

- b. Respondent has distributed in commerce² the basic models for at least 365 days.
 - c. Respondent knowingly failed to submit a certification report for the basic models prior to distributing them in commerce, in violation of 10 C.F.R. § 429.12.
7. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of a covered product without submitting to DOE a certification report certifying that those basic models comply with the applicable energy conservation standards. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(1).
8. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$40,000 (forty thousand dollars), **ORDER** Respondent to pay the assessed civil penalty in full within 30 calendar days, and **ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel

² “Distribute in Commerce” or “Distribution in Commerce” means to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce. 42 U.S.C. § 6291(16).