

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

In the Matter of:

**ASKO Appliances, Inc.,**  
Respondent

)  
)  
)  
)  
)

Case Number: 2010-CE-04/0614

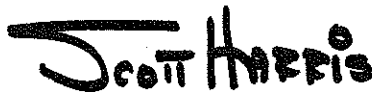
**ORDER**

Issued: September 20, 2010

By the General Counsel, U.S. Department of Energy:

1. In this Order, I adopt the attached Compromise Agreement entered into between the U.S. Department of Energy ("DOE") and ASKO Appliances, Inc. ("Respondent"). The Compromise Agreement resolves the case initiated to pursue a civil penalty for violations of the compliance certification requirements at 10 C.F.R. § 430.62.
2. The DOE and Respondent have negotiated the terms of the Compromise Agreement that resolve this matter. A copy of the Compromise Agreement is attached hereto and incorporated by reference.
3. After reviewing the terms of the Compromise Agreement and evaluating the facts before me, I find that the public interest would be served by adopting the Compromise Agreement which completes the adjudication of the case.
4. Based on the information in the case file and Respondent's admission of violation in the Compromise Agreement, I find that Respondent committed a Prohibited Act<sup>1</sup> by failing to comply with 10 C.F.R. § 430.62 and 42 U.S.C. § 6296(d) and hereby assess a civil penalty of \$5,000.00.
5. Accordingly, **IT IS ORDERED** that, pursuant to Section 333 of the Energy Policy and Conservation Act, of 1975, as amended,<sup>2</sup> the Compromise Agreement attached to this Order **IS ADOPTED**.

U.S. DEPARTMENT OF ENERGY



Scott Blake Harris  
General Counsel

<sup>1</sup> 42 U.S.C. § 6302 lays out the specific acts prohibited by the Energy Policy and Conservation Act, of 1975, as amended, 42 U.S.C. § 6291, *et seq.*

<sup>2</sup> 42 U.S.C. § 6303.

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

In the Matter of:	)	
	)	
ASKO Appliances, Inc.,	)	Case Number: 2010-CE-04/0614
Respondent	)	
	)	

**COMPROMISE AGREEMENT**

The U.S. Department of Energy Office of the General Counsel initiated this action against ASKO Appliances, Inc. ("Respondent") pursuant to 49 C.F.R. § 430.74 by Notice of Proposed Civil Penalty alleging that Respondent had failed to submit a certification report and compliance statement for residential dishwashers and clothes dryers. Respondent on behalf of itself and any parent, subsidiary, division or other related entity and DOE, by their authorized representatives, hereby enter into this Compromise Agreement for the purpose of settling this civil penalty action.

**I. DEFINITIONS**

For the purposes of this Compromise Agreement, the following definitions shall apply:

- (a) "Act" means the Energy Policy and Conservation Act of 1975, as amended, 42 U.S.C. § 6291 *et seq.*
- (b) "Adopting Order" means an Order of the General Counsel adopting the terms of this Compromise Agreement without change, addition, deletion, or modification.
- (c) "DOE" means the U.S. Department of Energy.
- (d) "DOE Rules" means DOE's energy conservation regulations found in Title 10, Part 430, of the Code of Federal Regulations.
- (e) "Notice" means the Notice of Proposed Civil Penalty issued by DOE to Respondent on September 8, 2010, and captioned as Case Number 2010-CE-04/0614.
- (f) "Parties" means DOE and Respondent.
- (g) "Respondent" means ASKO Appliances, Inc.

## II. RECITALS

WHEREAS, DOE, pursuant to 42 U.S.C. § 6291 *et seq.*, is responsible for the promulgation and enforcement of the energy conservation requirements set forth in DOE Rules; and

WHEREAS, DOE has promulgated energy conservation standards for dishwashers and clothes dryers at 10 C.F.R. § 430.32 and requires manufacturers to submit information and reports to insure compliance with those standards at 10 C.F.R. § 430.62; and

WHEREAS, DOE, pursuant to 42 U.S.C. §§ 6296, 6302, & 6303 and 10 C.F.R. § 430.61, is authorized to assess civil monetary penalties for actions prohibited by the Act, including failing to make reports or provide other required information; and

WHEREAS, DOE, on September 8, 2010, initiated an action to assess a civil penalty for \$153,300; and

WHEREAS, Respondent admits:

- I. Respondent manufactures and/or privately labels residential dishwashers and clothes dryers, including the following basic models:
  - (a) D5893XXL dishwasher;
  - (b) D5253XXL dishwasher;
  - (c) D5233XXL dishwasher;
  - (d) D5223XXL dishwasher;
  - (e) D5152XXL dishwasher;
  - (f) D5122XXL dishwasher;
  - (g) D5233ADA dishwasher;
  - (h) D5122ADA dishwasher;
  - (i) D5883 dishwasher;
  - (j) D5233 dishwasher;
  - (k) T793CFI clothes dryer;
  - (l) T793FI clothes dryer;
  - (m) T793C clothes dryer;
  - (n) T793 clothes dryer;
  - (o) T783C clothes dryer;
  - (p) T783 clothes dryer;
  - (q) T712C clothes dryer;

- (r) T712 clothes dryer;
  - (s) TLS752XXXL clothes dryer; and
  - (t) TL751 clothes dryer.
2. These products have been in distribution in the United States at least since September 8, 2009.
  3. As of September 8, 2010, Respondent had not submitted the required certification report and compliance statement for these basic models of residential dishwashers and clothes dryers; and

WHEREAS, DOE, as the agency charged with developing and administering a balanced and coordinated national energy policy, concludes that, in light of the circumstances, this Compromise Agreement properly balances the policies recognized in the Energy Policy and Conservation Act and is the appropriate way to resolve this matter;

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements set forth below, the sufficiency and adequacy of which are hereby acknowledged, the Parties agree as follows:

### III. TERMS OF THE AGREEMENT

1. **Adopting Order.** The Parties agree that the provisions of this Compromise Agreement shall be subject to final approval by the General Counsel by incorporation of such provisions by reference in the Adopting Order without change, addition, modification, or deletion.
2. **Obligations of Respondent.**
  - a. If this Compromise Agreement is executed within 30 days of the date of the Notice, Respondent agrees to pay the sum of \$5,000, as full satisfaction of the civil penalty proposed in the Notice, within 30 days of the issuance of an Adopting Order. If this Compromise Agreement is executed between 31 and 60 days after the date of the Notice, Respondent agrees to pay the sum of \$10,000, as full satisfaction of the civil penalty proposed in the Notice, within 30 days of the issuance of an Adopting Order.
  - b. Within sixty (60) calendar days following the date of this agreement, Respondent will certify in accordance with 10 C.F.R. § 430.62 all basic models Respondent offers for distribution in commerce in the United States.
  - c. Respondent agrees to pay \$150 per day for each day in excess of sixty (60) calendar days following the date of this agreement for each basic model it fails to certify in accordance with 10 C.F.R. § 430.62.

10. **Invalidity.** In the event that this Compromise Agreement in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.
11. **Authorized Representative.** Each party represents and warrants to the other that it has full power and authority to enter into this Compromise Agreement.
12. **Counterparts.** This Compromise Agreement may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.



\_\_\_\_\_  
Timothy G. Lynch  
Deputy General Counsel for  
Litigation and Enforcement  
U.S. Department of Energy

*20 September 2010*

\_\_\_\_\_  
Date



\_\_\_\_\_  
Steve Piro  
President  
ASKO Appliances, Inc.

*9/20/2010*

\_\_\_\_\_  
Date