Record of Commission Action
Commissioners Voting by Ballot*

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

ITEM:
Jake's Fireworks, Inc., Far East Imports, Inc., Wholesale Fireworks Enterprises, LLC, and Pacific Northwest Fireworks, Inc. - Proposed Civil Penalty Settlement of $100,000.00 (Briefing package dated November 17, 2010, OS No. 4193)

DECISION:
The Commission voted unanimously (5-0) to provisionally accept the Settlement Agreement and Order, which would order Jake's Fireworks, Inc., Far East Imports, Inc., Wholesale Fireworks Enterprises, LLC, and Pacific Northwest Fireworks, Inc., ("Firms") to pay a civil penalty of $100,000.00. 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 a proposed agreement of a $100,000.00 civil penalty and for the Firms to destroy over 200,000 fireworks devices, to settle allegations that the Firms committed repeated violations of the Federal Hazardous Substances Act ("FHSA") by introducing or delivering for introduction into interstate commerce or receiving in interstate commerce fireworks devices which are banned hazardous substances. The violations constituted prohibited acts under section 4(a) and (c) of the FHSA, 15 U.S.C. § 1263(a) and (c). The staff further alleges that the Firms committed these prohibited acts "knowingly" as that term is defined in section 5(c)(5) of the FHSA, 15 U.S.C. § 1264(c)(5).

For the Commission:

[Todd A. Stevenson Signature]
Todd A. Stevenson
Secretary

*Ballot vote due November 23, 2010