



## U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY  
BETHESDA, MARYLAND 20814-4408

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:     Chairman Inez M. Tenenbaum  
                                  Commissioner Nancy A. Nord  
                                  Commissioner Robert S. Adler

### ITEM:

Whalen Furniture Manufacturing, Inc. - Proposed Civil Penalty Settlement of \$725,000  
(Briefing package dated January 16, 2013, OS No. 4454)

### DECISION:

The Commission voted unanimously (3-0) to provisionally accept the attached Settlement Agreement and Order, which would order Whalen Furniture Manufacturing, Inc. (Whalen) of San Diego, Calif., to pay a civil penalty of \$725,000, as specified. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Commission's Office of the General Counsel negotiated the proposed agreement to settle staff allegations that Whalen knowingly failed to report in a timely manner under section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b), LaJolla and Pirates of the Caribbean themed children's beds with attached toy chests in which a hinge lid support mechanism failed, in violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). 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 section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson  
Secretary

\*Ballot vote due January 23, 2013