

FILED

STATE OF VERMONT
WASHINGTON COUNTY, SS.

ORDER

2008 SEP 22 P 2:22

STATE OF VERMONT,)
SA)

Plaintiff,)
SUPERIOR COURT)

WASHINGTON COUNTY)

v.)

Washington Superior Court

Docket No. 619-9-08Wncv

JEFFREY JACOBS,)

Defendant.)

FILED
Stipulation
2008 SEP 18 P 12:14

SUPERIOR COURT
WASHINGTON COUNTY

CONSENT DECREE, FINAL ORDER AND JUDGMENT

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

Defendant Jeffrey Jacobs stipulates and agrees to the following:

1. Defendant shall complete essential maintenance practices ("EMPs") at all pre-1978 residential rental properties, identified in Attachment A of the Complaint, which are owned or managed by him (hereinafter "the properties") as follows:

JMJ

a. Not later than ^{October 1} ~~September 19~~, 2008, Defendant shall have an EMP contractor who is certified by the Vermont Department of Health complete all EMPs required by the Lead Law in the interiors of the following properties which they have identified as currently occupied by one or more children:

- (1) 2 Barre Street, Montpelier, VT;
- (2) 2 Spring Street, Montpelier, VT;
- (3) 104 Barre Street, Montpelier, VT; and
- (4) 49 Greenwood Terrace, Montpelier, VT.

b. Not later than October 10, 2008, Defendant 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 properties.

c. Not later than October 31, 2008, Defendant 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 properties.

d. Within 10 days of complying with subparts (a) of this section for each property, Defendant will file a written verification with: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609, which shall certify that interior EMPs are complete.

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

- e. Not later than November 10, 2008, Defendant will file with the Vermont Department of Health, Defendant's insurance carrier(s) and with the Office of the Attorney General at the address listed in subpart (c), a completed EMP compliance statement for each property, and will give a copy to an adult in each rented unit of the compliance statement for that tenant's property. In the event that no exterior work is required at a property, the completed EMP compliance statement shall be provided to the Office of the Attorney General in lieu of the written verification described in subpart (c) above, and shall be filed with the Vermont Department of Health and the Defendant's liability insurance carrier and a copy given to the tenant within 10 days of completion of the EMPs or within 10 days of Defendant's signing of this Consent Decree, whichever is later.
 - f. In the event that Defendant wishes by agreement with the Office of the Attorney General to extend any of the dates above, such request must be made by Defendant at least 10 days in advance of the dates specified in this Consent Decree.
2. Defendant shall fully and timely comply with the requirements of the Vermont Lead Law, 18 V.S.A., Chapter 38, as long as he maintains any ownership interest in the properties or in any other pre-1978 residential housing in which he acquires an ownership interest or provides property management services (unless by property management contract the Defendant explicitly is not responsible for EMPs).

PENALTIES

3. Defendant shall pay civil penalties of \$12,000.00, half of which shall be paid upon Defendant's signing of this Consent Decree and the remaining half to be paid no later than December 31, 2008. 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

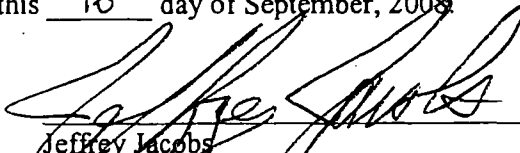
4. This Consent Decree is binding on Defendant, however, sale of any of the properties may not occur unless all obligations in paragraphs 1 and 3 have been completed or this Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations.
5. Transfer of ownership 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 housing.
6. This Consent Decree shall not affect marketability of title.
7. Should Defendant fully transfer or sell his ownership interest in any of the properties after completing all obligations in paragraphs 1 and 3, 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 Vermont Lead Law.
8. Nothing in this Consent Decree in any way affects Defendant's other obligations under state, local, or federal law.
9. Defendant 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 and the EMP compliance statement distributed as described in paragraph 1(d) above.
10. Any future failure by Defendant to comply with the Vermont Lead Law at any of the properties 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

Defendant acknowledges receipt of and voluntarily agrees to the terms of this Consent Decree and waives any formal service requirement of the Complaint and the Consent Decree.

DATED at Montpelier, Vermont this 16th day of September, 2008.


Jeffrey Jacobs

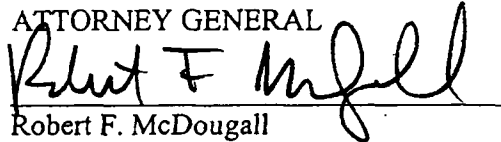
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 18th day of September, 2008.

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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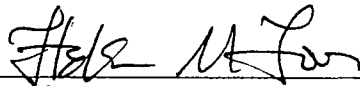
DECREE, ORDER AND FINAL JUDGMENT

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. Jeffrey Jacobs*, Docket No.

6/9-9-08 Wncv. AS amended in ¶ 1(a). The court cannot order action on a date that has already passed.
SO ORDERED.

DATED at Montpelier, Vermont this 22nd day of September, 2008.



Washington Superior Court Judge