

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Bing Sun)
currently incarcerated at)
)
Seymour Johnson Federal Prison Camp)
#51583-083)
Goldsboro, North Carolina 27533)
)
and with an address at)
)
14026 Ticonderoga Court)
Fontana, California 92336)
)

ORDER DENYING EXPORT PRIVILEGES

On December 18, 2000, a U.S. District Court in the Eastern District of Virginia convicted Bing Sun of violating Section 38 of the Arms Export Control Act (22 U.S.C. § 2778 (1994 & Supp. V 1999)) (“AECA”). Specifically, the Court found that Bing Sun knowingly and willfully attempted to export defense articles on the United States Munitions List, from the United States to the People’s Republic of China, without having first obtained from the Department of State a license or written authorization for such export.

Section 11 (h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401-2420 (1994 & Supp. V 1999)) (“Act”) provides that, at the discretion

¹ From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was issued on August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §91701 - 1706 (1994 & Supp. V 1999)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August

of the Secretary of Commerce,* no person convicted of violating any of a number of federal criminal statutes including the AECA shall be eligible to apply for or use any export license issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2002)) (“Regulations”), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to Sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating the AECA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person’s export privileges for a period of up to 10 years from the date of conviction and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Bing Sun’s conviction for violating the AECA, and after providing notice and an opportunity for Bing Sun to make a written submission to the Bureau of Industry and Security before issuing an Order denying his export privileges, as provided in Section 766.25 of the Regulations, I, following consultations with the Director, Office of Export Enforcement, have decided to deny Bing Sun’s export privileges for a period of 10 years from the date of his conviction. The 10-year period ends on December 18, 2010. I have also decided to

21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 14, 2002 (67 *Fed. Reg.* 5372 1 (August 16, 2002)), has continued the Regulations in effect under IEEPA.

² Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 1 l(h) of the Act.

revoke all licenses issued pursuant to the Act in which Bing Sun had an interest at the time of his conviction.

Accordingly, it is hereby

ORDERED

I. Until December 18, 2010, Bing Sun, currently incarcerated at Seymour Johnson Federal Prison Camp, #51583-083, Goldsboro, North Carolina 27533, and with an address at 14026 Ticonderoga Court, Fontana, California 92336, (“the denied person”) and, when acting in behalf of it, all of its successors or assigns, officers, representatives, agent and employees, 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, or in any other activity 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 in any other activity subject to the Regulations; or
- C. Benetititing 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 in any other activity subject to the Regulations.

- II. 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.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Bing Sun 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.

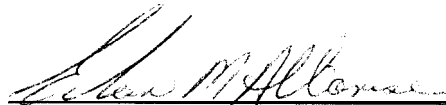
IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until December 18, 2010.

VI. In accordance with Part 756 of the Regulations, Bing Sun may file an appeal from this Order with the Under Secretary for Industry and Security. The appeal must be tiled within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Bing Sun. This Order shall be published in the Federal Register.

Date: Oct 4, 2009



Eileen M. Albanese
Director
Office of Exporter Services