



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 Nord
 Commissioner Thomas H. Moore

ITEM:

Cardinal Distributing Company, Inc. - Proposed Civil Penalty Settlement of \$100,000.00
(Briefing package dated June 22, 2009, OS No. 4180)

DECISION:

The Commission voted unanimously (3-0) to provisionally accept the Settlement Agreement and Order, which would order Cardinal Distributing Company, Inc., to pay a civil penalty of \$100,000.00. 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 as part of its Lead-in-Paint Small Penalty Program to settle the allegations that Cardinal Distributing Company, Inc., violated section 19(a)(1) of the Consumer Product Safety Act ("CPSA"), as amended, 15 U.S.C. § 2068(a)(1), by selling, offering for sale, manufacturing for sale, distributing in commerce, or importing into the United States, or causing one or more of such acts with respect to certain banned hazardous products under the CPSA Section 8 and the Lead Paint Ban, 16 C.F.R. §§ 1303.1(a)(1), 1303.4(b). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for a company's knowing failure to take adequate safeguards to ensure that none of the products would exceed the permissible level set forth in the Lead Paint Ban and is therefore a prohibited act under section 19(a)(1).

For the Commission:

Todd A. Stevenson
Secretary

Ballot vote due July 6, 2009