Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Ann Marie Buerkle
Commissioner Elliot F. Kaye
Commissioner Robert S. Adler
Commissioner Marietta S. Robinson
Commissioner Joseph P. Mohorovic

ITEM:

The Middleby Corporation and Viking Range, LLC- Recommendation to accept $4.65 million settlement for alleged violations of the Consumer Product Safety Act
(Briefing package dated March 30, 2017, OS No. 3091)

DECISION:

The Commission voted 4-1 to provisionally accept the Settlement Agreement and Order, which orders The Middleby Corporation and Viking Range, LLC ("Viking," or the "Firm") to pay a civil penalty of $4.65 million and to take other remedial actions. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Compliance Division staff of the Office of the General Counsel negotiated the proposed settlement agreement. The agreement resolves staff allegations that the Firm knowingly violated section 19(a)(4) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2068(a)(4), by failing to timely report under section 15(b) of the CPSA that 52,000 Viking Ranges contained a defect that could create a substantial product hazard and posed an unreasonable risk of serious injury. 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 prohibited acts.

Commissioner Adler, Commissioner Robinson, Commissioner Kaye and Commissioner Mohorovic voted to provisionally accept the Settlement Agreement and Order. Acting Chairman Buerkle voted to take other action as follows: Provisionally accept the Settlement Agreement and Order with an amendment so as to reduce the penalty amount to $2.0 million.

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due April 10, 2017
(Acting Chairman Buerkle extended the due date from April 5, 2017.)