



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Ann Marie Buerkle
 Commissioner Robert S. Adler
 Commissioner Elliot F. Kaye
 Commissioner Dana Baiocco

ITEM:

Vote to Issue Subpoenas on Non-Parties Roger Malinowski, Michael Baughman, and Donald Hancock in *In the Matter of Britax Child Safety, Inc.*, CPSC Docket 18-1
(Briefing package dated July 31, 2018, OS No. 3956 and Legal Memorandum dated July 31, 2018, OS No. 3956-A)

DECISION:

The Commission voted (2-2) on the Vote to Issue Subpoenas on Non-Parties Roger Malinowski, Michael Baughman, and Donald Hancock ("Vote to Issue Subpoenas"). A majority decision has not been reached and no action will be taken on the Vote to Issue Subpoenas.

Acting Chairman Buerkle and Commissioner Baiocco voted to issue an attached Order denying the application to issue subpoenas for non-parties Roger Malinowski, Michael Baughman, and Donald Hancock, stating: "The application for the issuance of three identical and broadly drafted subpoenas to be served on non-parties does not demonstrate, other than in a conclusory fashion, that there is a substantial need for the testimony and materials sought." Commissioners Kaye and Adler voted to issue an attached Order issuing the subpoenas for non-parties Roger Malinowski, Michael Baughman, and Donald Hancock and authorizing the Secretary of the Commission to sign and date the subpoenas as set forth in 16 C.F.R. § 1025.38(d).

For the Commission:

A handwritten signature in black ink, appearing to read "Alberta E. Mills", written over a horizontal line.

Alberta E. Mills
Secretary

* Ballot Vote Due August 7, 2018

Attachments to the Ballot Vote Sheet:

- 1- Order Transmitting Complaint Counsel's Application for the Issuance of Subpoenas on Non-Parties Roger Malinowski, Michael Baughman, and Donald Hancock
- 2- Complaint Counsel's Application for the Issuance of Subpoenas on Non-Parties Roger Malinowski, Michael Baughman, and Donald Hancock, without Attachment A, filed *in camera*
- 3- Subpoena to Roger Malinowski
- 4- Subpoena to Michael Baughman
- 5- Subpoena to Donald Hancock
- 6- Draft Order [Issuing/Denying] Subpoenas on Non-Parties