

STATE OF VERMONT

SUPERIOR COURT
Washington Unit

2011 JUN 9 PM 2:41 CIVIL DIVISION
Docket No. 41-1-11 Wncv

STATE OF VERMONT,
Plaintiff,

v.

DONALD DORR, PATRICIA DORR,
and TRANSTAR LLC,
Defendants.

SSA
ORDER

STIPULATION OF SETTLEMENT AND CONSENT DECREE

To resolve the allegations in the Complaint filed in the above captioned matter, Plaintiff State of Vermont and Defendants Donald Dorr, Patricia Dorr, and Transtar LLC (hereinafter "Defendants") stipulate and agree to the following:

1. Defendants shall complete all essential maintenance practices ("EMPs") at the twenty-nine properties listed in Attachment A of the Complaint as follows:
 - a. Any EMP work necessary at the properties will be completed by an individual who is certified by the Vermont Department of Health to perform EMPs.
 - b. Priority for completion of EMPs at the properties shall be given to any properties where children are known to reside, particularly if the children are age 6 or younger.
 - c. Defendants shall immediately ensure that access to exterior surfaces and components of the properties with lead hazards and areas directly below the deteriorated surfaces are clearly restricted as described in 18 V.S.A. § 1759(a)(3).
 - d. Not later than January 15, 2011, Defendants shall complete all interior EMPs required by the lead law, including window well inserts, at all of the properties where children age 6 or younger reside. Defendant shall also provide the Attorney

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

General's Office with a written update as to the progress of interior EMP completion at all of the remaining properties.

- e. Not later than March 15, 2011, Defendants shall provide the Attorney General's Office with a second written update as to the progress of interior EMP completion at all of the remaining properties.
- f. Not later than May 15, 2011, Defendants shall complete all **interior** EMPs required by the lead law at the remaining properties, including window well inserts unless the windows have been replaced with vinyl windows by this time.
- g. Defendants shall provide written confirmation of completion of the interior EMPS to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609. Written confirmation shall be provided no later than ten days after the dates specified in paragraphs 1(d), (e) and (f).
- h. Not later than June 30, 2011, Defendants shall complete all **exterior** EMPs required by the lead law at nine of the twenty-nine properties.
- i. Not later than July 10, 2011, Defendants will file with the Vermont Department of Health and with Defendants' insurance carrier, and will give a copy to an adult in each rented unit of any of the properties, a completed EMP compliance statement for each of the properties, and will also provide a copy of the completed EMP compliance statement to the Office of the Attorney General at the address provided in paragraph 1(g).
- j. Not later than August 31, 2011, Defendants shall complete all **exterior** EMPs required by the lead law at ten more of the twenty-nine properties.

- k. Not later than September 10, 2011, Defendants will file with the Vermont Department of Health and with Defendants' insurance carrier, and will give a copy to an adult in each rented unit of any of the properties, a completed EMP compliance statement for each of the properties, and will also provide a copy of the completed EMP compliance statement to the Office of the Attorney General at the address provided in paragraph 1(g).
- l. Not later than October 31, 2011, Defendants shall complete all exterior EMPs required by the lead law at the remaining properties.
- m. Not later than November 10, 2011, Defendants will file with the Vermont Department of Health and with Defendants' insurance carrier, and will give a copy to an adult in each rented unit of any of the properties, a completed EMP compliance statement for each of the properties, and will also provide a copy of the completed EMP compliance statement to the Office of the Attorney General at the address provided in paragraph 1(g).
2. Defendants shall not rent, or offer for rent, any unit which becomes vacant in a property that is not EMP compliant until such time as the EMP work is complete and the EMP compliance statement is distributed as described above.
3. Defendants will endeavor in good faith to comply with the terms and conditions of this Consent Decree. In the event that Defendants wish to extend any of the compliance dates by agreement with the Attorney General's Office, the Attorney General's Office will exercise good faith and consider such request, provided that such request is made no later than 10 days in advance of the dates specified in this Consent Decree.

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 or property management service interest in the properties and in any other pre-1978 rental housing in which they acquire an ownership interest.

PENALTIES

5. Defendants shall pay seven thousand five hundred dollars (\$7,500.00) in civil penalties to the State of Vermont. 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(g). The payment may be made in three installments as follows: (a) at least two thousand five hundred (\$2,500.00) payable no later than December 31, 2010; (b) at least two thousand five hundred (\$2,500.00) payable no later than March 1, 2011; and (c) the remainder payable no later than July 1, 2011.

6. In addition to the payment described in paragraph 5, Defendants shall expend at least forty-two thousand five hundred dollars (\$42,500.00), including the actual cost of materials and the actual (or if the work is done by employees of Defendants, 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 Defendants acquire 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* Defendants 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.

7. Up to ten thousand dollars (\$10,000.00) of the expenditures described in paragraph 6 above may reflect work performed between November 1, 2009, and November 1, 2010. The remainder of the forty-two thousand five hundred dollar (\$42,500.00) total must reflect work performed between November 1, 2010 and December 31, 2011.

8. Defendants shall provide written documentation of the expenditures to the Attorney General's Office at the address provided in paragraph 1(g).

9. Defendants shall provide the Attorney General's Office, at the address provided in paragraph 1(g), with four written updates on the status of the work described in paragraphs 6 and 7, 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 December 31, 2010; (2) no later than March 1, 2011; (3) no later than July 1, 2011; (4) no later than October 1, 2011.

OTHER RELIEF

10. Defendants may not sell any of the properties unless all obligations in paragraphs 1, 5, 6 and 7 have been completed or this Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations, except that:

- a. If the total number of properties sold by Defendant is less than ten (10), then the obligations under this Consent Decree will remain in effect as to any properties not sold

by Defendant as long as they provide the Attorney General's Office with written notice of each property sold at the time of sale. The buyer shall take the property subject to all applicable Vermont law, including the Vermont lead law, but no transfer of obligations or amendment of the Consent Decree will be necessary.

b. At such time as the total number of properties sold by Defendant exceeds ten (10), the Defendants and the Attorney General's Office will negotiate in good faith to determine if a transfer of obligations or amendment of the Consent Decree will be necessary.

11. 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 pre-1978 rental housing.

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

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

14. If Defendants shall, at any time in the future fail to comply with the terms and conditions of this Consent Decree, then each future failure of Defendants 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

Defendants Donald Dorr, Patricia Dorr, and Transtar LLC acknowledge receipt of and voluntarily agree to the terms of this Consent Decree and waive any formal service requirements of the Complaint, Consent Decree, and Decree, Order and Final Judgment.

DATED at Manchester, Vermont this 7th day of January, ~~2010~~²⁰¹¹.

Donald Dorr
Donald Dorr, individually and on behalf
of Transtar LLC.

DATED at Manchester, Vermont this 7th day of January, ~~2010~~²⁰¹¹.

Patricia Dorr
Patricia Dorr, individually and on behalf
of Transtar LLC.

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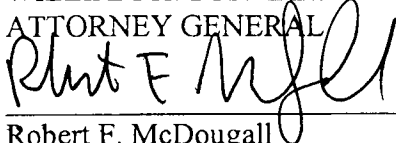
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 19th day of January, 2010.

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

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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. Donald Dorr, Patricia Dorr and Transtar LLC*, Docket No. 41-1-11 Wnev.

SO ORDERED.

DATED at Montpelier, Vermont this 24 day of January, 2010.



Washington Superior Court Judge

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