

his successors, assigns, officers, representatives, agents, and employees, shall, for a period of 15 years from the date of final agency action, 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 the respondent 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 a copy of this Order shall be served on Grazi and the Department in accordance with section 778.16(b)(2) of the Regulations.

Fourth, that this Order, is affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. § 2412(c)(1) and the Regulations (15 CFR 788.23).

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Room 3898B, Washington, D.C., 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to Section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

Dated: August 22, 1995.  
Edward J. Kuhlmann,  
*Administrative Law Judge.*  
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#### **Bureau of Export Administration 9-18**

[Docket No. 1107-07]

#### **In the Matter of: Herman Van Croonenburg, Urb. El Paraiso, Parc. 145—Villa Favorita, E-29680 Estepona—Malaga, Spain; Respondent; Final Decision and Order**

On August 22, 1995, the Administrative Law Judge (ALJ) entered his Recommended Decision and Order in the above-referenced matter. The Recommended Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action.

After describing the facts of the case and his findings based on those facts, the ALJ found that the Respondent on four separate occasions reexported U.S.-origin commodities from Switzerland to Austria, without obtaining the reexport authorization required by Section 774.1 of the Export Administration Regulations.

The ALJ recommended that the appropriate penalty for the violations

should be that the Respondent and all successors, assignees, officers, representatives, agents and employees be denied for a period of fifteen years from this date all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States and subject to the Export Administration Regulations.

Based on my review of the record in this proceeding, I AFFIRM the Recommended Decision and Order of the Administrative Law Judge.

This constitutes final agency action in this matter.

Dated: September 4, 1995.  
William A. Reinsch,  
*Under Secretary for Export Administration.*

#### **Recommended Decision and Order**

On August 30, 1991, the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (Department), issued a Charging Letter alleging that Herman Anton van Croonenburg (van Croonenburg) committed four violations of Section 787.6 of the Export Administration Regulations (currently codified at 15 CFR Parts 768-799 (1995)) (the Regulations), issued pursuant to 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).<sup>1</sup> On November 4, 1991, van Croonenburg answered the Charging Letter, but did not request a hearing.<sup>2</sup>

On September 6, 1991, this matter was consolidated with several other related matters and has proceeded through the administrative process since that time. On March 22, 1995, I issued an Order urging the parties to begin settlement discussions and directed the parties to report to me regarding the progress of those discussions. On April 5, 1995, in accordance with that Order, the Department wrote to van Croonenburg to determine if he was interested in pursuing a possible settlement in this matter. To date, van Croonenburg has not responded to the Department's offer to discuss a possible settlement. However, settlement discussions in several of the other

<sup>1</sup> The Act expired on August 20, 1994. Executive Order 12924 (59 FR 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (1991)).

<sup>2</sup> Indeed, other than his answer, van Croonenburg has not filed any pleadings or responded either to any of my Orders or any of the Department's pleadings in this matter.

related matters were successful. On June 19, 1995, following the submission of settlement proposals in these other related proceedings, I issued an Order directing the Department to file the submission required under Section 788.14 of the Regulations by August 18, 1995 against van Croonenburg. In accordance with that Order, the Department made the submission required by Section 788.14 of the Regulations on August 18, 1995.

#### Background

The August 30, 1991 Charging Letter alleges that, on four separate occasions between on or about September 2, 1986 and on or about June 8, 1987, van Croonenburg, in his capacity as President of Marli S.A. (Marli),<sup>3</sup> reexported U.S.-origin commodities from Switzerland to Austria without first obtaining the reexport authorization required by Section 774.1 of the Regulations. Schedule A to the Charging Letter, which was attached thereto and incorporated by reference therein, identifies the approximate date of reexport from Switzerland to Austria, the commodity involved, the Samata S.A. (Samata) Purchase Order number, the House Air Waybill number for the exports from Switzerland to Austria that were made by air.

#### Finding

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that van Croonenburg committed the violations alleged in the Charging Letter issued against him on August 30, 1991.

For those violations, the Department urges as a sanction that van Croonenburg's export privileges be denied for 15 years. In light of the nature of the violations, I concur in the Department's recommendation.

Accordingly, it is therefore ordered,

First, that all outstanding individual validated licenses in which van Croonenburg 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 van Croonenburg's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

<sup>3</sup> A Charging Letter was also issued against Marli. However, on January 6, 1992, after several attempts to serve Marli has failed, the Department withdrew that Charging Letter after it determined that Marli had ceased to exist. See Notice of Withdrawal of Charging Letter, filed January 6, 1992.

Second, that Herman van Croonenburg, Urb. El Paraiso, Parc. 145—Villa Favorita, E-29680 Estepona—Malaga, Spain, and all of his successors, assigns, officers, representatives, agents, and employees, shall, for a period of 15 years from the date of final agency action, 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 the respondent 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 a copy of this Order shall be served on van Croonenburg and the Department in accordance with Section 788.16(b)(2) of the Regulations.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C. A. app. § 2412(c)(1)) and the Regulations (15 CFR 788.23).

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW., Room 389B, Washington, DC 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to Section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

Dated: August 22, 1995.

Edward J. Kuhlmann,

*Administrative Law Judge.*

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#### Foreign-Trade Zones Board

[Order No. 774]

#### Grant of Authority For Subzone Status, Brother Industries (U.S.A.) Inc. (Typewriters and Word Processors) Bartlett, Tennessee

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment\* \* \* of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade