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7 **STATE OF WASHINGTON**
8 **THURSTON COUNTY SUPERIOR COURT**

9 In the matter of:

10 **SMOKER’S OUTLET ONLINE, INC.**,
11 a Pennsylvania corporation (also known
12 as FandFwholesale.com and
13 smokersoutletonline.com),

14 Respondent.

NO.

ASSURANCE OF
DISCONTINUANCE

15 The State of Washington, by and through its attorneys, Robert W. Ferguson, Attorney
16 General, and Joshua Studor, Assistant Attorneys General, files this Assurance of Discontinuance
17 pursuant to RCW 19.86.100. Smoker’s Outlet Online, Inc., a for-profit Pennsylvania corporation,
18 is a distributor of tobacco products and other items in the United States and operates both physical
19 storefronts and online stores at www.smokersoutletonline.com and www.fandfwholesale.com.
20 Smoker’s Outlet his hereinafter referred to as Respondent.

21 **I. DEFINITIONS**

22 1.1 The terms “Internet” and “Tobacco Product” used herein take on the meanings
23 given by RCW 70.155.010.

24 1.2 All other terms are given their plain and ordinary meaning.
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1 **II. ASSURANCE OF DISCONTINUANCE**

2 2.1 The Attorney General deems, and Respondent acknowledges, that the transporting
3 or shipping tobacco products ordered by mail or over the Internet to anyone in Washington is a
4 violation of the Consumer Protection Act, RCW 19.86.

5 2.2 Washington law expressly prohibits transporting or shipping tobacco products
6 ordered by mail or through the Internet to anyone in Washington State except to a licensed
7 wholesaler or retailer. RCW 70.155.130.

8 2.3 The Legislature has declared that a violation of RCW 70.155.130 is an unfair and
9 deceptive act or practice and an unfair method of competition in violation of the Consumer
10 Protection Act, RCW 19.86. Further, conduct that violates RCW 70.155.130 is not a reasonable
11 business practice. RCW 70.155.130(4). Thus, a violation of RCW 70.155.130 is a *per se* violation
12 of Washington’s Consumer Protection Act, RCW 19.86.

13 2.4 Respondent does not admit that it has violated the CPA and does not admit that
14 it has engaged in the practices above. Respondent agrees not to engage in the conduct described
15 above. Respondent also agrees to fully comply with all requirements of RCW 19.86 and RCW
16 70.155.130.

17 **III. RELEASE OF CLAIMS**

18 3.1 By its execution of this Assurance, the State releases Respondent from all civil
19 claims, causes of action, damages, restitution, fines, costs, and penalties under RCW 19.86 and
20 RCW 70.155.130, arising from or related to the conduct and/or practices referenced in this
21 Assurance.

22 3.2 In the event that Respondent violates this Assurance, this release of claims becomes
23 void, and nothing shall prevent the State from enforcing RCW 70.155.130 and/or RCW 19.86 and
24 seeking permanent injunctive relief and recovery of costs, restitution, and civil penalties against
25 Respondent for any conduct covered by this Assurance prior to and after its execution by the
26 parties.

1 representatives, and all other persons acting in concert or participating with Respondent in the
2 context of conducting Respondent's businesses.

3 5.3 Nothing in this Assurance of Discontinuance shall be construed to limit or bar any
4 other person or entity from pursuing available legal claims or remedies against Respondent.

5 Approved on this 15th day of December, 2020.

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JUDGE/COURT COMMISSIONER

9 Presented By:

Agreed to, Approved For Entry, and Notice
of Presentation Waived:

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11 ROBERT W. FERGUSON
Attorney General

SMOKER'S OUTLET.

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14 _____
15 JOSHUA STUDOR, WSBA #47183
Assistant Attorneys General
16 Attorneys for State of Washington

s/Maren R. Norton
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18 MAREN R. NORTON, WSBA #35435
19 Stoel Rives, LLP
20 Attorney for Smoker's Outlet.
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