



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Todd Rome
Moke America, LLC
209 East 62nd Street
New York, New York 10065

OCT - 3 2017

Re: Docket No. AED-17-8375R

Dear Mr. Rome,

An authorized representative of the United States federal government conducted an inspection to determine your company's compliance with the Clean Air Act (CAA) and regulations promulgated thereunder. The details of this inspection are outlined in the enclosed Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement). As a result of the inspection, it was determined that your company failed to comply with the CAA and the associated regulations. The Agreement describes the violations.

Based upon information we currently have, it appears that your company has not previously violated the CAA. Because of this, you may resolve violations using an expedited process that includes significantly lower penalties than those sought through the normal settlement process. The United States Environmental Protection Agency (EPA) is authorized to enter into the Agreement under the authority vested in the EPA Administrator by Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1). Should your company violate the CAA in the future, EPA will not offer this expedited process again. After the Agreement becomes effective, EPA will take no further civil action against your company for the violation(s) described in the Agreement. However, EPA does not waive any rights to take an enforcement action for any other past, present, or future violations of the CAA or of any other federal statute or regulation.

If you do not sign and return the enclosed Agreement as presented within **30 calendar days** of its receipt, and meet all of your obligations under the Agreement, the proposed Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violation(s) identified in the Agreement and seek penalties of up to \$44,539 per vehicle or engine

in violation. Please refer to "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, for instructions on accepting this Agreement.

Sincerely,



for Phillip A Brooks, Director
Air Enforcement Division

Enclosure

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. AED-17-8375R

Respondent: Mr. Todd Rome
Moke America, LLC
209 East 62nd Street
New York, New York 10065

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the inspection specified in Table 1, attached and incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction over the Respondent and the Respondent's conduct described in Table 2. Respondent does not contest the findings detailed therein, and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$8,900 further described in Table 3, attached, incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the inspection and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Agreement to the EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that this Agreement is binding on the parties signing below, and becomes effective on the date of the EPA Approving Official's ratifying signature.


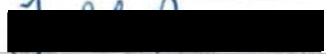
APPROVED BY EPA:



Phillip A Brooks, Director, Air Enforcement Division

Date: 10/3/2017

APPROVED BY RESPONDENT:

Name (print): 
Title (print): CEO
Signature: 

Date: 11/9/17

RATIFIED BY EPA:



Phillip A Brooks, Director, Air Enforcement Division

Date: 11/14/17

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
May 24, 2017 and May 26, 2017		A E D - 1 7 - 8 3 7 5 R	
Inspection Location:		Entry/Inspection Number(s)	
Port of Charleston		9 0 6 - 0 1 0 1 2 0 6 - 8	
Address:			
200 East Bay Street		9 0 6 - 0 1 0 0 2 3 5 - 8	
City:		Inspector(s) Name(s):	
Charleston		Jerry Canon and Mario Jorquera	
State:	Zip Code:	EPA Approving Official:	
SC	29401	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Moke America, LLC		Mario Jorquera (Washington, D.C.), 202-564-1079	

Table 2 - Description of Violation and Equipment

On or about May 26, 2017, Moke America imported into the United States twelve (12) motor vehicle shells and associated parts described as "Moke Shells" and "Motor Motor Vehicle Parts". Moke America did not submit any declaration for these vehicles to EPA. On or about May 24, 2017, Moke America imported 12 motor vehicle engines described as "gasoline engines" under entry No. 906-0101206-8. The EPA declaration submitted by the importer via ACE (EPA Doc ID 942) for entry No. 906-0101206-8 had "Code W" checked, indicating that these engines are "non-chassis-mounted engine to be used in a light-duty vehicle or light-duty truck or motorcycle which is currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce." The ACE Declaration also stated that these engines were built in 2017 and were covered under EPA Engine Family CJOYX01.1ATV.

In support of this shipment of engines, Moke America also submitted to CBP a copy of an EPA Certificate of Conformity (COC) issued to Joyner USA, Inc. with EPA Engine Family Name CJOYX01.1ATV and an expiration date of December 31, 2012. However, the Subject Engines were manufactured in 2017, and were neither manufactured nor imported by Joyner USA, Inc. Therefore, EPA has determined that the engines in this shipment are not covered by the COC for Engine Family CJOYX01.1ATV. An EPA COC only covers those engines that are manufactured during the effective dates specified on the certificate.

As noted, Moke America did not submit any declaration information to EPA regarding the importation of the body shells but Moke America did submit an ACE declaration to the Department of Transportation for Entry No. 906-01002358, arriving on or about May 26, 2017, for importation on behalf of Monte Carlo Minis Limited, Inc., (MCM) of bodies and other parts sufficient to assemble complete motor vehicles (minus the engines). CBP provided to EPA a copy of a contract between Moke America and MCM under which Moke America ships Moke vehicle parts to MCM, and MCM assembles them into complete, operational vehicles and obtains title for the assembled vehicles.

The importation of the engines separately from the body shells, and the importation of all the parts necessary to assemble complete vehicles, suggests to EPA that the importer may consider these vehicles to be parts not subject to EPA certification requirements. However, the Subject Vehicles and Subject Engines "constitute a disassembled vehicle or approximate disassembled vehicle", and the combination are considered motor vehicles under the Clean Air Act. Because these motor vehicles are not covered by a COC, EPA has determined that by importing the Subject Vehicles and the Subject Engines, Moke America has committed 12 violations of Section 203(a)(1) of the Act, 42 U.S.C. § 7522(a)(1).

Equipment Description	Claimed Engine Manufacturer	Model Year	Claimed Engine Family	Quantity
Motor Vehicles/Engines	Joyner USA, Inc	2016	CJOYX01.1ATV	12

Table 3 - Penalty and Required Remediation

Penalty	\$8,900
Required Remediation	Moke America, LLC must provide EPA with a report and documentation showing that the Subject Vehicles and the Subject Engines have been destroyed or exported to a country other than Canada or Mexico.

CAA MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

Within 30 days from your receipt of the Agreement, you must pay the penalty using one of the following methods:

Payment method 1 (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center and complete the SFO Form Number 1.1. The payment shall be identified with case number AED-17-8375R. Also send a photocopy of the signed agreement and a copy of the payment receipt to the address in payment method 2, below.

Payment method 2 (check): Mail, via certified mail, a certified check payable to the United States of America marked with the case name, Moke America LLC, and docket number AED-17-8375R, with a photocopy of the signed agreement to:

U. S. Environmental Protection Agency Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Attn: AED-17-8375R

Within 30 days from your receipt of the Agreement, you must also send the original, signed Agreement, the report detailing your corrective action(s), and proof of payment (meaning, as applicable, a photocopy of the original certified penalty check or confirmation of electronic payment) via CERTIFIED MAIL to:

Cassandra Barnes, Mail Code 2242A
Air Enforcement Division
U.S. Environmental Protection Agency Headquarters
1200 Pennsylvania Ave., NW
Washington, DC 20460

If you have any questions or would like to request an extension, you may contact Cassandra Barnes of the Air Enforcement Division at (202)-564-2414. EPA will consider whether to grant an extension on a case-by-case basis. EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted by EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective action(s) within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violations that have been specifically identified in the enclosed form. If you decide not to sign and return the Agreement and pay the penalty, EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$44,539 per vehicle/engine in violation.

From: **Todd Rome** toddrome@mokeamerica.com
Subject: **Fwd: Pay.gov Payment Confirmation: EPA Miscellaneous Payments**
Date: **November 10, 2017 at 9:09 AM**
To: vrose25@gmail.com



Please print this last one

Sent from my iPhone

Begin forwarded message:

From: notification@pay.gov
Date: November 9, 2017 at 8:28:02 PM EST
To: toddrome@mokeamerica.com
Subject: [Pay.gov](#) Payment Confirmation: EPA Miscellaneous Payments

Your payment has been submitted to [Pay.gov](#) and the details are below. If you have any questions regarding this payment, please contact Craig Steffen at (513) 487-2091 or steffen.craig@epa.gov.

Application Name: EPA Miscellaneous Payments
[Pay.gov](#) Tracking ID: 265TA0ML
Agency Tracking ID: 75360479443
Transaction Type: Sale
Transaction Date: 11/09/2017 08:28:02 PM EST

Account Holder Name: Moke America, LLC

Transaction Amount: \$8,900.00
Card Type: Visa
Card Number: *****0245

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

8529 Partridge Woods LA
WAKE FOREST, NC 27589
919-610-0289