

VERMONT SUPERIOR COURT  
Environmental Division  
32 Cherry St, 2nd Floor, Suite 303,  
Burlington, VT 05401  
802-951-1740  
www.vermontjudiciary.org



Docket No. 105-9-19 Vtec

---

**Town of Pawlet**

**v.**

**Daniel Banyai, Respondent**

---

## **FINDING OF ON-GOING CONTEMPT OF COURT ORDER AND MITTIMUS**

Final judgement in this enforcement matter was entered in favor of the Town of Pawlet ("Town") on March 5, 2021 and affirmed by the Vermont Supreme Court on January 14, 2022. On February 8, 2023, following the show cause hearing on the Town's Motion for Contempt, the Court found Respondent Daniel Banyai ("Respondent") in contempt of the Court's March 5th Order, and set forth a compliance schedule to give Respondent a final opportunity to bring his property into compliance. Respondent has failed to do so. As such, imprisonment is an appropriate coercive remedy in these circumstances. Therefore,

**BY THE AUTHORITY OF THE STATE OF VERMONT, any sheriff or constable in this state is directed to arrest Daniel Banyai, and remit him to the custody of the Commissioner of Corrections, to be thereafter confined until he or the Town causes the subject property to be brought into compliance with the March 5, 2021, Order, as described in the February 8, 2023 Contempt Order, to the court's satisfaction.**

**This mittimus shall be served within 60 days of issuance hereof and not thereafter. Fail not, but service and return make according to law.**

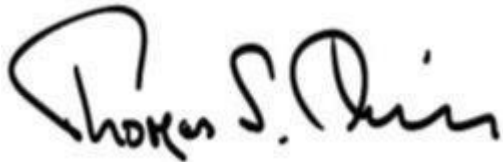
**FINDING OF CONTEMPT:** By its Orders dated February 8, 2023 and July 6, 2023, the Court found Daniel Banyai, in the above-entitled case, in Contempt of Court for failure to comply with a lawful court order.

**TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF VERMONT:** You shall take Daniel Banyai in the above-entitled case and commit him to the Commissioner of Corrections or an authorized representative.

**TO THE COMMISSIONER OF CORRECTIONS:** You shall receive Daniel Banyai and he shall remain in your custody until he purges himself of contempt by bringing the subject property into compliance with the Court's March 5, 2021 Order, as described in the Court's February 8, 2023 Contempt Order. As consistent with the July 6, 2023 Order, the Court appoints the Town of Pawlet to bring the property into compliance at the cost of Mr. Banyai. Nothing in the July 6, 2023 Order prevents Mr. Banyai from causing his contractors or agents to bring the property into compliance sooner. Mr. Banyai will be released upon demonstration that the property has been brought into compliance, either by the Town or his agents.

In addition to any other legal rights and remedies available to Mr. Banyai, he shall be entitled to a review of the contempt proceedings annually. The Commissioner of Corrections shall provide timely notice for the review of the proceedings of any person so imprisoned to the sentencing court. The sentencing court shall conduct a hearing and issue its order within 60 days of receipt of notice from the Commissioner of Corrections.

Electronically signed at Newfane, Vermont on Thursday, July 6, 2023, pursuant to V.R.E.F. 9(d).

A handwritten signature in black ink, appearing to read "Thomas S. Durkin". The signature is written in a cursive, flowing style with a large initial 'T'.

Thomas S. Durkin, Superior Judge  
Superior Court, Environmental Division

**OFFICERS RETURN**

I committed the said **Daniel Banyai** to the following facility and provided the supervising officer a copy of this Mittimus.

	On	AM/PM
Location/Correctional Facility	Date	Time
<hr/>		
Officer's Signature, Title		