

STATE OF VERMONT

SUPERIOR COURT
ORLEANS UNIT

CIVIL DIVISION
Docket No. 172-8-17 Oscv

STATE OF VERMONT, AGENCY OF
NATURAL RESOURCES and AGENCY
OF AGRICULTURE, FOOD, and MARKETS,
Plaintiff,

v.

NELSON FARMS, INC. and DOUGLAS
NELSON, JR.,
Defendants.

VERMONT SUPERIOR COURT
DEC 11 2020
ORLEANS UNIT

[PROPOSED] ORDER ON CIVIL PENALTY

On November 14, 2019, the Court held an evidentiary hearing on Defendant Douglas Nelson, Jr.'s ability to pay the \$60,000 civil penalty agreed to by the parties in the *Stipulation for the Entry of Final Judgment Order* dated October 4, 2019, and ordered by this Court in the *Final Judgment Order* dated November 14, 2019.

Based on Defendant Douglas Nelson, Jr.'s demonstrated inability to pay, and

subject to the limitations below, the Court forgives the payment of \$ 36,000.-
(Thirty Six Thousand Dollars)

of the civil penalty. Defendant Douglas Nelson, Jr. shall pay \$ 24,000.- of
(Twenty Four Thousand Dollars)

the civil penalty in eight payments of equal shares on a regular basis as provided in

Paragraphs (1) (3) of the *Final Judgment Order* with the first payment due within

90 days of the Court's issuance of this Order on Civil Penalty, and the remaining

payments due every three months thereafter, (in the amount of \$3,000.-)

The assessed civil penalty remains \$60,000.

For each year through 2024 ~~2023~~, no later than May 15th of each year, Defendant Douglas Nelson, Jr. shall submit tax returns, including all schedules, and the information called for in the *Individual Ability to Pay Claim* form (attached) to the State of Vermont at:

Laura B. Murphy
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609

If these documents or other information show a change in economic circumstances such that the State believes Defendant Douglas Nelson, Jr.'s ability to pay the \$60,000 penalty or a portion thereof has increased, the State may petition the Court, and the Court may require such increased payment.

Defendant Doug Nelson, Jr. shall produce the first financial documents as described above to the State of Vermont no later than May 15, 2021 ~~2020~~.

All terms of this Court's *Final Judgment Order* not addressed by this *Order on Civil Penalty* shall remain in full force and effect.

SO ORDERED.

DATED at Windsor, Vermont, this 10 day of December, 2020.

A. S. Rainville
Orleans Superior Court, Judge.