

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-04-

## COMPLAINT

3. This Court has jurisdiction over this action pursuant to 4 M.R.S.A. § 105 and 5 M.R.S.A. § 209.

## STATUTORY BACKGROUND

4. The Maine Attorney General maintains a directory listing all tobacco product manufacturers that have met certain requirements under 22 M.R.S.A. § 1580-L (6).

5. 22 M.R.S.A. § 1580-L (7) provides that [I]t is unlawful for any person to affix a tax stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory or to distribute, sell or offer or possess for sale in this State cigarettes of a tobacco product manufacturer or brand family not included in the directory. A person who violates this subsection engages in an unfair and deceptive act in violation of the Maine Unfair Trade Practices Act.

6. For purposes of § 1580-L, the term "cigarette" includes roll-your-own tobacco.

7. The Attorney General may bring an action to enjoin violations of 22 M.R.S.A. § 1580-L (7) pursuant to 22 M.R.S.A. § 1580-L(18).

8. A civil penalty of up to \$10,000 may be adjudged for intentional violations of the Maine Unfair Trade Practices Act, pursuant to 5 M.R.S.A. § 209.

9. The Attorney General may recover its costs of this action pursuant to 15 M.R.S.A. § 1580-L (19) and 5 M.R.S.A. § 209.

## FACTS

10. Between January 1, 2004 and March 31, 2004, Defendant affixed 130 Maine tax stamps to packages of cigarettes manufactured by Soex, a tobacco product manufacturer that did not appear on the directory maintained by the Attorney General.

11. Between January 1, 2004 and March 31, 2004, Defendant affixed 40 Maine tax stamps to packages of cigarettes manufactured by VCT, a tobacco product manufacturer that did not appear on the directory.

### COUNT I

12. The allegations in paragraphs 1 through 10 are incorporated herein.

13. Defendant's conduct in affixing 130 Maine tax stamps to cigarettes manufactured by Soex, a tobacco product manufacturer that does not appear on the directory maintained by the Attorney General violates 22 M.R.S.A. §1580-L(7)

14. Defendant's conduct described herein is intentional, and defendant knew that Soex did not appear on the directory maintained by the Attorney General.

### COUNT II

15. The allegations in paragraphs 1 through 10 are incorporated herein.

16. The Defendant's conduct in affixing 40 Maine tax stamps to packages of cigarettes manufactured by VCT, a tobacco product manufacturer that does not appear on the directory maintained by the Attorney General violates 22 M.R.S.A. § 1580-L (7).

17. Defendant's conduct described herein is intentional, and defendant knew that VCT did not appear on the directory maintained by the Attorney General.

### RELIEF REQUESTED

WHEREFORE, the State of Maine respectfully requests that this Court:

1. Find that G.A. Andron & Co., Inc. committed 130 violations 22 M.R.S.A. § 1580-L by affixing 130 Maine tax stamps to packages of cigarettes manufactured by Soex.

2. Find that G.A. Andron & Co., Inc. committed 40 violations of 22 M.R.S.A. § 1580-L by affixing 40 Maine tax stamps to packages of cigarettes manufactured by VCT.

3. Assess a civil penalty of up to \$10,000 per violation against G.A. Andron & Co., Inc. for each intentional violation of 22 M.R.S.A. § 1580-L and 5 M.R.S.A. § 207.

4. Enjoin G.A. Andron & Co., Inc. from affixing a Maine tax stamp to packages of cigarettes of a tobacco product manufacturer or brand family not included on the directory maintained by the Attorney General pursuant to 22 M.R.S.A. § 1580-L, or distributing, selling, offering for sale, or possessing for sale in Maine, cigarettes or roll-your-own tobacco of a tobacco product manufacturer or brand family not included on the directory.

5. Order G.A. Andron & Co., Inc. to pay all costs and attorney's fees associated with the prosecution of this action.

6. Order such other relief as this Court deems just, proper and equitable.

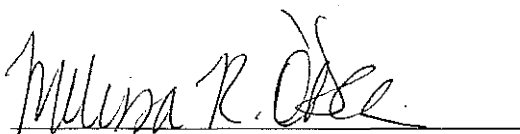
Dated:

Respectfully Submitted,

G. STEVEN ROWE  
ATTORNEY GENERAL

Dated:

11/15/04



MELISSA REYNOLDS O'DEA

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Attorneys for the State of Maine

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-04-272

CONSENT DECREE  
AND ORDER

## I. JURISDICTION

## II. INJUNCTION

2. Defendant G.A. Andron & Co., Inc., its officers, directors, employees, agents, representatives, successors, assigns, and those in active concert or participation with them who receive actual notice of this injunction are permanently enjoined from violating the requirements of the Tobacco Manufacturers Act, 22 M.R.S.A. § 1580-L (the “Act”).

3. It is further ordered that G.A. Andron & Co., Inc. shall adequately and properly train all agents, representatives, and/or employees to ensure compliance with the Act.

### III. PENALTIES

4. Defendant G.A. Andron & Co., Inc. shall pay a civil penalty of \$1,700 to the State of Maine pursuant to 5 M.R.S.A. § 209.

### IV. RETENTION OF JURISDICTION

5. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Decree and Order to apply to the Court at any time for further order and directions as may be necessary or appropriate for the modification, construction, enforcement, or execution of this Consent Decree and Order. Each and every violation of this Consent Decree and Order shall be treated as a separate contempt thereof.

### V. EFFECTIVE DATE

6. This Order shall be effective immediately upon entry.

IT IS HEREBY ORDERED

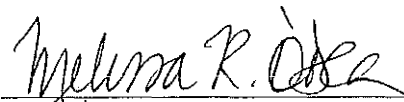
Dated: 3/7/05

  
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Justice, Superior Court

WE CONSENT:

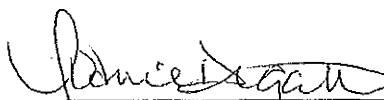
G. STEVEN ROWE  
ATTORNEY GENERAL

Dated: 11/30/04

  
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Attorneys for the State of Maine

Dated: 11/23/04



By:

Title:

G.A. Andron & Co., Inc.

89 North Industry Court

Deer Park NY 11729

A Duly Authorized Representative