

which the person had an interest at the time of his/her conviction.

BIS has received notice of Trevino-Moncivais's conviction for violating Section 38 of the AECA, and has provided notice and an opportunity for Trevino-Moncivais to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS has not received a submission from Trevino-Moncivais.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Trevino-Moncivais's export privileges under the Regulations for a period of 10 years from the date of Trevino-Moncivais's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Trevino-Moncivais had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until October 18, 2026, Gerardo Trevino-Moncivais, with a last known address of Inmate Number 13375-479, D. Ray James Correctional Institution, P.O. Box 2000, Folkston, GA 31537, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives ("the Denied Person"), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

*Second*, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Trevino-Moncivais by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with Part 756 of the Regulations, Trevino-Moncivais may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to Trevino-Moncivais and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until October 18, 2026.

Issued this 19th day of December 2017.

**Karen H. Nies-Vogel,**

*Director, Office of Exporter Services.*

[FR Doc. 2017-28003 Filed 12-27-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### In the Matter of: Papa Faal, 6308 Decatur Avenue North, Brooklyn Park, MN 55428; Order Denying Export Privileges

On May 12, 2016, in the U.S. District Court for the District of Minnesota, Papa Faal ("Faal") was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)) ("AECA"). Specifically, Faal was convicted of knowingly and willfully conspiring to export from the United States to Gambia semi-automatic rifles designated as defense articles on the United States Munitions List, without the required U.S. Department of State licenses. Faal was sentenced to time served, three years of supervised release, and a \$200 assessment.

Section 766.25 of the Export Administration Regulations ("EAR" or "Regulations")<sup>1</sup> provides, in pertinent part, that "[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the EAA [Export Administration Act], the EAR, or any order, license, or authorization issued thereunder; any regulation, license or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)); or section 38 of the Arms Export Control Act (22 U.S.C. 2778)." 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. 4610(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. 4610(h). In

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2017). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. 4601-4623 (Supp. III 2015) (available at <http://uscode.house.gov>)) ("EAA" or "the Act"). 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)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2017 (82 FR 39005 (Aug. 16, 2017)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)).

addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security ("BIS") licenses previously issued pursuant to the Export Administration Act ("EAA" or "the Act"), or pursuant to the Regulations in which the person had an interest at the time of his/her conviction.

BIS has received notice of Faal's conviction for violating Section 38 of the AECA, and has provided notice and an opportunity for Faal to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS has not received a submission from Faal.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Faal's export privileges under the Regulations for a period of ten (10) years from the date of Faal's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Faal had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until May 12, 2026, Papa Faal, with a last known address of 6308 Decatur Avenue North, Brooklyn Park, MN 55428, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives ("the Denied Person"), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

*Second*, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Faal by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with Part 756 of the Regulations, Faal may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to Faal and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until May 12, 2026.

Issued this 19th day of December 2017.

**Karen H. Nies-Vogel,**

*Director, Office of Exporter Services.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[17-BIS-0002]

**In the Matter of: Saeid Yahya Charkhian, Villa 5, Street 1, Arabian Ranches, Dubai, United Arab Emirates, and Caspian Industrial Machinery Supply LLC, No. 2509 Churchill Executive Tower, Business Bay, Dubai, United Arab Emirates, Attention: Saeid Yahya Charkhian; Respondents; Order Relating to Saeid Yahya Charkhian and Caspian Industrial Machinery Supply LLC**

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has notified Saeid Yahya Charkhian, of Dubai, United Arab Emirates ("Charkhian"), and Caspian Industrial Machinery Supply LLC of Dubai, United Arab Emirates ("Caspian") (collectively the "Respondents"), that it has initiated an administrative proceeding against Respondents pursuant to Section 766.3 of the Export Administration Regulations (the "Regulations"),<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (the "Act"),<sup>2</sup> through the issuance of a Charging Letter to Respondents that allege that Charkhian committed four (4) violations of the Regulations and Caspian committed three (3) violations of the Regulations. Specifically, the charges are:

*As to both Charkhian and Caspian:*

#### **Charges 1-3 15 CFR 764.2(e)—Acting With Knowledge**

1. On at least three occasions between on or about March 27, 2012, and on or about October 5, 2013, Charkhian and Caspian (collectively, the "Respondents") transferred,

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2017). The violations alleged occurred in 2012-2013. The Regulations governing the violations at issue are found in the 2012-2013 version of the Code of Federal Regulations, 15 CFR parts 730-774 (2012-2013). The 2017 Regulations govern the procedural aspects of this case.

<sup>2</sup> 50 U.S.C. 4601-4623 (Supp. III 2015). 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)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2017 (82 FR 39005 (Aug. 16, 2017)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (2012).