

3. The Attorney General is charged with enforcing violations of the Delivery Sales Ban statute, as well as violations of the CPA. Each shipment of an item listed in 7 V.S.A. § 1010(b) constitutes a separate violation of the Delivery Sales Ban statute and CPA. 7 V.S.A. § 1010(d).
4. Violations of the Delivery Sales Ban statute are subject to a civil penalty of up to \$5,000 per violation in addition to any other remedy provided by law. 7 V.S.A. § 1010(d)(2).
5. Violations of the CPA are subject to a civil penalty of up to \$10,000 for each unfair or deceptive act or practice. 9 V.S.A. § 2458(b)(1).
6. The Attorney General may also seek injunctive relief under both the Delivery Sales Ban statute and the CPA. 7 V.S.A. § 1010(d)(3); 9 V.S.A. § 2458(a).

BACKGROUND

7. Respondent SV3, LLC is organized under the laws of Arizona, with a place of business located at 4908 East McDowell Road, Phoenix, Arizona 85008.
8. Respondent SV3, LCC operates www.mipod.com, which is an online retailer of electronic cigarettes and related products.
9. From March 2020 to January 2021, Respondent shipped electronic cigarettes, e-liquids, and other tobacco substitutes and paraphernalia ordered through its website www.mipod.com to individual consumers in Vermont.
10. Respondent admits the truth of all facts set forth in Paragraphs 7-9.
11. Respondent admits that the above conduct violated the Delivery Sales Ban statute, 7 V.S.A. § 1010, and the CPA, 9 V.S.A. Chapter 63.

INJUNCTIVE RELIEF

12. Respondent shall comply with the Delivery Sales Ban statute, 7 V.S.A. § 1010, and the Vermont Consumer Protection Act, 9 V.S.A. Chapter 63.

13. Respondent shall provide a clear and conspicuous disclosure on its website www.mipod.com stating that the website does not ship the items listed in 7 V.S.A. § 1010(b) to Vermont consumers.

14. Respondent shall immediately notify every consumer with a Vermont address that attempts, through www.mipod.com, to purchase an item listed in 7 V.S.A. § 1010(b) that the website does not ship such items to Vermont consumers.

CIVIL PENALTY

15. Respondent shall pay \$35,000 in civil penalties to the State of Vermont within ten days of execution of this AOD. Respondent shall make payment by check to the “State of Vermont” and send payment to: Shannon Salembier, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.

OTHER TERMS

16. Respondent agrees that this AOD shall be binding on it, and its successors and assigns.

17. The Attorney General hereby releases and discharges any and all claims arising under the Delivery Sales Ban statute, 7 V.S.A. § 1010, and the Vermont Consumer Protection Act, 9 V.S.A. Chapter 63, that it may have against SV3, LLC for the conduct described in the Background section of this AOD.

18. The Superior Court of the State of Vermont, Washington Unit, shall have jurisdiction over this AOD and the parties hereto for the purpose of enabling the Attorney General to apply to this Court at any time for orders and directions as may be necessary or appropriate to enforce compliance with or to punish violations of this AOD.

19. Acceptance of this AOD by the Attorney General's Office shall not be deemed approval by the Attorney General of any practices or procedures of Respondent not required by this AOD, and Respondent shall make no representation to the contrary.

STIPULATED PENALTIES

20. If the Superior Court of the State of Vermont, Washington Unit enters an order finding Respondent to be in violation of this Assurance of Discontinuance, then the parties agree that penalties to be assessed by the Court for each act in violation of this Assurance of Discontinuance shall be \$10,000.

NOTICE

21. Respondent may be located at:

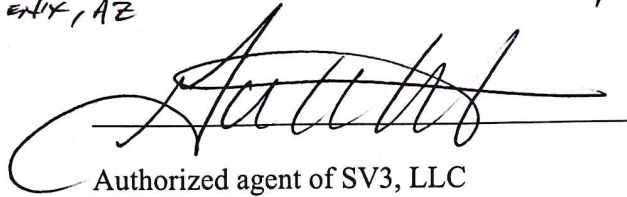
SV3, LLC
4908 East McDowell Road
Phoenix, Arizona 85008

22. Respondent shall notify the Attorney General of any change of business name or address within 30 calendar days.

SIGNATURE

In lieu of instituting an action or proceeding against SV3, LLC, the Office of the Attorney General, pursuant to 9 V.S.A. § 2459, accepts this Assurance of Discontinuance. By signing below, Respondent voluntarily agrees with and submits to the terms of this Assurance of Discontinuance.

DATED at 3:08 PM, this 17th day of May, 2021.
PHOENIX, AZ



Authorized agent of SV3, LLC

ACCEPTED on behalf of the Attorney General:

DATED at Montpelier, Vermont this 17th day of May, 2021.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: 
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