

STATE OF VERMONT  
SUPERIOR COURT  
Washington Unit

*JB*

STATE OF VERMONT  
Plaintiff

v.

McISAAC AND BAIROS NEW ENGLAND  
DISTRIBUTION LLC  
Defendant

CIVIL DIVISION  
Docket No. 370-6-16

**CONSENT DECREE, ORDER, AND FINAL JUDGMENT**

To resolve the violations of law alleged in the Complaint filed in the above-captioned matter, the parties, the State of Vermont and Defendant McIsaac and Bairos New England Distribution LLC, stipulate and agree to the following:

**INTRODUCTION**

The State of Vermont alleges and Defendant admits and agrees to the following:

1. Defendant is licensed as a wholesale dealer by the Vermont Department of Taxes and was licensed during all relevant periods.
2. In late February 2015, Defendant purchased cigarette tax stamps from the Vermont Department of Taxes.
3. On or about late February through early March of 2015, Defendant sold 263 tax-stamped packs of Seneca cigarettes, a product that is illegal to sell in Vermont as it is not listed on Vermont's tobacco Directory, to Vermont retailers.

4. Based upon the facts above, the Attorney General alleges that the Defendant has violated 33 V.S.A. §1919 and the Consumer Protection Act, 9 V.S.A. § 2458.

### REMEDIES

Defendant is enjoined and restrained as follows:

5. Defendant will not possess, sell, or offer for sale any cigarettes or roll-your-own tobacco (RYO) that are not listed on Vermont's tobacco Directory. Defendant will sell into Vermont only those cigarettes and RYO brands listed on Vermont's Directory and its legal for sale list. Defendant is permanently enjoined and restrained from violating 33 V.S.A. § 1919.
6. Defendant will confirm with the Vermont Attorney General's Tobacco Unit that any new brands of cigarettes or RYO it seeks to sell into Vermont are in fact legal for sale 30 days prior to offering any such product for sale in the state.
7. Within 10 (ten) days of signing this Consent Decree, Defendant shall pay a total of \$5,000 (five thousand dollars) to the State of Vermont as attorneys' fees and costs in this matter.
8. Defendant shall pay a total of \$30,000 (thirty thousand dollars) to the State of Vermont as civil penalties in this matter. This payment is to be made in eight monthly installments of \$3,750 (three thousand seven hundred and fifty dollars), the first of which is due within 30 days of the signing of this Consent Decree. The remainder shall be due in monthly installments thereafter, on the 15<sup>th</sup> of each month from August 1, 2016 through February 1, 2017.

9. Defendant shall make the payments described above to the "State of Vermont" and send such payments to: Helen Wagner, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.
10. Defendant agrees that any failure to abide by the terms of this Consent Decree shall be a violation thereof and agrees that the penalties to be assessed by the Court for each such act in violation of this Consent Decree shall be \$10,000 (ten thousand dollars).  
  
Defendants shall pay all costs of any enforcement of this Consent Decree.
11. This Court has jurisdiction over the subject matter of this action and the Defendant. Jurisdiction is retained by this Court over this Final Judgment and the parties for the purpose of enabling any of the parties to apply to this Court at any time for orders and directions as may be necessary to carry out or construe this Final Judgment, to modify or terminate any of its provisions, to enforce compliance, and to punish violations of its provisions.
12. This Court finds Defendant to have been in violation of the Consumer Protection Act, 9 V.S.A. § 2435, and 33 V.S.A. § 1919.
13. This Final Judgment shall be binding on McIsaac and Bairos New England Distribution LLC and its successors and assigns. The State of Vermont hereby releases and discharges any and all claims under Title 9 and Title 33 that it may have against Defendant based on the specific conduct or activities arising under or in connection with this Final Judgment.
14. Entry of this Final Judgment is in the public interest because it will ensure that Defendant complies with the requirement that only tobacco products that are legal for sale in Vermont are sold to Vermont retailers and consumers.

**STIPULATION**

Defendant McIsaac and Bairos New England Distribution LLC acknowledges receipt of and voluntarily agrees to the terms of this Consent Decree and waives any formal service requirements of the Consent Decree, the Decree, the Order, and the Final Judgment.

DATED at Avon, Massachusetts this 29<sup>th</sup> day of June, 2016.

McIsaac and Bairos New England  
Distribution LLC

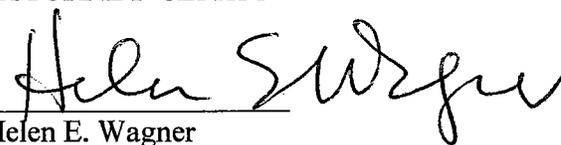


By: Brian Bairos, Member  
Authorized Representative

ACCEPTED on behalf of the State of Vermont:

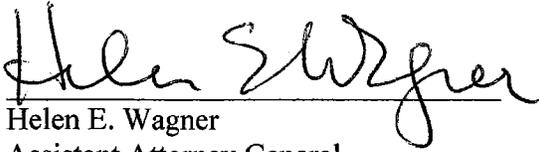
DATED at Montpelier, Vermont this 30<sup>th</sup> day of JUNE, 2016

STATE OF VERMONT  
WILLIAM H. SORRELL  
ATTORNEY GENERAL

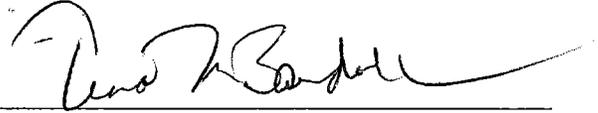
By: 

Helen E. Wagner  
Assistant Attorney General  
109 State Street  
Montpelier, Vermont 05609  
Tel. 802-828-2508  
[helen.wagner@vermont.gov](mailto:helen.wagner@vermont.gov)

APPROVED AS TO FORM:



Helen E. Wagner  
Assistant Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
For the State of Vermont



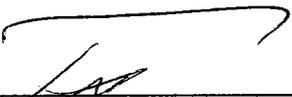
Tina Bardak, Esq.  
464 Franklin Street  
Buffalo, New York 14202  
For McIsaac and Bairos New England  
Distribution LLC

**DECREE, ORDER AND FINAL JUDGMENT**

This Consent Decree is accepted and entered as a Decree, Order and Final Judgment of this Court in the matter of: *State of Vermont v. McIsaac and Bairos New England Distribution LLC*, Docket No. 370-6-16 Wncv.

SO ORDERED.

DATED at Montpelier, Vermont this 1<sup>st</sup> day of July, 2016.

  
\_\_\_\_\_  
Washington Superior Court Judge

FILED

2016 JUL -1 12:54

DA - ORDER

VT SUPERIOR COURT  
WASHINGTON  
JUL 1 2016