

CERTIFICATION FOR MANUFACTURER/IMPORTER CIGARETTE LICENSE

Complete this form and mail it to the Board of Equalization, Special Taxes and Fees, P.O. Box 942879, Sacramento, CA 94279-0088

On behalf of the above manufacturer or importer, the undersigned certifies the following:

1. All of the information contained in the completed Application and Schedule of Cigarette Brand Family Names is current, true, and correct.

Initial: _____ Date: _____

2. If the applicant is a "tobacco product manufacturer" as defined in subdivision (i) of section 104556 of the Health and Safety Code, the applicant certifies it is one of the following (check appropriate box):

A "participating manufacturer" as defined in subsection II(jj) of the "Master Settlement Agreement" (MSA), or,

Is in full compliance with paragraph (2) of subdivision (a) of section 104557 of the Health and Safety Code.

Initial: _____ Date: _____

3. Applicant consents to jurisdiction of the California courts for the purpose of enforcement of the California Cigarette and Tobacco Products Licensing Act of 2003 and has appointed a registered agent for service of process and identified the registered agent to the BOE and the California Office of the Attorney General.

Initial: _____ Date: _____

4. Applicant certifies that all packages of cigarettes it manufactures or imports and distributes in this state fully comply with subdivision (b) of section 30163 of the Revenue and Taxation Code, and that the cigarettes contained in those packages are the subject of filed reports that fully comply with all requirements of the federal Cigarette Labeling and Advertising Act (15 U.S.C. sec. 13355a et seq.) for the reporting of ingredients added to cigarettes.

Initial: _____ Date: _____

5. Applicant certifies that it will maintain purchase records, sales records, and any other records required by the BOE for one year at the premises identified in the license and make the records available for inspection by the BOE or a law enforcement agency for four years, as required in California Business and Professions Code sections 22979.4 and 22979.5. Failure of a manufacturer/importer to comply with these sections shall be a misdemeanor subject to penalties and fines pursuant to California Business and Professions Code section 22981.

Initial: _____ Date: _____

6. Applicant certifies that it shall include the following information on each invoice for the sale for distribution, wholesale, or retail sale of cigarettes pursuant to California Business and Professions Code section 22979.6.

(1) The name, address, and telephone number of the manufacturer/importer.

(2) The license number of the manufacturer/importer as provided by the BOE.

(3) The name, address, and license number of the person to whom cigarettes or tobacco products are sold.

(4) An itemized listing of the cigarettes or tobacco products sold.

(a) Each invoice for the sale of cigarettes or tobacco products shall be legible.

(b) Failure to comply with this section shall be a misdemeanor subject to penalties and fines pursuant to California Business and Professions Code section 22981.

Initial: _____ Date: _____

7. Applicant understands and acknowledges that under California Business and Professions Code section 22980.1, no manufacturer shall sell cigarettes to a distributor, wholesaler, importer, or any other person who is not licensed or whose license has been suspended or revoked. Failure to comply with this section shall be a misdemeanor subject to penalties and fines pursuant to California Business and Professions Code section 22981.

Initial: _____ Date: _____

CERTIFICATION FOR MANUFACTURER/IMPORTER CIGARETTE LICENSE *(continued)*

8. Applicant understands and acknowledges that under California Business and Professions Code section 22979.7, in addition to any other civil or criminal penalty provided by law, upon finding that a manufacturer or importer has violated any provision of the California Cigarette and Tobacco Products Licensing Act of 2003, the BOE may take the following actions:
- (a) In the case of the first offense, the BOE may revoke or suspend the license or licenses of the manufacturer or importer pursuant to the procedures applicable to the revocation of a license set forth in section 30148 of the Revenue and Taxation Code.
 - (b) In the case of a second or any subsequent offense, in addition to the action authorized under subdivision (a), the BOE may impose a civil penalty in an amount not to exceed the greater of:
 - (1) Five times the retail value of the seized cigarettes or tobacco products defined as cigarettes under this section,
 - or
 - (2) Five thousand dollars (\$5,000).

Initial: _____ Date: _____

9. Business and Professions Code section 22979(a)(4) requires an applicant to waive any sovereign immunity defense that may apply to any enforcement action brought by the California Office of the Attorney General (AG) or the BOE to enforce this division, sections 104555 to 104557, inclusive, of the Health and Safety Code, or Part 13 (commencing with section 30001) of Division 2 of the Revenue and Taxation Code, and regulations adopted thereto. In lieu of such a waiver, the applicant may file a surety bond for a specified amount with the AG. To download and file the applicable waiver of sovereign immunity forms or surety bond, visit the AG website at www.oag.ca.gov/tobacco/directory/forms. Waiver of sovereign immunity forms must be filed and submitted with this application.

Please acknowledge you have read and understand the sovereign immunity waiver requirements:

Initial: _____ Date: _____

CERTIFICATION

I certify that all the information provided in this application is true and accurate and I understand that any person who asserts the truth of any material matter that he or she knows to be false is guilty of a misdemeanor punishable by imprisonment of up to one year in the county jail, or a fine of not more than five thousand dollars (\$5,000), or both the imprisonment and the fine.

This form must be signed by a corporate officer, LLC member or manager, or an authorized agent, or partner. For a partnership, attach an authorization signed by all general partners; for a corporation, attach a corporate resolution; for an LLC, attach the articles of incorporation which authorized the individual who signs below to certify this application. If signed by an authorized agent, a properly completed power of attorney must be attached to this application.

Note: This document must also be signed and dated in front of an authorized notary public, who also signs as a witness.

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|--------------------------------|------------------|---------------|
| SIGNATURE | TITLE | EMAIL ADDRESS |
| NAME <i>(typed or printed)</i> | TELEPHONE NUMBER | DATE |
| | | eREG ID# |

Subscribed and sworn to before me on this date: _____

City of: _____

| | |
|----------------------------|--------------------|
| SIGNATURE OF NOTARY PUBLIC | COMMISSION EXPIRES |
|----------------------------|--------------------|