



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 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 Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b), by selling and holding for sale 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 of CPSA section 19(a)(2)(B), 15 U.S.C. § 2068(a)(2)(B). 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.

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.)