



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Nancy A. Nord
 Commissioner Thomas H. Moore

ITEM:

Request Not to Accept Settlement Agreement – Sears Management Holding Corporation
(Briefing package dated September 12, 2008, OS No. 3906)

DECISION:

After considering the request not to accept the settlement agreement of Sears Management Holding Corporation, the Commission voted unanimously (2-0) to finally accept the settlement agreement and issue the Order. The Commission provisionally accepted an agreement to pay a civil penalty of \$50,000 from Sears Management Holding Corporation that resolved staff allegations that Sears knowingly violated section 19(a)(4) of the Consumer Product Safety Act by failing to report to the Commission that it held for sale and/or sold 5,214 sweaters with hood and neck drawstrings that contained a defect which could create a substantial product hazard or created an unreasonable risk of serious injury or death. After publication in the *Federal Register*, the Office of the Secretary received a timely request not to accept the agreement from a consumer, but the comment provided no information to assist the Commission in evaluating the comment.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Secretary

* Ballot vote due September 19, 2008