



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

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

ITEM:

SMC Marketing Corporation Proposed Civil Penalty Settlement
(Briefing package dated November 23, 2005, OS No. 3606)

DECISION:

The Commission voted unanimously (3-0) to provisionally accept the Settlement Agreement and Order, which would order SMC Marketing Corporation to pay a civil penalty of \$500,000. The Commission's Office of Compliance staff has negotiated a proposed agreement of \$500,000 to settle the allegations pertaining to 18-inch pedestal oscillating floor fans with model number SR-18 and SP-18 bearing the SMC label, that SMC Marketing Corporation violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:

A blue ink signature of Todd A. Stevenson, written in a cursive style.

Todd A. Stevenson
Secretary

Ballot vote due December 6, 2005