

ADDENDUM TO INITIAL STATEMENT OF REASONS

APPLIANCE EFFICIENCY STANDARDS ENFORCEMENT REGULATIONS

**California Code of Regulations
Title 20, Division 2, Chapter 4, Article 4, Section 1609**

**California Energy Commission
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Explanation of necessity for limiting of consideration of history of past violations in Section 1609(b)(3)(B) to previous seven years:

Proposed regulation section 1609(b)(3)(B) provides the following factor for consideration in calculating an administrative civil penalty:

The persistence of the violation, meaning a responsible person's history of past violations of this Article over the previous seven years, and the number of such violations.

Government Code section 25402.11(a)(2)(B)&(C) require consideration of both the number of violations, and the persistence of the violation, in the calculation of an administrative civil penalty. Consideration of the history of past violations is limited in proposed section 1609(b)(3)(B) to those violations occurring in the previous seven years in order to provide a temporal limit on past misconduct serving as a potentially aggregating factor, both out of considerations of fairness, and because violations that occurred more than seven years in the past are less relevant for the purpose of calculating penalties.