



## STATE OF NEW MEXICO

### Certification of Tobacco Product Importer<sup>1</sup> Accepting Joint and Several Liability with Non-Participating Manufacturer for Escrow Compliance in New Mexico and Appointing Resident Agent for Service of Process

This Certification must be executed by an officer of the Importer with authority to bind the Importer to the requirements of New Mexico law as stated below. Execution of this declaration is an assertion that all information provided below is true and correct, and that the Importer accepts and agrees to all the terms specified below

#### 1. Tobacco Product Importer Identification:

Company Full Legal Name: \_\_\_\_\_

Type of Business Entity (check one):

- Sole Proprietorship
- General Partnership
- Limited Partnership
- Corporation
- Limited Liability Company
- Other (specify): \_\_\_\_\_

State/Country where created, incorporated or registered: \_\_\_\_\_

#### Include the following with this Certification:

- A copy of the current Articles of Incorporation, Certificate of Limited Partnership, Articles of Organization, or comparable applicable document, including any amendments, must be attached to the certification.
- A copy of the Importer's current Tobacco Importer's Permit issued by the United States Alcohol and Tobacco Trade Bureau, with any amendments.

Trading As (list ALL names used): \_\_\_\_\_

Federal Employers Identification Number: \_\_\_\_\_

Federal Tobacco Importer Permit Number: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Company Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Website: \_\_\_\_\_

<sup>1</sup> For purposes of this Certification, NMSA, 1978, §7-12-2(H) defines Manufacturer as a person that manufactures, fabricates, assembles, processes or labels a cigarette or that imports from outside the United States, directly or indirectly, a finished cigarette for sale or distribution in the United States.

Name, Title and Dates of Service of ALL Current and Past Officers, Directors and/or Partners:

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**If the Tobacco Product Importer is represented by outside counsel for the purpose of compliance with NMSA 1978, §§ 6-4-12 through 6-4-24, provide the following information:**

Firm: \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**2. Importing Contract Information:**

The Importer identified above imports into the United States cigarettes manufactured by:

Tobacco Product Manufacturer's Name: \_\_\_\_\_  
\_\_\_\_\_

The cigarette brands imported by the Importer for the Manufacturer identified above are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Importer imports these cigarettes under: (check one)

\_\_\_\_ Written contract commencing \_\_\_\_\_ and expiring \_\_\_\_\_  
\_\_\_\_ Oral contract or informal agreement

**3. Acceptance of joint and several liability:**

In accordance with NMSA 1978, § 6-4-17 D (1) of the New Mexico Statutes for all sales of brands of cigarettes identified above which occur in New Mexico, the Importer hereby accepts joint and several liability with the Tobacco Product Manufacturer identified above for deposit of all escrow due, payment of all penalties imposed and all costs and attorney's fees imposed in accordance with NMSA 1978, §§ 6-4-12 through 6-4-24. This liability shall apply to all sales in New Mexico commencing January 1, 2010 and continuing until ninety days after written revocation of this acceptance is received by the New Mexico Office of the Attorney General.

**4. Appointment of resident for service of process in New Mexico:**

In accordance with NMSA 1978, § 6-4-17 D (2) of the New Mexico Statutes, the Importer hereby appoints the resident agent in New Mexico below as its agent for service of process on whom all process, and any action or proceeding against it concerning or arising out of the

enforcement of NMSA 1978, §§ 6-4-12 through §§ 6-4-24 may be served in any manner authorized by law:

Agent: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

A current statement from the registered agent certifying service in this capacity must be attached to the certification.

**5. Execution of Certification:**

I hereby affirm that all the information stated in this declaration is true and correct, and I hereby commit the Importer identified above to all the terms of this declaration

\_\_\_\_\_  
(Signature of Declarant)

\_\_\_\_\_  
(Printed Full Name of Declarant)

\_\_\_\_\_  
(Title of Declarant as Officer of Importer)

Notary:  
City/County of \_\_\_\_\_, State of \_\_\_\_\_  
Subscribed and Affirmed before me on this date: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Mail this originally, fully executed Certification, including all attachments and supporting documents to:

State of New Mexico Department of Justice  
Consumer Protection - Tobacco Bureau  
P. O. Drawer 1508  
Santa Fe, NM 87504-1508