

On August 27, 1991, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), issued a Charging Letter against American Technology Trading Group (ATTG) alleging that ATTG violated Sections 787.4(a), 787.5(a)(1)(ii), and 787.6 of the Export Administration Regulations (currently codified at 15 CFR Parts 768-799 (1995)) (the Regulations), issued pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1994)) (the Act).¹ The Charging Letter alleged that:

(1) On 15 separate occasions between on or about August 27, 1986 through on or about July 29, 1987, ATTG exported U.S.-origin commodities contrary to the terms of a distribution license, in violation of Section 787.6 of the Regulations;

(2) In connection with the 15 exports described above, ATTG made false statements of material fact to a U.S. agency in connection with the preparation, submission, or use of an export control document, in violation of Section 787.5(a)(1)(ii) of the Regulations; and

(3) With respect to each of the 15 exports described above, ATTG made the exports with knowledge or reason to know that the exports were being made contrary to a prior representation ATTG made to the Department, in violation of Section 787.4(a) of the Regulations.

ATTG answered the Charging Letter, denying the allegations set forth therein. After the Answer was filed, the Department and ATTG entered into a Consent Agreement pursuant to Section 787.17(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein;

The Administrative Law Judge having recommended that I approve the terms of the Consent Agreement; and

After reading and approving those terms;

It is therefore ordered.

First, all outstanding individual validated licenses in which American Technology Trading Group appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of ATTG's privileges of participating, in any manner or capacity, in any special licensing

procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, American Technology Trading Group, 44 Montgomery Street, Suite 500, San Francisco, California 94104, and all its successors and assigns, and officers, representatives, agents, and employees, shall, for a period of ten years from the date of this Order, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to ATTG by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the

Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) In any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that the Charging Letter, the Answer, the Consent Agreement, and this Order shall be made available to the public. A copy of this Order shall be served on the Department and ATTG and published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 26th day of June, 1995.

William A. Reinsch,

Under Secretary for Export Administration.

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[Docket No. 1107-04]

Decision and Order

In the Matter of: Mario Brero, Apartment 87, Route de Bougy 1170, Aubonne, Vaud, Switzerland, Respondent.

On August 27, 1991, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), issued a Charging Letter against Mario Brero (Brero) alleging that Brero violated Sections 787.2, 787.4(a), and 787.6 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768-799 (1995)) (the Regulations), issued pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1995)) (the Act).¹ The Charging Letter alleged that:

(1) On 15 separate occasions between on or about August 27, 1986 through on or about July 29, 1987, Brero disposed of U.S.-origin commodities contrary to the terms of a distribution license, in violation of Section 787.6 of the Regulations;

(2) With respect to each of the 15 exports described above, Brero transferred the U.S.-origin commodities

¹ The Act expired on August 20, 1994. Executive Order No. 12924 (59 FR 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).

¹ The Act expired on August 20, 1994. Executive Order No. 12924 (59 F.R. 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).

to third parties with knowledge or reason to know that those transfers were being made contrary to a prior representation Brero made to the Department, in violation of Section 787.4(a) of the Regulations; and

(3) With respect to each of the 15 exports described above, Brero caused or induced another person to make false statements of material fact to a U.S. agency in connection with the preparation, submission, or use of an export control document, in violation of Section 787.2 of the Regulations.

Brero cooperated with the Department in its investigation into the matters alleged in the Charging Letter and answered the Charging Letter, denying the allegations set forth therein. After the Answer was filed, the Department and Brero entered into a Consent Agreement pursuant to Section 787.17(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein;

The Administrative Law Judge having recommended that I approve the terms of the Consent Agreement; and

After reading and approving those terms;

It is therefore ordered,

First, all outstanding individual validated licenses in which Mario Brero appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. further, all of Brero's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, Mario Brero, Apartment 87, Route de Bougy 1170, Aubonne, Vaud, Switzerland, shall, for a period of ten years from the date of this Order, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license,

reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Brero by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

D. As authorized by Sections 788.16 and 788.17 of the Regulations, the denial period shall be suspended for a period of five years beginning five years from the date of entry of this Order, and shall thereafter be waived, provided that, during the period of suspension, Brero commits no violation of the Act or any regulation, order or license issued thereunder.

Third, That the Charging Letter, the Answer, the Consent Agreement, and this Order shall be made available to the public. A copy of this Order shall be served on the Department and Brero and published in the **Federal Register**

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 26 day of June, 1995.

William A. Reinsch,

Under Secretary for Export Administration.

[FR Doc. 95-16220 Filed 6-30-95; 8:45 am]

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[Docket No. 2115-01-02]

Decision and Order

In the Matter of Elizabeth Drive Liquidation Corporation, formerly known as Imagraph Corporation, 11 Elizabeth Drive, Chelmsford, Massachusetts 01824, Respondent.

On November 13, 1992, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), issued a charging letter against Elizabeth Drive Liquidation Corporation, formerly doing business as Imagraph Corporation (Elizabeth Drive), alleging that Elizabeth Drive violated Sections 787.5(a) and 787.6 of the Export Administration Regulations (currently codified at 15 CFR Parts 768-799 (1995)) (the Regulations), issued pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1994)) (the Act) ¹ alleging that:

(1) During the period from approximately August 31, 1987 through on or about December 5, 1987, Elizabeth Drive exported U.S.-origin technical data by releasing the technical data in the United States to a person that was not a citizen or permanent resident of the United States, without the validated license required by Section 772.1(b) of the Regulations, in violation of Section 787.6 of the Regulations; and

(2) on five separate occasions between on or about April 28, 1989, and on or about June 8, 1989, Elizabeth Drive made false or misleading representations to the Department concerning the ultimate consignee on export license applications, in violation of Section 787.5(a) of the Regulations.

Elizabeth Drive filed an answer to the charging letter. After the answer was filed, the Department and Elizabeth Drive entered into a Consent Agreement pursuant to Section 787.17(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein.

¹ The Act expired on August 20, 1994. Executive Order No. 12924 (59 FR 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).