioned matter,

Defendants Robert Gray and Kim Gray stipulate and agree to the following:

1. Defendants shall complete essential maintenance practices ("EMPs") at the property at 55 Doe Lane in Newbury, Vermont ("the property") as follows:

a. Not later than March 1, 2009, Defendants shall have an EMP contractor who is certified by the Vermont Department of Health complete all EMPs required by the Lead Law in the interior of the property.

b. Not later than May 31, 2009, Defendants shall have EMP contractor who is certified by the Vermont Department of Health complete all EMPs required by the Lead Law on the exterior of the property. However, Defendants shall, by March 1, 2009, comply with the provisions of 18 V.S.A. § 1759(a)(3) and restrict access to "surfaces and components with lead hazards and areas directly below the deteriorated surfaces" until exterior EMPs are completed. Defendants shall also indicate on the EMP form that the access to the area was blocked and that the exterior work shall be complete by May 31, 2009.

c. Not later than March 10, 2009, Defendants will file with the Vermont Department of Health, Defendants' insurance carrier, and will give a copy to an adult in each rented unit, a completed EMP compliance statement for the property and will also provide a copy of the completed EMP compliance statement to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.

2. Defendants shall comply with the Vermont Department of Health Work Plan at the property as follows:

a. By March 1, 2009, Defendants shall stabilize all deterioration in the downstairs entry/stairway and clean after stabilization is complete;

- b. By March 1, 2009, Defendants shall hang an EMP poster in each apartment;
- c. By March 1, 2009, Defendants shall give all tenants a copy of the EPA pamphlet;
- d. By May 31, 2009, Defendants shall cover all soil in the exterior pathway, "A", "B", and "D" drip line areas, and herb patch using a Department of Health approved covering method;
- e. By May 31, 2009, Defendants shall stabilize all deteriorated paint on exterior building components of the main house and attached shed, including walls, window areas and shutters.
- f. Upon completion of each of the Work Plan components described above, Defendants will provide written verification of performance to both the Vermont Department of Health and to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.

3. Defendants agree to an inspection of the property by the Vermont Department of Health to confirm completion of the work described in paragraphs 1 and 2. Defendants shall bear the cost of such inspection (\$300.00).

4. 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 the property or in any other pre-1978 residential housing in which they acquire an ownership interest and which is offered to others for rent, including housing in exchange for services.

## PENALTIES

5. Not later than March 1, 2009, Defendants shall pay civil penalties of \$5,000.00. 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.

## OTHER RELIEF

6. This Consent Decree is binding on Defendants, and sale of the property may not occur unless Defendants have complied with all obligations under this Consent Decree, and, in particular, all obligations in paragraphs 1, 2 and 5 have been completed or this Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations.

7. Transfer of ownership of the property 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.

8. This Consent Decree shall not affect marketability of title.

9. Should Defendants fully transfer or sell their ownership interest in the property after completing all obligations in paragraphs 1, 2 and 5, and being current with all obligations under this Consent Decree, their obligations with respect to the property under this Consent Decree is extinguished. However, nothing in this Consent Decree in any way affects the obligations of future owners of the property under Vermont law, including under the Vermont Lead Law.

10. Nothing in this Consent Decree in any way affects Defendants' other obligations under state, local, or federal law.

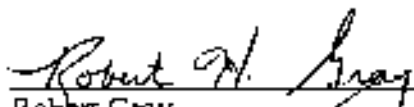
11. Defendants shall not rent, or offer for rent, any unit in the property which is not compliant with the Vermont Lead Law until EMPs have been completed, the EMP compliance statement has been distributed as described in paragraph 1(c) above, and the lead risk reduction work described in paragraph 2 is completed.

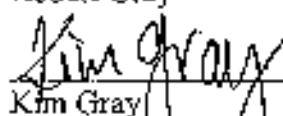
12. Any future failure by Defendants to comply with the Vermont Lead Law at the property referenced in this Consent Decree shall be subject to additional penalties of no less than \$1,000.00 per violation per day for each day the violation exists.

#### STIPULATION

Defendants acknowledge receipt of and voluntarily agree to the terms of this Consent Decree.

DATED at Newbury, Vermont this 12 day of Feb., 2009.

  
\_\_\_\_\_  
Robert Gray

  
\_\_\_\_\_  
Kim Gray

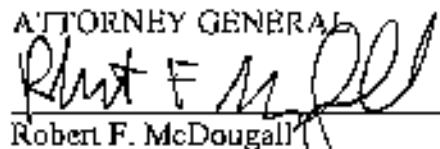
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 13<sup>th</sup> day of February, 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

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

**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. Robert Gray and Kim Gray*, Docket No.

11-2-09 Wncv.

SO ORDERED.

DATED at Montpelier, Vermont this 18<sup>th</sup> day of February, 2009.

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