

STATE OF VERMONT

ENVIRONMENTAL COURT
Docket No.

Land Use Panel of the
Natural Resources Board,
Petitioner,

ADMINISTRATIVE ORDER

v.

Ronald J. Placzek and
John S. Placzek,
Respondents

Having found that Ronald J. Placzek and John S. Placzek (Respondents) have committed a violation as defined in 10 V.S.A. § 8002(9), the Land Use Panel, pursuant to 10 V.S.A. § 8008, hereby issues the following Administrative Order:

VIOLATION

Failure to comply with permit condition 6 of Land Use Permit #2W0858

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS

1. On February 5, 1991, the District 2 Environmental Commission issued Land Use Permit #2W0858 (Permit) to Eastland, Inc. and other co-permittees. The permit authorizes "the permittees to create an eight-lot subdivision to be used for seasonal camping, outdoor recreation and forestry management...."

2. Condition 6 of the Permit states:

6. The lots in this subdivision are approved for use as seasonal camps utilizing recreational vehicles, tents, or primitive lean-tos. The construction of housing is prohibited.

3. Respondents own Lot 4 of the subdivision; Respondents have constructed improvements on Lot 4 that are not in compliance with Condition 6 of the Permit.

4. Respondents have violated Condition 6 of the Permit.

ORDER

- A. Respondents shall comply with Land Use Permit #2W0858.
- B. On or before May 31, 2009, the Respondents shall remove all improvements constructed on Lot 4 of the subdivision.
- C. Respondents shall pay to the State of Vermont, pursuant to 10 V.S.A. Ch. 201, a civil penalty in the amount of Eight Thousand (\$8000.00) Dollars (U.S.), for the violations noted herein.

Payment shall be by check made payable to the "Treasurer, State of Vermont," which shall be sent to:

Denise Wheeler, Business Manager
Land Use Panel of the Natural Resources Board
National Life Records Center Building
National Life Drive
Montpelier, Vermont 05620-3201

Any payment by the Respondents pursuant to this paragraph is made to resolve the violations set forth in this Order and shall not be considered to be a charitable contribution, business expense, or other deductible expense under the federal or state tax codes. See Internal Revenue Code §162(f); Treasury Regulation §1.162-21. Respondents shall not deduct, nor attempt to deduct, any payments, penalties, contributions or other expenditures required by this Assurance from Respondents' state or federal taxes.

**RESPONDENTS' RIGHT TO A HEARING
BEFORE THE ENVIRONMENTAL COURT**

The Respondents have the right to request a hearing on this Administrative Order before the Environmental Court under 10 V.S.A. §8012 by filing a Notice of Request for Hearing within **fifteen (15) days** of the date the Respondents receive this

Administrative Order. The Respondents must file, within the time limit, a Notice of Request for Hearing with both the Land Use Panel and the Environmental Court at the following addresses:

Natural Resources Board, Land Use Panel
c/o John H. Hasen, General Counsel
Natural Resources Board
National Life Records Center Building
National Life Drive
Montpelier, VT 05620-3201

Clerk, Environmental Court
2418 Airport Road, Ste. 1
Barre, VT 05641-8701

If a hearing is requested, the Land Use Panel reserves the right to seek additional penalties for additional costs of enforcement and other relevant penalty factors. 10 V.S.A. § 8010(b).

EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER

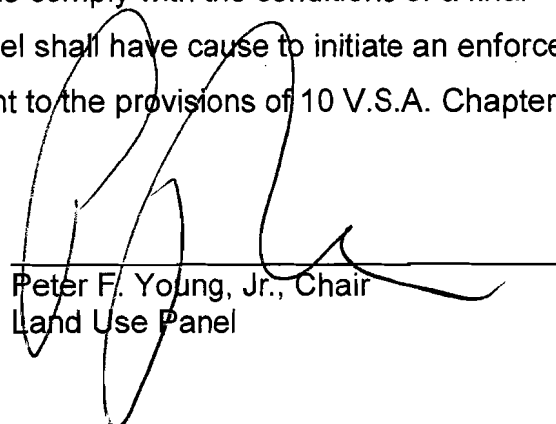
This Administrative Order shall become effective on the date it is received by the Respondents unless the Respondents file a Notice of Request for Hearing within **fifteen (15) days** of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by the Respondents shall stay the provisions (including any penalty provisions) of this Administrative Order pending a hearing by the Environmental Court. If the Respondents do not timely file a Notice of Request for a Hearing, this Administrative Order shall become a final Administrative Order.

COMPLIANCE WITH THIS ADMINISTRATIVE ORDER

If the Respondents fail or refuse to comply with the conditions of a final Administrative Order, the Land Use Panel shall have cause to initiate an enforcement action against the Respondents pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.

Dated: _____

3/13/09


Peter F. Young, Jr., Chair
Land Use Panel