

**BEFORE THE
U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20585**

In the Matter of:

Schwank
(large-diameter ceiling fans)

Case Number: 2024-CE-32006

ORDER

For the U.S. Department of Energy (“DOE”):

1. On October 16, 2023, under the above-listed case number, DOE issued a Notice of Proposed Civil Penalty to Schwank (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce large-diameter ceiling fan basic models without submitting to DOE a report certifying that those basic models complied with the applicable energy conservation standards.
2. Ceiling fans, including large-diameter ceiling fans, are covered products pursuant to 42 U.S.C. §§ 6292(a)(20) and 6295(ff), and 10 C.F.R. § 430.32.
3. Pursuant to 10 C.F.R. § 429.12, manufacturers must submit to DOE a report certifying that each basic model meets the applicable energy conservation standard, before distributing each basic model in commerce in the United States and annually thereafter.
4. Failure to submit a certification report for covered products in accordance with 10 C.F.R. § 429.12 is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(1) and subject to civil penalties as described in 10 C.F.R. § 429.120.
5. Pursuant to 10 C.F.R. § 429.120, each day that a manufacturer fails to submit a certification report for a basic model is a separate violation.
6. Respondent admitted the following:
 - a. Respondent has manufactured¹ large-diameter ceiling fans, including the following basic models: MonsterFans DD 8’, MonsterFans DD 12’, MonsterFans DD 16’, MonsterFans DD 20’, MonsterFans DD 24’, MonsterFans GD 8’, MonsterFans GD 12’, MonsterFans GD 16’, MonsterFans GD 20’, MonsterFans GD 24’, MonsterFans Style 8’, MonsterFans Style 9’, and MonsterFans Style 10’ (collectively referred to as “the subject models”).

¹ “Manufacture” means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

- b. For at least 365 days, Respondent has distributed in commerce² the subject models in the United States.
 - c. Respondent knowingly failed to submit a certification report for the subject models each year, 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 covered products without submitting to DOE a certification report certifying that those basic models complied 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 \$20,000 **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).