



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MARYLAND 20814-4408

**FOR OFFICIAL USE ONLY**

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:     Acting Chairman Nancy A. Nord  
   Commissioner Thomas H. Moore

ITEM:

Subpoena to Erie Insurance Company and Zurich North America  
(Briefing package dated October 23, 2006, OS No. 3683)

DECISION:

The Commission voted unanimously (2-0) to issue (as attached to the briefing package) Special Orders and Subpoenas to Erie Insurance Company and Zurich North America for documentation, answers to questions and testimony of witnesses in furtherance of the staff's investigation of TAP Enterprises, Inc. (d/b/a Cummins Industrial Tools, Inc.) pursuant to the Commission's authority to issue Subpoenas under section 27(b) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2076(b) and 16 C.F.R. Part 1118. U.S. v. Morton Salt Co., 338 U.S. 632, 652 (1950). The Subpoena will assist the Commission Office of Compliance and Field Operation staff's investigation to determine whether TAP Enterprises (d/b/a Cummins Industrial Tools, Inc.) violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15, U.S.C. § 2064(b). The parties to be subpoenaed are Ms. Jennifer Martin, Subrogation Specialist, Erie Insurance Company, Erie, Pennsylvania, and Mr. Timothy Profy, Claim Case Manager, Zurich North America, Philadelphia, Pennsylvania.

For the Commission:

  
Todd A. Stevenson  
Secretary

\* Ballot vote due October 26, 2006