

In the matter of  
EXXON MOBIL CORPORATION

## **ASSURANCE**

### **BACKGROUND**

WHEREAS, more than 80 % of regular adult smokers began smoking as children;

WHEREAS, every day in the United States more than 2,000 children begin smoking cigarettes, and one third of those children will one day die from a tobacco-related disease;

WHEREAS, it has been shown that the younger a person begins smoking, the more likely it is that he or she will be unable to quit in later life and will suffer a disease attributable to tobacco use;

WHEREAS, recent studies indicate that youth demonstrate signs of addiction after smoking only a few cigarettes;

WHEREAS, the federal Food & Drug Administration (“FDA”) indicates that, as an average among U.S. retailers, one in every four attempts by a person 15 to 17 years old to purchase cigarettes over the counter results in a sale;

WHEREAS, an estimated 690 million packs of cigarettes are sold illegally to children each year nationwide, and 47 % of youth who report buying cigarettes identify gas stations as their primary point of purchase, and another 27 % identify convenience stores;

WHEREAS, more than 400,000 Americans die each year from diseases caused by tobacco use;

THEREFORE, Exxon Mobil Corporation (hereafter referred to as “ExxonMobil”), recognizing the need to step forward and demonstrate its commitment to responsible marketing of this age-restricted product and to the health and welfare of our nation’s youth, agrees to enter into the following Assurance.

### **AGREEMENT**

1. This Assurance is entered into by the Attorneys General of Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia,

Washington, West Virginia, Wisconsin and Wyoming (collectively “the Attorneys General”)<sup>1</sup> on behalf of their respective jurisdictions (collectively “the States”) and ExxonMobil.

2. This Assurance follows an analysis of compliance check data collected by the FDA and by state authorities under the Synar Amendment, section 1926(b)(2) Public Health Service Act [42 USC 300x-26(b)(2)] 1992. Such data indicates that retail outlets operating under the Exxon or the Mobil trademark made tobacco sales to persons under the age of 18 in numerous controlled compliance checks. The Attorneys General claim that such sales, and/or the corporate policies and practices that result in such sales, violate the Consumer Protection statutes<sup>2</sup> and/or other laws of their respective states.
3. ExxonMobil is a publicly held corporation, with its principal place of business in Irving,

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<sup>1</sup> Of the jurisdictions listed, Georgia is not represented by its Attorney General, but by the Administrator of the Fair Business Practices Act, and the District of Columbia is represented by its Corporation Counsel. The term “Attorneys General” as used herein, as it pertains to Georgia refers to the Administrator of the Fair Business Practices Act, and as it pertains to the District of Columbia refers to its Corporation Counsel. With regard to Virginia, this document will be titled an “Agreement.”

<sup>2</sup> A.R.S. § 44-1521 et seq. (AZ); Arkansas Code Annotated 4-88-101 et seq.; Cal.Civ.Code §1750 (West) and Cal. Bus. & Prof. Code §§17200 & 17500 (West) (CA); Conn. Gen. Stat. § 42-110a et seq. (1993) (CT); 6 Del. C. 2512 et seq. and 6 Del. C. 2531 et seq. (DE); D.C. Code, 2001 Ed. § 28-3901, et seq. (DC); Fla. Stat. Ann. §501.201 (West) (FL); O.C.G.A. 10-1-390 et seq. of the Fair Business Practices Act (GA); Haw. Rev. Stat. § 481A-1 et seq. (HI); Idaho Code Section 48-601 et seq.; Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS § 505/1 et seq.; Iowa Code § 714.16 (2001); K.S.A. 50-623, et seq. (KS); KRS 367.110-367.300 (KY); La. Rev. Stat. Ann. §51:1501 (West) (LA); Me. Rev. Stat. Ann. tit. 5 §206 et seq. and tit. 10 § 1211 (ME); Maryland Annotated Code, Commercial Law Article, §§13-101 et seq.; M.G.L. c. 93A (MA); M.C.L. 445.901 et seq., M.S.A. 19.418(1) et seq. (1994) (MI); Minn. Stat. § 325F.68-.69 (prevention of consumer fraud) and § 325D.43-.48 (2000)(MN); Miss. Code Ann. §75-24-1 (MS); Mont. Code Ann. § 30-14-101 et seq. (MT); Neb.Rev.Stat. §87-301 to §87-306 (Reissue 1999)(NE); Nevada Revised Statutes Chapter 598; NH Rev.Stat.Ann. 358-A (1995 Michie Butterworth, and Supp. 2001 West) (NH); N.J.S.A. 56:8-1 et seq. (NJ); NMSA 1978, §§57-12-1 et seq. (NM); New York Executive Law §63(12) and General Business Law Article 22-A; 1 CMC § 5101 et seq. of the Commonwealth Code (Northern Marianas Islands); R.C. 1345.01 et seq. (OH); 15 O.S. (1991) §§ 751 et seq. (OK); ORS 646.605, et seq. (OR); 73 P.S. §§201-1 et seq. (PA); R.I. General Laws §§ 11-9-13, 11-9-13.1 through 11-9-13.16, and 11-9-14 (RI); S.C. Code Ann., §39-5-10 et seq. (1976, as amended) (SC); S.D. Codified Laws Ann. Chapter 37-24 (SD); Tenn. Code Ann. §47-18-101 (TN); Tex. Bus. & Com. Code Ann. §17-41 (Vernon) (TX); Utah Code Ann. §§13-5-1 through 13-5-18 & 13-11-1 through 13-11-23; Vermont Consumer Fraud Act, 9 V.S.A. §2451 et seq. (VT); V.I. Code Ann. Tit. 12A VIC, §§ 101 to 123 Consumer Protection Law of 1973 (Virgin Islands); Virginia Consumer Protection Act, Va. Code § 59.1-196 et seq.; Wash. Rev. Code Ann. §19.86.020 (WA); W. VA Code 46A-1-101 et seq. (WV); Wis. Stat. § 100.18(1) (WI); Wyo. Stat. §40-12-101 et seq. (WY).

Texas. ExxonMobil operates, either itself or through affiliates or agents, motor fuel outlets and associated convenience stores which sell, among other things, tobacco products. Such retail outlets are hereinafter referred to as "CORS." In addition, ExxonMobil enters into motor fuel sales contracts and leases with others permitting such others to operate retail motor fuel outlets with associated convenience stores using the Exxon or the Mobil trademark and the On The Run mark ("Franchisees").

4. ExxonMobil has expressed its commitment to employing tobacco retailing practices which are designed to prevent the sale of tobacco products to minors. Without admitting liability for any of the acts or practices described or referred to herein, ExxonMobil agrees to enter into this Assurance and to abide by the provisions set forth below in connection with its activities in each signatory state.
5. This Assurance shall be binding on ExxonMobil, and on its officers, employees, successors, assigns, and agents.
6. The parties reserve the right to discuss the viability of any or all of these provisions as they are implemented, having due regard for changes in laws and regulations, as well as changes in equipment, technology, or methodology of retail sales over time. In particular, to the extent that unlawful underage sales occur in spite of ExxonMobil's compliance with the provisions of this Assurance, the States expressly reserve any and all enforcement options available for addressing such non-compliance, including without limitation the right to renew discussions with ExxonMobil for the purpose of establishing additional and/or different practices, policies, or procedures designed to eliminate or further reduce underage tobacco sales. Any modifications to this Assurance shall be by written agreement of the affected parties.
7. This Assurance is intended to resolve only such claims of the Attorneys General as may arise from Consumer Protection jurisdiction over ExxonMobil's acts and practices relating to the tobacco sales to minors occurring prior to the execution of this Assurance by ExxonMobil. Nothing herein shall affect other remedies available to any state or local jurisdiction in connection with a past or future underage sale of tobacco at a particular retail location, including fines, administrative penalties, permit suspensions, or any other remedy, sanction, or penalty that may be available to state or local authorities under applicable law.
8. This Assurance may be executed in counterparts.
9. No provision of this Assurance is intended or shall be interpreted to authorize conduct in violation of applicable local, state or federal law, which law supersedes any and all terms of this Assurance in conflict with such law.
10. The tobacco retailing practices set forth herein relate to efforts to prevent persons under legal age from having access to and using tobacco. Although tobacco is not the only item to which youth access is restricted, the term "youth access" is used herein as a shorthand reference to

age restrictions on tobacco only. The term “tobacco” is intended to include cigarettes of all kinds (including bidis), cigars, loose tobacco, chewing tobacco, and snuff.

The provisions of this Section 10 (I through V) relate only to ExxonMobil's hiring and training of its employees and other practices relating to the sale of tobacco products in CORS retail outlets, and do not relate to any practices and operations of any of the Franchisees except as provided in Section 12 of this Assurance.

**I.**  
**Personnel Practices Relating to the Sale of Tobacco Products to Minors**

ExxonMobil shall implement the following personnel practices with respect to its employees relating to youth access:

**A. Hiring**

1. ExxonMobil shall not hire anyone under the legal age for purchasing tobacco for a position that may involve selling tobacco.
2. As part of the employment interview process, ExxonMobil shall inform applicants for positions that may involve selling tobacco, or supervising anyone who sells tobacco, of the importance of compliance with laws relating to youth access. The information ExxonMobil provides shall include references to ExxonMobil's business practices, legal consequences, and health concerns associated with youth access.
3. ExxonMobil shall ask all applicants for positions as store managers about past violations of prohibitions on selling or supplying tobacco to minors by that person or anyone under that person's supervision, and shall give any such violations due consideration in the hiring decision.
4. ExxonMobil shall inform each new hire for a position that may involve the sale of tobacco, before he or she assumes any job responsibilities, that: (a) the employee's compliance with youth access laws and policies will be taken into account in connection with compensation, promotion, and retention decisions; (b) ExxonMobil actively monitors employee compliance with youth access laws and policies by instructing on-site managers to assess performance on an on-going basis, by checking security tapes periodically, and by conducting internal and external compliance check programs; and (c) failure to comply with youth access laws and policies may constitute grounds for discharge. ExxonMobil also shall provide the new hire this information in writing and shall require the employee to sign an acknowledgment that he/she has read and understands the information provided.

## **B. Training**

1. Before assuming any job duties that involve or may involve the sale of tobacco, an employee shall receive comprehensive training in the laws and company policies relating to tobacco.
2. Such training shall be performed by a person experienced in providing youth access training, and shall include, at a minimum, the following components:
  - a. A review of applicable federal, state, and local laws relating to youth access.
  - b. A review of all ExxonMobil business practices relating to youth access.
  - c. An explanation of the reasons that the law and ExxonMobil business practices deem youth access an important matter, with appropriate references to: (i) the age of most beginning users (currently the average age is 14); (ii) the fact that nicotine is addictive, and that young people may show signs of addiction after smoking only a few cigarettes; (iii) the fact that the younger a person becomes a regular tobacco user the more likely it is that he or she will become addicted and will suffer serious health damage; and (iv) the fact that more than 400,000 Americans die each year from tobacco-related diseases.
  - d. A review of the range of tobacco products, and, where applicable, smoking paraphernalia sold by ExxonMobil, to which ExxonMobil business practices and/or youth access laws apply.
  - e. A review of the law and ExxonMobil business practices and procedures relating to requiring identification, including: (i) the age that triggers the I.D. requirement; (ii) acceptable forms of I.D.; (iii) features of an I.D. that must be checked, with particular emphasis on the government-issued forms of identification most commonly possessed by adults in the market area; (iv) how to tell if an I.D. may have been altered or is being misused; and (v) what an employee is to do if an I.D. appears altered or misused.
  - f. An explanation of the fact that many illegal sales are made to minors who produce I.D.s showing that they are in fact under the legal age, and the importance of devoting the time and effort needed to perform the necessary calculation to establish that a customer is of age.
  - g. A review of prescribed methods, practical techniques, and stock phrases (where appropriate) for handling the following recurring situations: (i) asking for I.D.; (ii) making the necessary age calculation; (iii) declining to make a sale based on concerns relating to whether the I.D. has been altered or is being misused; (iv) declining to make a sale for failure to have an I.D.; (v)



## **II. Support Tools**

1. ExxonMobil shall, to the extent reasonably and technically practicable, program its cash registers to (i) lock when a tobacco product is scanned; (ii) prompt the employee to I.D. the customer; (iii) require the clerk to enter the birth date shown on the I.D., or, if it cannot be programmed in that manner, display the date on or after which the customer must have been born in order to make a legal tobacco purchase; and (iv) indicate whether the tobacco sale can proceed.
2. In addition to meeting whatever signage and posting requirements or restrictions may be embodied in local, state or federal law, ExxonMobil shall post signs (at minimum) as follows, with all prescribed messages conspicuously presented: On each door by which a customer may enter the establishment (facing out), at each cash register at which tobacco is sold, at each tobacco product display, and on the door by which employees leave the employee area, a sign indicating that a person must be 18 to buy tobacco and that I.D.s are checked on all persons appearing to be under age 27.
3. Each person with responsibility for selling tobacco shall be reminded each time he or she begins a shift of the importance of performing proper I.D. checks for tobacco purchases, through a sign-in sheet, a cash register prompt, or other means.
4. ExxonMobil shall monitor developments in technology relating to electronic age verification devices and systems and, to the extent reasonably practicable, will consider employing such devices and systems. Nothing in this agreement requires or sanctions practices that involve the retention of information identifying individual purchasers.

## **III. Self-Monitoring and Other Measures to Ensure Compliance**

### **A. Supervision and Accountability at CORS Locations**

1. ExxonMobil shall instruct the on-site supervisor immediately upon assuming responsibility for supervising employees selling tobacco to monitor staff compliance with youth access laws and ExxonMobil business practices on an on-going basis, and shall inform the supervisor that instances of compliance and non-compliance with youth access laws and ExxonMobil business practices on the part of those supervised will be given serious consideration in connection with that supervisor's periodic performance review and in connection with subsequent decisions relating to the supervisor's compensation, promotion, and retention.
2. Each store manager shall report all notices of violations of federal, state, and local laws concerning the sale of tobacco products to minors received at the store to a designated person in ExxonMobil's corporate offices where responsibility for

management of ExxonMobil's CORS locations is located within three business days of receipt of notice of the alleged violation. Such ExxonMobil corporate office shall maintain a record of all violations occurring within the previous three years.

3. Each ExxonMobil employee shall be informed that, to the extent that his or her job performance is reflected in the compliance or non-compliance of other employees or contractors with youth access laws and ExxonMobil business practices, ExxonMobil will give such compliance or non-compliance consideration in connection with his or her compensation, promotion, and retention (as applicable). This paragraph applies to all employees and contractors whose duties include hiring, retention, training, and/or supervision of employees or contractors with responsibilities relating to youth access.

## **B. Internal Compliance Checks at CORS Locations**

1. ExxonMobil shall implement and maintain a program of internal compliance checks designed to determine whether CORS locations and staff thereat are in compliance with youth access laws and ExxonMobil business practices. This program shall at minimum have the following features:
  - a. ExxonMobil shall support compliance checks with the secrecy and procedures necessary to ensure that those whose compliance is being checked (both clerks and supervisors responsible for the performance of the clerks) have no reason to know that a given attempt to purchase tobacco is a compliance check.
  - b. ExxonMobil shall perform compliance checks at varying or random times of the day at each CORS location no less frequently than once every six months. In addition, each employee who fails a compliance check and who continues to have responsibilities that may involve the sale of tobacco shall receive another compliance check within thirty days of the failed check, and the outlet (but not the employee who failed the check) shall receive another compliance check within sixty days of the failed check.
  - c. The compliance check shall (i) where it is legal to do so, use a person who is under legal age to buy tobacco (a 17 year old where the legal age is 18, an 18 year old where the legal age is 19), in order to test both whether I.D. is being requested as required and whether sales are made in spite of the presentation of a valid I.D. accurately showing the tester's age; or (ii) where the above procedure is not permitted by law, use a person of legal age to buy tobacco who is within the age range requiring that he or she be asked to produce I.D., in order to test whether I.D. is requested as required by the employee responsible for the tobacco sale transaction being checked.
  - d. In the event of a failed compliance check, the supervisor shall without delay



inform the non-complying employee of the test result, instruct the employee on what constitutes proper compliance, and caution the employee to avoid further instances of non-compliance. In addition, a company representative shall meet with the non-complying employee at the earliest practicable time for the purpose of informing him/her of the consequences of the violation and any subsequent violations, providing remedial training and testing (if the employee is being retained), and informing the employee that he or she will be the subject of additional compliance checks in the future.

- e. An employee who passes a compliance check and his/her immediate supervisor shall at the earliest practicable time be informed of the success and reminded that passing a compliance check is noted in personnel records and is taken into account in company decisions relating to compensation, promotion, and retention. ExxonMobil shall provide tangible rewards such as store- or company-wide recognition to such employees.
2. The Attorneys General agree not to institute legal proceedings under the statutes set out in footnote 1 based on any tobacco sales that are made during internal compliance checks conducted pursuant to this section.

### **C. External Compliance Checks**

In addition to the internal compliance checks described above, ExxonMobil shall, in consultation with the Attorneys General, arrange for an independent entity reasonably acceptable to the Attorneys General to perform compliance checks consistent with an agreed protocol each six months at 150 or more randomly selected CORS locations that sell tobacco. The independent entity shall be instructed to conduct two separate checks at each selected store for the purpose of obtaining an accurate and reliable indication of actual employee practices in connection with tobacco sales, rather than for the purpose of ensuring favorable results, and successful performance by a selected store shall consist of passing both of the separate checks. These external checks shall be performed in the same manner as the internal checks, but with the following provisos:

1. The independent entity will randomly select which outlets will be checked, and no outlet selected to be checked will be identified to ExxonMobil, directly or indirectly, until after the check of that outlet is completed.
2. ExxonMobil shall require that the results of the external checks be reported by the independent entity to a person designated by the participating Attorneys General to receive such reports at the same time as they are reported to ExxonMobil.
3. For purposes of retaining an independent entity to perform the external compliance checks, ExxonMobil shall evaluate the performance of the entity on the basis of the competency of the entity's performance in obtaining an accurate and reliable indication of actual employee practices in connection with the sale of tobacco, rather than on the basis of whether the results were favorable.

4. ExxonMobil shall cooperate in providing access to information relating to the performance and results of the external compliance checks, including the terms of the agreements with the independent entity and interviews with those with responsibility for performing the checks, upon request of a participating Attorney General.
5. The Attorneys General agree not to institute legal proceedings under the statutes set out in footnote 1 based on any tobacco sales that are made during external compliance checks conducted pursuant to this section.

**D. Video-tapes**

In all CORS locations that have one or more security cameras designed and placed to video-tape transactions at the cash register, ExxonMobil shall adopt the following procedures:

1. The security cameras shall continuously video-tape sales transactions at the cash register.
2. Supervisory personnel shall periodically review portions of the tapes in order to monitor compliance with youth access laws and policies on the part of each employee who sells tobacco, such review to occur at least twice each year in each store. The review shall cover enough tobacco sales transactions involving young customers to permit a realistic assessment of whether the employee is in compliance.
3. Such reviews shall be conducted in a manner that does not permit an employee to predict which shifts or transactions are likely to be reviewed.
4. As soon as practicable after each review is performed, the supervisor shall meet with the employee whose performance was reviewed for the purpose of informing him/her of the fact that a review was performed and discussing the employee's performance. Employees who performed well shall be commended. If it is determined as a result of the review that an employee failed to comply with youth access laws and policies, ExxonMobil shall inform the employee of the consequences of the violation and any subsequent violations, shall provide remedial training and testing (if the employee is being retained), and shall inform the employee that he or she will be the subject of an additional compliance check in the future.
5. ExxonMobil shall display a clear and conspicuous sign at or near the cash register informing customers that security cameras are used to detect underage attempts to buy tobacco.

**E. Electronic I.D. Scanning Systems and/or Cash Register Locks**

To the extent that electronic systems store data that would assist in evaluating whether the systems are being properly used by employees, ExxonMobil shall review such data periodically, use it to assess employee performance, and provide remedial training and support, as necessary, for those employees who, in ExxonMobil's estimation, appear to need it. Such data shall be made available for review by a participating attorney general, upon request.

**F. Youth Access Compliance Designee**

ExxonMobil shall designate a senior-level employee to be responsible for assuring compliance with the terms of this Assurance and, more generally, for taking the steps necessary to improve compliance with youth access laws, including reviewing reports of violations of laws concerning the sale of tobacco products to minors (see 10.III.A.2, above).

**IV.  
Vendor-Assisted Sales**

- A. ExxonMobil shall display and store all tobacco products in a format that does not permit a customer to take possession of the product without requesting an employee's assistance in retrieving it from a restricted-access location.
- B. No vending machines shall be used to sell tobacco products at CORS locations.

**V.  
Other Tobacco Business Practices**

**A. Written Business Practices**

ExxonMobil business practices relating to tobacco shall be in writing. ExxonMobil shall provide a copy to each employee who sells tobacco, and shall do so within sixty days of the execution of this Assurance, or upon assumption of tobacco sales responsibilities if that occurs thereafter. Tobacco policies intended to prevent underage tobacco sales shall be no less stringent or comprehensive than policies intended to prevent underage alcohol sales, except where differences in the law require differences in policy. ExxonMobil business practices shall, at minimum, embody the standards and practices relating to personnel, support tools, self-monitoring, and vendor-assisted sales set forth in this Assurance and shall also include the following business practices:

1. Requiring that no one under the legal age for purchasing tobacco is permitted to purchase smoking paraphernalia including lighters, matches, cigarette papers, and pipes.
2. Youth access to tobacco shall be given comparable treatment to underage access to alcohol in employee training and discipline, as well as in other aspects of company

operations.

3. Requiring that store personnel make every reasonable effort to cooperate in the enforcement of applicable youth access laws, by making timely reports to law enforcement authorities of violations of laws (a) prohibiting the possession, purchase, or attempts to purchase tobacco by minors; (b) prohibiting persons from supplying tobacco to minors; (c) prohibiting the theft of tobacco; and (d) prohibiting the alteration or misuse of a government-issued I.D. in connection with an attempt to purchase tobacco.
4. Prohibiting the sale of single cigarettes or other modes of packaging cigarettes in packs with fewer than twenty (i.e., so-called “kiddie packs”).
5. Prohibiting the distribution of free samples of tobacco products on store property.
6. Requiring that an I.D. be checked in connection with tobacco purchases and tobacco paraphernalia purchases by persons appearing to be under age 27.
7. Prohibiting the sale of non-tobacco products which are designed to look like tobacco products, such as bubble gum cigars or candy cigarettes.
8. Unless otherwise provided by law, requiring only the following forms of photo-I.D. for purposes of establishing legal age to purchase tobacco: (a) Driver’s License; (b) State-Issued Identification Card; (c) U.S. Passport; (d) Military Identification Card; and (e) U.S. Immigration Card.

## **B. Policies provided to Attorneys General**

ExxonMobil shall provide a copy of written business practices that it adopts pursuant to paragraph V.A of this Assurance in order to comply with the standards set forth herein to a person or persons designated by the Attorneys General within sixty days of its execution of this Assurance, and thereafter shall provide copies of any changes or modifications to such written business practices to a person or persons designated by the Attorneys General to receive them within thirty days of such change or modification.

11. ExxonMobil knowingly and voluntarily agrees to adopt and to implement at all CORS locations the tobacco retailing business practices set forth in this Assurance, and to do so within sixty days of the date of execution of this Assurance by ExxonMobil.
12. ExxonMobil shall make good faith efforts to effect compliance on the part of each non-CORS outlet permitted by ExxonMobil to display the Exxon or the Mobil trademark (“NCO outlet”) with local, state, and federal laws and regulations relating to the sale of tobacco products to minors. Without limiting the foregoing, ExxonMobil shall, within ninety days of its execution of the Assurance:

- a. Provide each Franchisee who operates an NCO outlet to which ExxonMobil directly supplies motor fuels and each Franchisee who supplies motor fuels to an NCO outlet correspondence reminding them of the importance of preventing underage sales of tobacco products, the seriousness of complying with laws regarding youth access to tobacco, and noting the fact that failure to comply with such laws could constitute grounds for termination or non-renewal of their right to operate under the Exxon and/or Mobil trademark at the non-complying outlet. In the case of correspondence to each Franchisee who supplies motor fuels to an NCO outlet, such correspondence shall also request the Franchisee to provide a copy of the correspondence to each outlet to which the Franchisee supplies motor fuels and to confirm having done so. Thereafter, correspondence from ExxonMobil bearing the same message will be sent annually to each such Franchisee.
- b. Offer each Franchisee who operates an NCO outlet to which ExxonMobil directly supplies motor fuels and each Franchisee who supplies motor fuels to an NCO outlet the opportunity to participate in ExxonMobil's Internal and/or External Compliance Check programs described above at Parts III.B. & C, respectively, which offer may include the requirement that the NCO outlet pay the reasonable cost of its participation.
- c. In evaluating available legal options to discipline, terminate or non-renew the franchise agreement of an NCO outlet, ExxonMobil will give appropriate consideration under the circumstances in its discretion to violations of laws restricting underage access to tobacco.
- d. Incorporate provisions into all franchise agreements with NCO outlets, at the time such agreement is initiated or renewed, requiring that the NCO outlet (1) not permit on the marketing premises the sale of tobacco products to underage persons; and (2) notify ExxonMobil within five business days, in writing, of any Notices of Violation received from local, state or federal authorities concerning the sale of tobacco to minors.

13. ExxonMobil agrees to pay, within thirty days of its execution of this Assurance, the sum of \$100,000 to the States, made payable to such accounts and addresses as the Attorneys General may direct. Such sum is to be divided by the States as they may agree and is to be used by the individual States for attorneys fees or costs of investigation, or it shall be placed in or applied to consumer education, public protection, or local consumer aid funds, including for implementation of programs designed to decrease possession and use of tobacco by minors, or for any other purpose authorized by state law at the sole discretion of each State's Attorney General or as otherwise required by law.

DATED: August 7, 2002

EXXON MOBIL CORPORATION

By: \_\_\_\_\_  
HAROLD R. CRAMER  
Vice President  
Exxon Mobil Corporation

BILL LOCKYER  
Attorney General  
State of California  
ALAN LIEBERMAN  
Deputy Attorney General

JENNIFER M. GRANHOLM  
Attorney General  
State of Michigan  
STEWART H. FREEMAN  
Assistant Attorney General

THOMAS J. MILLER  
Attorney General  
State of Iowa  
STEVE ST. CLAIR  
Assistant Attorney General

JOHN CORNYN  
Attorney General  
State of Texas  
HOWARD G. BALDWIN, JR.  
First Assistant Attorney General  
JEFFREY S. BOYD  
Deputy Attorney General for Litigation  
PAUL D. CARMONA  
Chief, Consumer Protection Division  
D. ESTHER CHAVEZ  
Assistant Attorney General

JANET NAPOLITANO

Attorney General

State of Arizona

CRAIG W. SOLAND

Chief Tobacco Counsel

MARK LUNSFORD PRYOR

Attorney General

State of Arkansas

EDWARD C. SWAIM

Assistant Attorney General

RICHARD BLUMENTHAL

Attorney General

State of Connecticut

JAMES FLEMING

Commissioner of Consumer Protection

STEPHEN R. PARK

Assistant Attorney General

M. JANE BRADY

Attorney General

State of Delaware

C. DRUE CHICHI

Deputy Attorney General

ROBERT R. RIGSBY

Corporation Counsel

District of Columbia

SHARON STYLES-ANDERSON

Senior Deputy Corporation Counsel

CHARLOTTE W. PARKER

Deputy Corporation Counsel

BENNETT RUSHKOFF

Senior Counsel

ROBERT A. BUTTERWORTH

Attorney General

State of Florida

JAMES A. PETERS

Special Counsel

BARRY W. REID

Administrator

Georgia's Fair Business Practices Act, and

Governor's Office of Consumer Affairs

JOHN S. SMITH, III

Counsel and Director Legal Division

EARL I. ANZAI

Attorney General

State of Hawaii

ALEX R. BARRETT

Deputy Attorney General

ALAN G. LANCE

Attorney General

State of Idaho

BRETT DELANGE

Deputy Attorney General

JAMES E. RYAN

Attorney General

State of Illinois

KAREN WINBERG-JENSEN

Assistant Attorney General

CARLA J. STOVALL

Attorney General

State of Kansas

KRISTY L. HIEBERT

Assistant Attorney General

ALBERT B. CHANDLER III

Attorney General

Commonwealth of Kentucky

MICHAEL L. PLUMLEY

Assistant Attorney General

RICHARD P. IEYOUB

Attorney General

State of Louisiana

G. STEVEN ROWE

Attorney General

State of Maine

LINDA J. CONTI

Assistant Attorney General

J. JOSEPH CURRAN, JR.

Attorney General

State of Maryland

CAROL BEYERS

Assistants Attorney General

THOMAS F. REILLY

Attorney General

Commonwealth of Massachusetts

BARBARA DILLON DESOUZA

Assistant Attorney General

MIKE HATCH

Attorney General

State of Minnesota

DAVID M. AAFEDT

Assistant Attorney General

MIKE MOORE

Attorney General

State of Mississippi

LEE MARTIN

Special Assistant Attorney General

MIKE MCGRATH

Attorney General

State of Montana

CHRIS D. TWEETEN

Chief Civil Counsel

Office of the Attorney General

DON STENBERG

Attorney General

State of Nebraska

LYNNE R. FRITZ

Assistant Attorney General

FRANKIE SUE DEL PAPA

Attorney General

State of Nevada

PHILIP T. McLAUGHLIN

Attorney General

State of New Hampshire

DAVID A. RIENZO

Assistant Attorney General

DAVID SAMSON

Attorney General

State of New Jersey

MICHAEL J. O'DONNELL

Deputy Attorney General

MELISSA E. LIEBERMAN

Deputy Attorney General

PATRICIA A. MADRID

Attorney General

State of New Mexico

JESSICA L. SUTIN

Assistant Attorney General

ELIOT SPITZER

Attorney General

State of New York

MELVIN L. GOLDBERG

Assistant Attorney General

ROBERT TORRES

Attorney General

Northern Mariana Islands

BETTY D. MONTGOMERY

Attorney General

State of Ohio

SUSAN C. WALKER

Assistant Attorney General

Tobacco Counsel

JOSEPH L. PICCIN

Assistant Attorney General



W. A. DREW EDMONDSON  
Attorney General  
State of Oklahoma  
PHILLIP L. STAMBECK  
Assistant Attorney General

HARDY MEYERS  
Attorney General  
State of Oregon  
DREW A. LIANOPOULOS  
Assistant Attorney General

MIKE FISHER  
Attorney General  
Commonwealth of Pennsylvania  
JOEL M. RESSLER  
Chief Deputy Attorney General

SHELDON WHITEHOUSE  
Attorney General  
State of Rhode Island  
MAUREEN G. GLYNN  
Assistant Attorney General

CHARLIE CONDON  
Attorney General  
State of South Carolina  
J. EMORY SMITH, JR.  
Assistant Deputy Attorney General

MARK BARNETT  
Attorney General  
State of South Dakota  
JEFFREY P. HALLEM  
Assistant Attorney General

PAUL G. SUMMERS  
Attorney General and Reporter  
State of Tennessee  
JENNIFER L. RAWLS  
Senior Counsel  
CAROLYN U. SMITH  
Assistant Attorney General  
DAVID McCOLLUM  
Director, Division of Consumer Affairs

MARK L. SHURTLEFF  
Attorney General  
State of Utah  
JOEL A. FERRE  
Assistant Attorney General

WILLIAM H. SORRELL  
Attorney General  
State of Vermont  
JULIE BRILL  
Assistant Attorney General

IVER A. STRIDIRON  
Attorney General  
Virgin Islands

JERRY W. KILGORE  
Attorney General  
Commonwealth of Virginia  
DAVID B. IRVIN  
Senior Assistant Attorney General

CHRISTINE O. GREGOIRE  
Attorney General  
State of Washington  
DAVID M. HORN  
Assistant Attorney General

DARRELL V. MCGRAW, JR.  
Attorney General  
State of West Virginia  
JOHN S. DALPORTO  
Senior Assistant Attorney General

JAMES E. DOYLE  
Attorney General  
State of Wisconsin  
BARBARA W. TUERKHEIMER  
Assistant Attorney General

HOKE MACMILLAN  
Attorney General  
State of Wyoming