

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

In the Matter of:

S&V Restaurant Equipment Mfrs., Inc.
d/b/a Custom Cool
(commercial refrigerators, freezers, and
refrigerator-freezers)

Case Number: 2022-CE-42007

ORDER

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

1. On October 4, 2022, under the above-listed case number, DOE initiated a case against S&V Restaurant Equipment Manufacturers, Inc., d/b/a Custom Cool (“Respondent”) to pursue a civil penalty against Respondent for knowingly distributing in commerce basic models of commercial refrigerators, freezers, and refrigerator-freezers without submitting to DOE a certification report certifying that those basic models comply with the applicable energy conservation standards.
2. Commercial refrigerators, freezers, and refrigerator-freezers are covered equipment pursuant to 42 U.S.C. § 6311(1)(E) and 10 C.F.R. §§ 431.2 and 431.62.
3. Pursuant to 10 C.F.R. § 429.12, manufacturers are required to submit to DOE a certification report certifying that each basic model of covered equipment meets the applicable energy conservation standard, before distributing each basic model in commerce and annually thereafter.
4. Failure to submit a certification report for a basic model of covered equipment 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 of covered equipment is a separate violation.
6. Respondent admitted the following:
 - a. Respondent has manufactured¹ basic models of commercial refrigerators, freezers, and refrigerator-freezers.

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

- b. Respondent has distributed those basic models in commerce.²
 - c. Respondent knowingly failed to submit a certification report for the basic models before distributing those models in commerce and/or annually thereafter, in violation of 10 C.F.R. §§ 429.12 and 429.102(a)(1).
7. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of covered equipment 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) **AND ORDER** that the Settlement Agreement attached to this Order is adopted.³

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).

³ DOE acknowledges that Respondent has paid the \$40,000 civil penalty in full.