

**STATE OF FLORIDA
OFFICE OF ATTORNEY GENERAL**

IN THE MATTER OF:

Flash Foods, Inc.

Respondent.

CASE NO. L08-3-1214

ASSURANCE OF VOLUNTARY COMPLIANCE

Pursuant to the provisions of Chapter 501, Part II, Florida Statutes, the OFFICE OF THE ATTORNEY GENERAL investigated the business practices of Flash Foods, Inc., 215 Pendleton St., Waycross, Georgia (hereinafter referred to as "Respondent") in connection with the sale of gasoline within the State of Florida to Florida consumers during a declared state of emergency.

This Assurance of Voluntary Compliance (AVC) is solely intended to resolve the investigation against Respondent. The parties wish to conclude the investigation of Respondent without any claim of liability by the State or admission of liability by Respondent for violation of any laws of Florida.

The Office of the Attorney General, by the signatures affixed hereto, does in this matter accept this AVC in termination of its investigation, pursuant to Section 501.207(6), Florida Statutes, and by virtue of the authority vested in the Office of the Attorney General by said statute.

1. WHEREAS, on September 5, 2008, Florida Governor Charlie Crist issued Executive Order Number 08-187 declaring a state of emergency due to the threat of Hurricane Ike making landfall within the state; and

2. WHEREAS, Hurricane Ike did not make landfall in Florida but ultimately made landfall in Texas; and

3. WHEREAS, during the period of September 12-20, 2008, gasoline prices in Florida and many other regions increased significantly and wholesale and retail gasoline was in short supply in many regions; and

4. WHEREAS, the Office of the Attorney General received numerous complaints during this time period regarding gas supplies and prices and has investigated, and continues to investigate, the sale of gasoline in Florida during this period; and

5. WHEREAS, during this period, it was difficult for Flash Foods to determine its fuel costs on a timely basis; and

6. WHEREAS, the parties wish to conclude this investigation without any claim of liability or admission of liability.

NOW THEREFORE, the parties agree as follows:

(a) Respondent and its affiliates or successors agree to comply with Section 501.160 and Chapter 501, Part II, Florida Statutes (2008), in the future.

(b) In order to assist in funding needed for disaster relief and consumer protection efforts, Flash Foods agrees:

(i) Within thirty (30) days of the execution of this AVC, Respondent will make a contribution to the American Red Cross National Disaster Relief Fund in the amount of Forty Thousand Dollars (\$40,000.00). The check will be made payable to the American Red Cross National Disaster Relief Fund and sent to Gerald Johnson, Office of the Attorney General,

Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, pursuant to Section 501.2101, Florida Statutes.

- (ii) Within thirty (30) days of the execution of this agreement, Respondent shall pay to the Attorney General the sum of Forty-Two Thousand Dollars (\$42,000.00) for restitution and attorney's fees and costs made payable to the Legal Affairs Revolving Trust Fund and sent to Gerald Johnson, Office of the Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, pursuant to Section 501.2101, Florida Statutes. A restitution fund shall be held in escrow by the OAG to provide refunds to consumers who purchased gasoline from a Florida Flash Foods store September 12-20, 2008, as determined by the OAG. Any funds remaining in escrow 60 days after the date of execution of this AVC shall be deposited into the Legal Affairs Revolving Trust Fund.

(c) This AVC shall apply to and bind Respondent, its officers, directors, employees, agents, representatives, successors and assigns.

(d) This AVC shall become effective upon its acceptance by the Office of the Attorney General, which may refuse to accept it at its discretion. The receipt or deposit by the Office of the Attorney General of any monies pursuant to the AVC does not constitute acceptance, and any monies received will be returned if the AVC is not accepted.

(e) Upon the execution of this AVC by the parties, payment of the amounts specified in subparagraphs (i) and (ii) above, and subject to the Respondent's full compliance with the terms of the AVC, the Office of the Attorney General shall terminate its investigation and shall

not pursue any further investigation or prosecution of Respondent regarding claims of price-gouging up to the date of the execution of this AVC.

IN WITNESS WHEREOF, Flash Foods, Inc. has caused this Agreement to be executed by PATRICK C JONES as SECRETARY, a duly authorized representative of Respondent as a true act and deed, in WARE County, Georgia, this 2ND day of FEBRUARY 2009.

BY MY SIGNATURE I hereby affirm that I am acting in my capacity with Flash Foods, Inc., 215 Pendleton St., Waycross, Georgia, and that by my signature I am binding said corporation to this Agreement.

Patrick C Jones

STATE OF GEORGIA
COUNTY OF Bow

BEFORE ME, this 2ND day of February, 2009, an officer duly authorized to take acknowledgments in the State of Georgia, personally appeared Patrick C Jones, who acknowledged before me that he executed the foregoing instrument for the purposes therein stated, on behalf of Flash Foods, Inc..

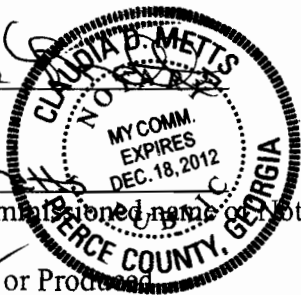
Claudia D. Metts
NOTARY PUBLIC

Claudia D. Metts
(print, type or stamp complete name of Notary Public)

Personally known ☒ or Produced
Identification _____ (check one)

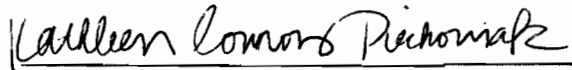
Type of Identification Produced:

Claudia D. Metts

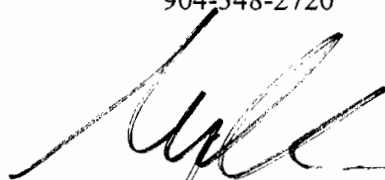


FOR THE OFFICE OF THE ATTORNEY GENERAL

ACCEPTED this 9 day of February 2009.



KATHLEEN CONNORS PIECHOWIAK
ASSISTANT ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
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