



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207**

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Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
Commissioner Thomas H. Moore

ITEM:

Referral of FHSA Civil Seizure of Fireworks
(Briefing package dated December 14, 2004, OS No. 3396)

DECISION:

The Commission voted unanimously (2-0) to refer to the Department of Justice a matter concerning Sky's The Limit d/b/a Starr Fireworks (Starr) for civil seizure of fireworks that are banned hazardous substances under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. §1261 et seq. The seizure would be pursuant to 15 U.S.C. §1265. The Compliance staff learned that Starr will be selling banned fireworks to Pacific Fireworks owned by Larry Lomaz. Mr. Lomaz, individually, and three of his companies, have been the subject of a permanent injunction prohibiting him and his businesses from selling banned substances.

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due December 15, 2004