



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 Nancy A. Nord
 Commissioner Thomas H. Moore

ITEM:

**Black Dog Tavern Company; Civil Penalty Settlement \$50,000.00
(Briefing package dated December 7, 2006, OS No. 4722)**

DECISION:

The Commission voted unanimously (2-0) to provisionally accept the Settlement Agreement and Order, which would order Black Dog Tavern Company, Inc., ("BDT") to pay a civil penalty of \$50,000.00. The Commission's Office of Compliance staff has negotiated a proposed agreement of \$50,000.00 to settle the allegations that BDT violated the reporting requirements of section 15(b) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2064(b), by distributing and selling drawstring sweatshirts that posed a strangulation hazard and presented a substantial risk of injury to children after agreeing to a recall of such items with the Commission. Under the CPSA, section 20(a), 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for a company's knowing failure to report information under section 15(b), as required by section 19(a)(4), 15 U.S.C. § 2068(a)(4). The Commission may compromise such penalties, under section 20(c), after considering certain factors. The Settlement Agreement and Order provides that the \$50,000.00 penalty be paid in four installments of \$12,500.00 over 18 months.

For the Commission:

Todd A. Stevenson
Secretary

Ballot vote due December 14, 2006