
**LAND USE PANEL of the
NATURAL RESOURCES BOARD,**

Petitioner

v.

LAWRENCE DROWN,

Respondent

ADMINISTRATIVE ORDER

Having found that Lawrence Drown (Respondent) committed a violation as defined in 10 VSA § 8002(9), the Land Use Panel of the Natural Resources Board (the Panel), pursuant to the authority set forth in 10 VSA § 8008, hereby issues the following Administrative Order:

VIOLATION

- I. Commencement of development without an Act 250 Land Use Permit. 10 V.S.A. §6081(a).

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATION

- 1. In 2006, Respondent constructed a commercial building in the Town of Northfield Vermont.
- 2. Respondent’s building was a “development” as that term is defined in 10 VSA Ch. 151.
- 3. Respondent has never applied for or obtained an Act 250 Land Use Permit for the construction of the commercial building.
- 4. Respondent violated 10 V.S.A. §6081 by commencing development without first obtaining an Act 250 Land Use Permit.
- 5. In or around October 2009, Respondent had the subject building removed.

ORDER

Having found that Respondent has committed a violation as defined in 10 V.S.A. § 8002(9), **it is hereby ORDERED:**

- A) The Respondent shall pay a penalty of Three Thousand One Hundred and Twenty Dollars (\$3,120.00) within thirty (30) calendar days of the receipt of this Order. Payment shall be by check made payable to the “Treasurer, State of Vermont” and forwarded to:

Denise Wheeler, Business Manager
Natural Resources Board
National Life Records Center Building
National Life Drive
Montpelier, Vermont 05620-3201

B) Any payment by the Respondent pursuant to this paragraph is made to resolve the violation 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. Respondent shall not deduct, nor attempt to deduct, any payments, penalties, contributions or other expenditures required by this Order from Respondent's state or federal taxes.

C) The above penalty amounts do not include the costs incurred by the Panel for the enforcement of the above described violation, or the amount of economic benefit gained by the Respondent from the violation. The Panel reserves the right to augment the above stated penalties through evidence presented at hearing. In accordance with 10 V.S.A. § 8010, the penalties may be increased by the costs incurred by the Panel for the enforcement of the described violation, the amount of economic benefit gained by the Respondent from the violation, the need for deterrence, and any and all other penalty factors enumerated in 10 V.S.A. § 8010(b), each according to proof at the hearing.

RESPONDENT'S RIGHT TO A HEARING BEFORE THE ENVIRONMENTAL COURT

Pursuant to 10 V.S.A. § 8012, any Respondent has the right to request a hearing before the Environmental Court concerning this Administrative Order, if such Respondent files a Notice of Request for Hearing within **fifteen (15) days** of the date the Respondent receives this Administrative Order. The Notice of Request for Hearing must be filed with both the Land Use Panel and the Environmental Court at the following addresses:

Natural Resources Board, Land Use Panel
c/o Ken Smith, Associate General Counsel
National Life Records Center Building
National Life Drive
Montpelier, VT 05620-3201

Clerk
Environmental Court
2418 Airport Road
Barre, VT 05641

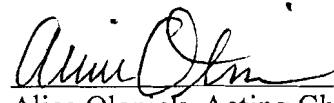
EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER

This Administrative Order shall become effective as to a Respondent on the date it is received by such Respondent unless that Respondent files 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 such Respondent shall stay the provisions (including any penalty provisions) of this Administrative Order as to that Respondent pending a hearing by the Environmental Court. If a Respondent does not timely file a Notice of Request for a Hearing, this Administrative Order shall become a Judicial Order when filed with and signed by the Environmental Court. 10 V.S.A. § 8008(d).

COMPLIANCE WITH A JUDICIAL ORDER

If this Administrative Order becomes a Judicial Order and a Respondent fails or refuses to comply with the conditions of that Judicial Order, the Land Use Panel shall have cause to initiate an enforcement action against such Respondent pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.

Dated: 3-4-10



Alice Olenick, Acting Chair
Land Use Panel