

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

In the Matter of:

**ElicaMex S.A. de C.V.**  
(miscellaneous refrigeration products)

DOE Case Number: 2024-CE-14003  
OHA Case Number: EEE-24-0017

**ORDER**

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

1. On April 16, 2024, under the above-listed case number, DOE issued a Notice of Proposed Civil Penalty to ElicaMex S.A. de C.V. (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce basic models of miscellaneous refrigeration products without submitting to DOE a report certifying that those basic models complied with the applicable energy conservation standards.
2. Miscellaneous refrigeration products are covered products pursuant to 42 U.S.C. §§ 6291(2), 6292(a)(20), 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. On May 21, 2024, pursuant to 10 C.F.R. § 429.124(c), DOE referred this case to an Administrative Law Judge (“ALJ”) by filing a Complaint with the DOE Office of Hearings and Appeals (“OHA”) and serving the Complaint on Respondent.<sup>1</sup>

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<sup>1</sup> The ALJ subsequently assigned OHA Case Number EEE-24-0017 to this civil penalty action.

7. On June 26, 2024, DOE and Respondent executed a Settlement Agreement, in which Respondent admitted the following:
  - a. Respondent has manufactured<sup>2</sup> several basic models of miscellaneous refrigeration products.
  - b. For at least 365 days, Respondent has distributed in commerce<sup>3</sup> the basic models of miscellaneous refrigeration products in the United States.
  - c. Respondent knowingly failed to submit a certification report for the basic models of miscellaneous refrigeration products each year, in violation of 10 C.F.R. § 429.12.
8. 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).
9. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$50,000, **ORDER** Respondent to pay the assessed civil penalty, **AND ORDER** that the Settlement Agreement attached to this Order is adopted.<sup>4</sup>

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Samuel T. Walsh  
General Counsel

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<sup>2</sup> “Manufacture” means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

<sup>3</sup> “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).

<sup>4</sup> DOE acknowledges that DOE received Respondent’s \$50,000 payment of the civil penalty on August 6, 2024.