

## DEPARTMENT OF COMMERCE

## Bureau of Industry and Security

**Order Denying Export Privileges; In the Matter of: Tito Calderon Olvera, 5282 Murfreesboro Rd., La Vergne, TN 37086**

On February 26, 2020, in the U.S. District Court for the Western District of Texas, Tito Calderon Olvera ("Olvera") was convicted of violating 18 U.S.C. 554(a). Specifically, Olvera was convicted of knowingly and unlawfully attempting to export from the United States to Mexico, a firearm, namely a Glock "GEN 4," .45 caliber handgun bearing serial number "YBX379;" five Glock magazines; and multiple rounds of .45 caliber ammunition, which are firearms as defined by the United States Munitions List, in violation of 18 U.S.C. 554. As a result of his conviction, the Court sentenced Olvera to 18 months with credit for time served and three years of supervised release.

Pursuant to Section 1760(e) of the Export Control Reform Act ("ECRA"),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security ("BIS") licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Olvera's conviction for violating 18 U.S.C. 554. As provided in Section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"), BIS provided notice and opportunity for Olvera to make a written submission to BIS. 15 CFR 766.25.<sup>2</sup> BIS has not received a written submission from Olvera.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Olvera's export privileges under the Regulations for a period of five years from the date of Olvera's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which

Olvera had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until February 26, 2025, Tito Calderon Olvera, with a last known address of 5282 Murfreesboro Rd., La Vergne, TN 37086, 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, reexport, or transfer (in-country) 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*, pursuant to Section 1760(e) of ECRA and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Olvera 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, Olvera 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 Olvera and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until February 26, 2025.

**John Sonderman,**

*Director, Office of Export Enforcement.*

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## DEPARTMENT OF COMMERCE

## Bureau of Industry and Security

**Order Denying Export Privileges; In the Matter of: Mehdi Hashemi, a/k/a Eddie Hashemi, 10390 Wilshire Boulevard, Apartment 907, Los Angeles, CA 90024**

On July 6, 2020, in the U.S. District Court for the Central District of California, Mehdi Hashemi, a/k/a Eddie Hashemi ("Hashemi"), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) ("IEEPA"). Specifically, Hashemi was convicted of knowingly and willfully attempting to export

<sup>1</sup> ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801-4852.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2022).

<sup>3</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

Computer Numerical Control (“CNC”) machines<sup>1</sup> from the United States to Iran via the United Arab Emirates, a third country, in violation of the regulations that apply to exports to Iran. Hashemi did so without first having applied for obtained, from either the Bureau of Industry and Security or the U.S. Department of Treasury’s Office of Foreign Assets Control, a license or authorization for such export. As a result of his conviction, the Court sentenced Hashemi to 367 days incarceration, three years of supervised release, and a \$100 court assessment.

Pursuant to section 1760(e) of the Export Control Reform Act (“ECRA”),<sup>2</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to, IEEPA, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Hashemi’s conviction for violating IEEPA, and has provided notice and opportunity for Hashemi to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (“EAR” or the “Regulations”). 15 CFR 766.25.<sup>3</sup> BIS has not received a written submission from Hashemi.

Based upon my review of the record and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Hashemi’s export privileges under the Regulations for a period of 10 years from the date of Hashemi’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Hashemi had an interest at the time of his conviction.<sup>4</sup>

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until July 6, 2030, Mehdi Hashemi, a/k/a Eddie Hashemi, with a last known address of, 10390 Wilshire Boulevard, Apartment 907, Los Angeles, CA 90024,

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, reexport, or transfer (in-country) 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*, pursuant to section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Hashemi 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, Hashemi 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 Hashemi and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until July 6, 2030.

**John Sonderman,**

*Director, Office of Export Enforcement.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**Order Denying Export Privileges; In the Matter of: Bryan Villanueva-Valles, Inmate Number: 37368–480, FCI Herlong, Federal Correctional Institution, P.O. Box 800, Herlong, CA 96113**

On January 10, 2020, in the U.S. District Court for the Western District of Texas, Bryan Villanueva-Valles (“Villanueva-Valles”) was convicted of violating 18 U.S.C. 554(a). Specifically, Villanueva-Valles was convicted of knowingly and unlawfully attempting to export, send, conceal and facilitate the transportation and concealment of various rifles and handguns from the United States to Mexico, in violation of 18 U.S.C. 554. As a result of his conviction, the Court sentenced Villanueva-Valles to 108 months in prison, three years of supervised release, \$300 assessment and a forfeiture of \$11,900.00.

<sup>1</sup> The CNC machines were classified under Export Control Classification numbers 2B202, 2B991, and EAR99.

<sup>2</sup> ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 and, as amended, is codified at 50 U.S.C. 4801–4852.

<sup>3</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

<sup>4</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders, pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).