

STATE OF VERMONT
SUPERIOR COURT
RUTLAND UNIT

STATE OF VERMONT,

Plaintiff,

v.

JOHN RUGGIERO,)
23 BAXTER LLC, 35 ELM, LLC,)
38 ELM, LLC, 13 FOREST LLC,)
70 GROVE LLC, 6 HOPKINS LLC,)
31 LINCOLN LLC, 35 LINCOLN LLC)
16 MEADOW LLC, 41 PARK LLC)
61 SCHOOL LLC, 114 STRONGS LLC))
and 51 WILLIAMS, LLC)

Defendants.)

CIVIL DIVISION
Docket No. 22-CV-01224

STIPULATED CONSENT JUDGMENT AND ORDER

NOW COME the Parties who wish to resolve the above-standing litigation and hereby agrees as follows:

Injunction

1. Defendants¹ are hereby ordered to immediately comply with the Lead Law for all target rental properties they own.
2. Defendants shall immediately (within 7 days) submit a list of all target rental properties owned by Defendants to the Department of Health, including properties owned through other LLCs managed by any of the Defendants.
3. Defendants shall promptly (within 15 days) complete the Department's workplan forms for each target rental property that is not EMP compliant.

¹ Defendants include John Ruggiero personally and the named LLC Defendants except for 31 Lincoln LLC. According to Defendants, 31 Lincoln Ave has been sold as a single-family residence and is no longer owned by Defendants. Based on that representation, 31 Lincoln LLC is not subject to this action or this Order.

4. Defendants shall immediately allow the Vermont Department of Health to perform EMP inspections at all target rental properties owned by Defendants for the express purpose of assessing and recommending all actions necessary for bringing all non-compliant properties into compliance with the Lead Law. The Department will provide sufficient notice to the Defendants in order for the Defendants to provide tenants with statutory notice of entry.
5. Defendants shall follow and implement all recommendations of the Department inspector per ¶ 4 above.
6. At least seven (7) days prior to any repair work to be performed at any target property, Defendants shall disclose to the Department the identities and RRP certification status of the persons performing the work. Defendants shall have an RRP certified person onsite to supervise all remediation work at the properties. Defendants shall not supervise or perform any lead remediation work themselves.
7. Defendants are enjoined from renting any unit which is currently vacant or becomes vacant at the Properties that is not EMP compliant until all of the corrective actions are complete and the unit(s) are EMP compliant.

Other Terms

8. This Order and all terms of this Injunction applies to: (i) any other target rental property now owned or hereafter acquired by Defendants or any entity now existing or hereafter created in which Defendants have an interest; and (ii) John Ruggiero personally and to all rental units that he owns, manages, oversees, or is otherwise responsible for, including through any LLC

companies that he is a member or manager of, and regardless of whether the LLC is listed as the property owner.

9. Defendants are assessed a \$10,000 civil penalty, as follows: (i) \$3,000 to be paid within 15 days to the State of Vermont, payable by single check to "State of Vermont" and mailed to: *Justin Kolber, Assistant Attorney General, Office of Attorney General, 109 State Street, Montpelier, Vermont 05609*; and (ii) \$7,000 suspended based on Defendants' compliance with this Order.
10. Defendants shall expend at least \$10,000 on lead hazard reduction improvements at any or all of the Properties.
11. The State hereby releases Defendants from all claims related to this action and will dismiss this case without prejudice ***pending compliance by Defendants with this Order***. The Court shall enter this Order immediately and hold the matter in abeyance for 6 months while the Parties monitor compliance. The State will notify the Court in writing once compliance is achieved and the matter can be finally dismissed.
12. The Order will, upon its entry, constitute a fully binding and enforceable agreement between the Parties and the Parties consent to its entry as a final judgment by the Court in accordance with the terms of ¶ 11.
13. The Court shall have continuing jurisdiction to enforce this Order at any time, including *sua sponte* or upon request by the Parties.
14. Any failure to comply with this Order shall be deemed to be 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 10 V.S.A. Chapters 201 and 211.

AGREED TO BY THE PARTIES:

Dated: April 14, 2022

STATE OF VERMONT

THOMAS J. DONOVAN JR.
ATTORNEY GENERAL



By:

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FOR DEFENDANTS:

April 15, 2022

JOHN RUGGIERO, personally
23 BAXTER LLC
35 ELM, LLC
38 ELM, LLC
13 FOREST LLC
70 GROVE LLC
6 HOPKINS LLC
35 LINCOLN LLC
16 MEADOW LLC
41 PARK LLC
61 SCHOOL LLC
114 STRONGS LLC,
51 WILLIAMS, LLC

By:

John Ruggiero

