

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30755
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

May 6, 2022

Clerk of the Court
30th Circuit Court—Ingham County
315 S. Jefferson Street
Mason, MI 48854

Re: *Michigan Department of Environment, Great Lakes, and Energy v
J Brown Environmental Construction Company, Inc., et al.*
Case No.: 19-898-CE

Dear Clerk:

Enclosed for filing is a Proof of Service confirming service of a true copy of the Consent Judgment dated April 29, 2022, on Mr. Hauser in the above-referenced matter.

Thank you for your assistance, and please feel free to contact me if you have any questions.

Sincerely,

/s/ Andrew T. Prins

Andrew T. Prins
Assistant Attorney General
Environment, Natural Resources,
and Agriculture Division
(517) 335-7664
prinsa@michigan.gov

ATP/rc

Enclosures

cc: J. Christian Hauser (via First-class and email)
Malcolm Mead-O'Brien, EGLE (via email)
Tammy Bell, EGLE (via email)

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND
ENERGY,

Plaintiff,

No. 19-898-CE

HON. WANDA M. STOKES

v

J BROWN ENVIRONMENTAL
CONSTRUCTION COMPANY, INC., a
Michigan corporation, and JESSE BROWN,
an individual,

Defendants.

Andrew T. Prins (P70157)
Elizabeth A. Morrisseau (P81899)
Assistant Attorneys General
Attorneys for Plaintiff
Environment, Natural Resources,
and Agriculture Division
P.O. Box 30755
Lansing, MI 48909
(517) 335-7664
prinsa@michigan.gov
morriseaue@michigan.gov

J. Christian Hauser (P57990)
Frasco Caponigro Wineman Scheible
Hauser & Luttmann, PLLC
Attorney for Defendant
1301 W. Long Lake Road, Suite 250
Troy, MI 48098
(248) 334-6767
ch@frascap.com

CONSENT JUDGMENT

Plaintiff, Michigan Department of Environment, Great Lakes, and Energy
(EGLE), and Defendant, J Brown Environmental Construction Company, Inc.
(Brown Environmental), hereby stipulate:

A. On December 10, 2021, this Court granted EGLE's Motion for Summary Disposition pursuant to MCR 2.116(C)(10) against Brown Environmental finding Brown Environmental violated Sections 61.145(b)(3)(iv)(A)(1) and (2), 61.145(c)(1) and 61.150(b)(1) and (2) of 40 CFR Part 61, Subpart M, 40 CFR 61.140–157 (the “Asbestos NESHAP”) which has been incorporated by Part 55, Air Pollution Control, of Michigan's Natural Resources and Environmental Protection Act (NREPA), MCL 324.5501 *et seq.* See MCL 324.5512; Mich Admin Code, R 336.1942.

B. Pursuant to this Court's January 12, 2022, Order, an evidentiary hearing was set for April 6, 2022, for purposes of imposing any civil fines and awarding any costs of litigation that this Court determined appropriate for which Brown Environmental is liable to pay EGLE pursuant to Section 5530(2) and (4) of Part 55 of the NREPA, MCL 324.5530(2), (4).

C. EGLE and Brown Environmental agree that resolution of this action through this Consent Judgment, and without further litigation, is in the public interest and the most appropriate means of resolving the issues raised in this action.

Therefore, before the taking of additional testimony, and upon consent of the parties, **IT IS HEREBY ORDERED:**

Brown Environmental shall pay EGLE \$90,000.00 as a civil fine pursuant to MCL 324.5530(2).

IT IS SO ORDERED THIS 29 day of April, 2022.

This Consent Judgment resolves the last pending claim and closes this case.

HON. WANDA M. STOKES

Honorable Wanda M. Stokes
Circuit Court Judge

The parties hereby stipulate to the entry of the foregoing judgment:

By: Andrew Prins

Dated: April 28, 2022

Andrew T. Prins (P70157)
Elizabeth A. Morrisseau (P81899)
Assistant Attorneys General
Environment, Natural Resources,
and Agriculture Division
Attorneys for Plaintiff

*by ATP
w/ permission*

By: J. Christian Hauser

Dated: April 28, 2022

J. Christian Hauser (P57990)
Frasco, Caponigro, Wineman,
Scheible, Hauser & Luttmann, P.L.L.C.
Attorney for Defendant

LF: Brown Environmental Construction (EGLE v)/AG #2016-0157244-B/Consent Judgment 2022-04-22

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND
ENERGY,

Plaintiff,

v

J BROWN ENVIRONMENTAL
CONSTRUCTION COMPANY, INC., a
Michigan corporation, and JESSE BROWN,
an individual,

Defendants.

No. 19-898-CE

HON. WANDA M. STOKES

Andrew T. Prins (P70157)
Elizabeth A. Morrisseau (P81899)
Assistant Attorneys General
Attorneys for Plaintiff
Environment, Natural Resources,
and Agriculture Division
P.O. Box 30755
Lansing, MI 48909
(517) 335-7664
prinsa@michigan.gov
morrisseaue@michigan.gov

J. Christian Hauser (P57990)
Frasco Caponigro Wineman Scheible
Hauser & Luttmann, PLLC
Attorney for Defendants
1301 W. Long Lake Road, Suite 250
Troy, MI 48098
(248) 334-6767
ch@frascap.com

PROOF OF SERVICE

On May 6, 2022, I sent via First-class mail and email a true copy of the
Consent Judgment dated April 29, 2022, to:

J. Christian Hauser
Frasco, Caponigro, Wineman,
Scheible, Hauser & Luttmann, P.L.L.C.
1301 W. Long Lake Road, Suite 250
Troy, MI 48098

ch@frascap.com

I declare that the statements above are true to the best of my information,
knowledge, and belief.

/s/ Rachel Cissel
Rachel Cissel, Legal Secretary

LF: Brown Environmental Construction (EGLE v)/AG #2016-0157244-B/POS 2022-05-06