Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Inez M. Tenenbaum
Commissioner Nancy A. Nord
Commissioner Anne M. Northup
Commissioner Robert S. Adler

ITEM:

Burlington Coat Factory Warehouse Corporation: Proposed Civil Penalty Settlement of
$1,500,000
(Briefing package dated July 13, 2012, OS No. 3138)

DECISION:

The Commission voted unanimously (4-0) to provisionally accept the Settlement Agreement and
Order, which would require Burlington Coat Factory Warehouse Corporation (Burlington) of
Burlington, NJ to pay a civil penalty of $1,500,000. The provisional Settlement Agreement and
Final Order will be announced in a Federal Register Notice. The Commission’s Office of
General Counsel Compliance Division staff negotiated the proposed agreement that settles staff’s
allegations that Burlington knowingly violated the reporting requirements of section 15(b) of the
different children’s upper outerwear garments with drawstrings that posed a risk of strangulation
to children and failing to immediately inform the Commission about the garments as required by
the CPSA. 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). The proposed agreement also resolves
staff’s allegations that Burlington knowingly violated the post-corrective action sales prohibition
U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly
violates section 19 of the CPSA.

For the Commission:

Todd A. Stevenson
Secretary

*Ballot vote due July 24, 2012
(Commissioner Nord extended the due date for the vote from July 19, 2012.)