



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

This is a DRAFT RCA.
It will be replaced by a Final RCA.

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

ITEM:

The Bon-Ton Stores, Inc. - Proposed Civil Penalty Settlement of \$450,000.00
(Briefing package dated November 30, 2012, OS No. 3987)

DECISION:

The Commission voted unanimously (3-0) to provisionally accept the Settlement Agreement and Order, which would order The Bon-Ton Stores, Inc. (Bon-Ton), to pay a civil penalty of \$450,000.00. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Commission's Office of General Counsel Compliance Division staff negotiated the proposed agreement to settle staff allegations that Bon-Ton knowingly violated the reporting requirements of section 15(b) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2064(b), by selling or holding for sale or distributing children's upper outerwear garments with drawstrings that posed a risk of strangulation to children and knowingly failed to immediately inform the Commission about the garments as required by the CPSA. The failure to furnish information required by section 15(b) is a prohibited act under 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:

Todd A. Stevenson
Secretary

*Ballot vote due December 6, 2012