

DEPARTMENT OF COMMERCE**Economics and Statistics
Administration****Performance Review Board
Membership**

SUMMARY: Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Economics and Statistics Administration's Senior Executive Service and Senior Professional Performance Management Systems:

Herman Habermann, Shirin A. Ahmed, Teresa Angueira, William G. Bostic, Jr., Stephanie Brown, Howard Hogan, Nancy M. Gordon, Arnold A. Jackson, Theodore A. Johnson, Ruth Ann Killion, Robert LaMacchia, Michael J. Longini, Thomas L. Mesenbourg, Jr;

C. Harvey Monk, Andrew H. Moxam, Walter C. Odom, Jr., Marvin D. Raines, Brian Monaghan, Richard W. Swartz, Alan R. Tupek, Preston J. Waite, Mark E. Wallace, Daniel H. Weinberg, Ewen M. Wilson;

Tommy Wright, Robert Fay III, William Bell, Elizabeth Martin, Paul Friday, David Findley, J. Steven Landefeld, Dennis J. Fixler, Ralph H. Kozlow, Alan C. Lorish, Rosemary D. Marcuss, Brent R. Moulton;

Sumiye O. Okubo, John W. Ruser, James K. White, Katherine Wallman, and Dr. Jennifer Madans.

FOR FURTHER INFORMATION CONTACT: John Cunningham, 301-763-3727.

Dated: August 16, 2006.

James K. White,

*Associate Under Secretary for Management,
Chair, Performance Review Board.*

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DEPARTMENT OF COMMERCE**Bureau of Industry and Security**

[05-BIS-09]

**Action Affecting Export Privileges;
Lawrence Scibetta, In the Matter of:
Lawrence Scibetta, 137 Southwest
Carter Avenue, Port St. Lucie, FL
34983; Respondent**

Order

The Bureau of Industry and Security, United States Department of Commerce ("BIS") has initiated an administrative proceeding against Lawrence Scibetta ("Scibetta") pursuant to Section 766.3 of the Export Administration Regulations

("Regulations"),¹ and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401-2420 (2000)) ("Act"),² through issuance of a charging letter to Scibetta that alleged that Scibetta committed five violations of the Regulations. Specifically, the charges are:

Charge 1. *One Violation of 15 C.F.R. § 764.2(c)—Attempted Violation of the Regulations:*

On or about June 9, 2004, Scibetta committed a violation of the Regulations by attempting to export two thermal imaging cameras, items classified under Export Control Classification Number ("ECCN") 6A003.b.4, from the United States to an entity in the United Arab Emirates (the "UAE") without the Department of Commerce license required by Sections 742.4 and 742.6 of the Regulations.

Charge 2. *One Violation of 15 CFR 764.2(e)—Acting with Knowledge of a Violation:* In connection with the attempted export detailed in Charge 1, on or about June 1, 2004, Scibetta bought two thermal imaging cameras, items classified under ECCN 6A003.b.4, with the knowledge that a violation of the Regulations was about to occur. Specifically, Scibetta had knowledge that a Department of Commerce export license was required to export the cameras, and Scibetta bought the cameras with knowledge that the required export license would not be obtained prior to an attempt to export the cameras.

Charge 3. *One Violation of 15 CFR 764.2(f)—Possession With Intent to Export Illegally:* Charges 1-2 are incorporated herein by reference. On or around June 8 and June 9, 2004, Scibetta possessed two thermal imaging cameras, items controlled for national security reasons under the Act, with the intent to export such items in violation of the Regulations. On or around May 16, 2004, Scibetta was told by the U.S. supplier of the thermal imaging cameras that the cameras required a license for export. On or around June 8, 2004, Scibetta took possession of the cameras.

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730-774 (2006). The alleged violations occurred in 2004. The Regulations governing the violations at issue are found in the 2004 version of the Code of Federal Regulations (15 CFR Parts 730-774 (2004)). The 2006 Regulations establish the procedures that apply to this matter.

² 50 U.S.C. app. 2401-2430 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 3, 2006 (71 FR 44551 (August 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) ("IEEPA").

From that moment until the moment when Scibetta consigned the cameras for shipment, Scibetta held the items with the intent to export them to the UAE without a license.

Charge 4. *One Violation of 15 CFR 764.2(g)—Misrepresentation and Concealment of Facts:* Charges 1-3 are incorporated herein by reference. On or about July 23, 2004, in the course of an investigation subject to the Regulations, Scibetta made a false statement directly to BIS. Specifically, he wrote in an affidavit, "I was never told that if [the camera] needed an export license. Up until today no one has ever told me that I need a license to ship this [the camera]." This statement is false because Scibetta was told on a number of occasions prior to the day of the affidavit, including a warning by the U.S. company from whom Scibetta purchased the cameras, that the cameras needed an export license.

Charge 5. *One Violation of 15 CFR 764.2(h)—Evasion:* Charges 1-4 are incorporated herein by reference. Between June 22 and June 25, 2004, Scibetta acted to arrange for the export of two thermal imaging cameras with intent to evade the provisions of the Regulations. Specifically, Scibetta continued to arrange for the unlicensed export of the cameras even after the cameras required a license to export.

Whereas Bis and Scibetta have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved such Settlement Agreement; *It is Therefore Ordered:*

First, that a civil penalty is assessed against Scibetta in the amount of \$30,000.00, of which \$5,000.00 shall be paid to the U.S. Department of Commerce not later than September 15, 2006; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than November 15, 2006; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than January 15, 2007; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than March 15, 2007; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than May 15, 2007; and \$5,000.00 shall be paid to the U.S. Department of Commerce not later than July 15, 2007.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein,