

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

In the Matter of: )  
 )  
**Jofemar USA Inc.,** ) Case Number: 2014-SE-52004  
Respondent )

**ORDER**

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 Jofemar USA Inc. (“Respondent”). The Compromise Agreement resolves the case initiated to pursue a civil penalty for distributing in commerce in the United States refrigerated bottled or canned beverage vending machines that failed to meet the applicable energy conservation standard at 10 C.F.R. § 431.296.
2. DOE and Respondent have negotiated the terms of the Compromise Agreement that resolves 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.
4. Based on the information in the case file and Respondent’s admission of facts establishing violations, I find that Respondent committed Prohibited Acts by distributing in commerce refrigerated bottled or canned beverage vending machines that were not in conformity with the applicable energy conservation standard. *See* 10 C.F.R. §§ 429.102(a)(6), 431.296 and 42 U.S.C. § 6302(a)(5).
5. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. § 6303, I **HEREBY ASSESS** a civil penalty of \$15,000 **AND ORDER** that the Compromise Agreement attached to this Order is adopted.

\_\_\_\_\_/S/\_\_\_\_\_  
Theodore J. Garrish  
Acting General Counsel

\_\_\_\_Nov. 29, 2018\_\_\_\_\_  
Date