

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 is organized under the laws of Georgia, with a place of business located at 6281 Factory Shoals Rd. SW, Suite 104, Mableton, GA 30126.
8. Respondent operates www.ejuicestore.com, which is an online retailer of electronic cigarettes and related products.
9. From July 2019 to June 2021, Respondent made tobacco products available to Vermont residents for online purchase through its website www.ejuicestore.com. During this period, Respondent shipped tobacco products to consumers in Vermont in fulfillment of online purchases.
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, but denies that it knowingly or intentionally violated any such regulations.

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.ejuicestore.com stating that the website does not ship the items listed in 7 V.S.A. § 1010(b) to Vermont consumers unless the consumer is a licensed wholesale dealer or retail dealer in the State of Vermont. Such disclosure shall be submitted to the Attorney General for approval within five days of execution of this AOD.
14. Respondent shall immediately notify every consumer with a Vermont address that attempts, through www.ejuicestore.com, to purchase an item listed in 7 V.S.A. § 1010(b) that the website does not ship such items to Vermont consumers unless the consumer is a licensed wholesale dealer or retail dealer in the State of Vermont.
15. Respondent shall require all Vermont licensed wholesale dealers and retail dealers to provide a current license number prior to ordering any items listed in 7 V.S.A. § 1010(b) through www.ejuicestore.com.

CIVIL PENALTY

16. Respondent shall pay \$90,500 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: James Layman, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.

OTHER TERMS

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

18. 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 Respondent for the conduct described in the Background section of this AOD.

19. 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.

20. 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

21. If the Superior Court of the State of Vermont, Washington Unit enters an order, following submissions by the parties, finding that Respondent has materially violated this Assurance of Discontinuance, then the parties agree that penalties to be assessed by the Court for each such shipment made in violation of 7 V.S.A. § 1010 and this Assurance of Discontinuance shall be \$5,000. A violation of this Assurance of Discontinuance shall not be considered material unless Respondent failed to take reasonable measures to prevent violations of the Delivery Sales Ban statute.

NOTICE

22. Respondent may be located at:

Jong Lee
c/o
Franklin Homer
2255 Glades Rd., Suite 400E

Boca Raton, FL 33431

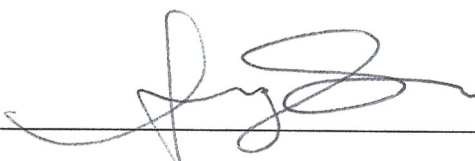
23. Respondent shall notify the Attorney General via e-mail at

AGO.TobaccoEnforcement@vermont.gov of any change of business name or address within 30 calendar days.

SIGNATURE

In lieu of instituting an action or proceeding against First Class Distribution, 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 Mableton, Georgia, this 13 day of October, 2021.



Authorized agent of First Class Distribution, LLC

ACCEPTED on behalf of the Attorney General:

DATED at Montpelier, Vermont this 15 day of October, 2021.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: James Layman
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