



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 Planet Vapor, Inc. ("Planet Vapor") is organized under the laws of South Carolina, with a place of business located at 7457 Patterson Road, Columbia, South Carolina 29209.
8. Respondent Planet Vapor operates [www.planet-vapor.com](http://www.planet-vapor.com), which was an online retailer of electronic cigarettes and related products.
9. On or about April 30, 2020, Respondent shipped an e-liquid ordered through its website [www.planet-vapor.com](http://www.planet-vapor.com) to Vermont. KM
10. Respondent admits the truth of all facts set forth in Paragraphs 7-9.
11. The Attorney General alleges 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 no longer conducts online sales to individuals through its website www.planet-vapor.com. Should Respondent resume online sales, Respondent shall provide a clear and conspicuous disclosure on its website www.planet-vapor.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 prior to resuming online sales to individuals.

14. Should Respondent resume online sales, Respondent shall immediately notify every consumer with a Vermont address that attempts, through www.planet-vapor.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. Should Respondent resume online sales, 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.planet-vapor.com.

#### **CIVIL PENALTY**

16. Respondent shall pay \$1,000 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**

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 Planet Vapor 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 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 \$5,000.

#### **NOTICE**

22. Respondent may be located at:

Planet Vapor, Inc.  
7457 Patterson Road  
Columbia, South Carolina 29209



**SIGNATURE**

In lieu of instituting an action or proceeding against Planet Vapor, 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 Columbia, St., this 4 day of May, 2021.

*Kui Moore*

Authorized agent of Planet Vapor, Inc.

ACCEPTED on behalf of the Attorney General:

DATED at Montpelier, Vermont this 4th day of May, 2021.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL

By: /s/ Shannon Salembier  
Shannon Salembier  
Assistant Attorney General  
Office of Attorney General  
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