

STATE OF VERMONT
WASHINGTON COUNTY, SS.

FILED
DEC 18 P 3:27
SUPERIOR COURT
WASHINGTON COUNTY

STATE OF VERMONT,)
Plaintiff,)
v.) Washington Superior Court
BRAD MOORE,) Docket No. 83-12-08 Wncv
Defendant.)

CONSENT DECREE, FINAL ORDER AND JUDGMENT

To resolve the allegations in the Complaint filed in the above captioned matter,
Defendant Brad Moore stipulates and agrees to the following:

1. Defendant shall complete essential maintenance practices (“EMPs”) at all pre-1978 residential rental properties owned or managed by him listed in Attachment 1 (hereinafter “the properties”) as follows:
 - a. Not later than January 15, 2009, Defendant shall have an EMP contractor who is certified by the Vermont Department of Health complete all EMPs required by the Lead Poisoning Law at the properties.
 - b. Not later than January 30, 2009, Defendant will file with the Vermont Department of Health, Defendant’s insurance carrier(s) and with the Office of the Attorney General, a completed EMP compliance statement for each of the properties, and will give a copy to an adult in each rented unit of the compliance statement for that tenant’s property. The copy provided to the Office of the Attorney General shall be sent to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.
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 rental 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).

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

PENALTIES

3. Defendant shall pay the sum of five thousand dollars (\$5,000) to the State of Vermont, two thousand dollars (\$2,000.00) of which shall be paid not later than December 18, 2008 and the remaining three thousand dollars (\$3,000.00) to be paid no later than May 1, 2009. 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.
4. In addition to the payments described in paragraph 3, not later than May 1, 2009, Defendant shall expend at least one thousand dollars (\$1,000.00), 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:
 - 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.

OTHER RELIEF

5. This Stipulation of Settlement and Consent Decree is binding on Defendant, however, sale of any of the properties may not occur unless either Defendant has complied with all obligations under paragraph 1 of this Stipulation of Settlement and Consent Decree for the specific property to be sold or this Stipulation of Settlement and Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations. Regardless of any sale, the Defendant shall remain responsible for the obligations contained in paragraphs 3 and 4.
6. 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.
7. This Stipulation of Settlement and Consent Decree shall not affect marketability of title.
8. Should Defendant fully transfer or sell his ownership interest in any of the properties after completing all obligations in paragraph 1, and being current with all obligations under this Stipulation of Settlement and Consent Decree, his obligations with respect to that specific property under this Stipulation of Settlement and Consent Decree is extinguished. However, nothing in this Stipulation of Settlement and Consent Decree in any way affects the obligations of future owners of any of the property under Vermont law, including under the Vermont Lead Law.
9. Nothing in this Stipulation of Settlement and Consent Decree in any way affects Defendant's other obligations under state, local, or federal law.

10. Defendant shall not rent, or offer for rent, any unit in any of the properties which is not compliant with the Vermont Lead Law until EMPs have been completed and the EMP compliance statement has been distributed as described in paragraph 1(b) above.
11. 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.

[Remainder of page intentionally left blank]

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 Stowe, Vermont this 5th day of December, 2008.

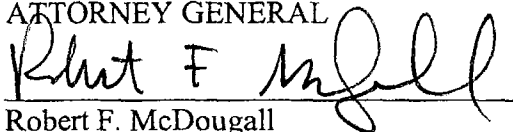

Brad Moore

ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 12th day of December, 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

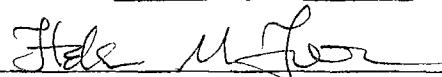
DECREE, ORDER AND FINAL JUDGMENT

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. Brad Moore*, Docket No.

033-12-00 Wncv.

SO ORDERED.

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


Washington Superior Court Judge

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