



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Maria Elena Ibanez
2 127 Brickell Avenue
Unit 140
Miami, Florida 33 129

Dear Ms. Ibanez:

The Office of Export Enforcement, Bureau of Industry and Security, United States Department of Commerce (BIS)¹, hereby charges that, as described in detail below, you have violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2001)) (the Regulations): issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 2001)) (the Act).³

¹ The Bureau of Export Administration (BXA) formally changed its name to the Bureau of Industry and Security (BIS) pursuant to Department Organization Order 50-1, Amendment 3, dated April 18, 2002. 67 Fed. Reg. 20630 (April 26, 2002). All actions taken before, on or after April 18 under the name of BXA will deemed to have been taken under the name of BIS and all references to BXA are deemed to be to BIS.

² The alleged violations occurred in 1996, 1997 and 1998. The Regulations governing the violations at issue are found in the 1996, 1997 and 1998 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 Fed. Reg. 12714, March 25, 1996) (hereinafter "the former Regulations"), and 15 C.F.R. Parts 730-774 (1997 and 1998)). The March 25, 1996 **Federal Register** publication redesignated, but did not re-publish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. As an interim measure that was part of the transition to newly restructured and reorganized Regulations, the March 25, 1996 **Federal Register** publication also restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BIS alleges occurred. The Regulations establish the procedures that apply to this matter.

³ 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 August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations then in effect under the International Emergency Economic Powers Act (50 U.S.C. A. §§ 1701 - 1706 (1991 & Supp. 2001)) (IEEPA). On November 13, 2000, the



Facts constituting violations:

Charges 1-47

As is described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, between on or about May 14, 1996 and on or about December 31, 1996, in your capacity as president and owner of International High Tech Marketing ("IHTM"), you took action that enabled IHTM to avoid the requirement to file Shipper's Export Declarations (SEDs). Specifically, you directed the preparation and delivery of commercial invoices to freight forwarders who prepared the necessary documents for export of items from the United States to various countries. The commercial invoices contained understated values of the items being exported which facilitated the failure of IHTM to file SEDs as required by Section 786A.1(c)(2) of the former Regulations. BIS alleges that, by causing, aiding or abetting the doing of any act prohibited, or the omission any act required, by the Act or any regulation, order, or license issued thereunder, you committed 47 violations of Section 787A.2 of the former Regulations.

Charges 48-180

As is described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, between on or about January 6, 1997 and on or about July 17, 1998, in your capacity as president, owner or director of IHTM, you took action that enabled IHTM to avoid the requirement to file SEDs. Specifically, you directed the preparation and delivery of commercial invoices to freight forwarders who prepared the necessary documents for export of items from the United States to various countries. The commercial invoices contained understated values of items being exported which facilitated the failure of IHTM to file SEDs as required by Section 758.3 of the Regulations. BIS alleges that, by causing, aiding or abetting the doing of an act prohibited, or the omission of any act required, by the Act, the Regulations, or any order, license or authorization issued thereunder, you committed 133 violations of Section 764.2(b) of the Regulations.

Charges 181-204

As is described in greater detail in Schedule B, which is enclosed herewith and incorporated herein by reference, between May 6, 1996 and on or about December 3, 1996, in your capacity as president and owner of IHTM, you took action that enabled the submission of 24 separate SEDs to the U.S. Government with false information. Each SED contained a certification that all of the information provided on that SED was true and correct. In fact, each SED was not true and correct as each contained a false value for the items being exported from the United States. BIS alleges that, by causing, aiding or abetting the doing of any act prohibited, or the omission of an

Act was reauthorized and it remained in effect through August 20, 2001. Since August 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)), has continued the Regulations in effect under IEEPA.

act required, by the Act or any regulation, order, or license issued thereunder, you committed 24 violations of Section 787A.2 of the former Regulations.

Charges 205-234

As is described in greater detail in Schedule B, which is enclosed herewith and incorporated herein by reference, between on or about January 15, 1997 and on or about September 3, 1998, in your capacity as president, owner or director of IHTM, you took action that enabled the submission of 30 separate SEDs to the U.S. Government with false information. Each SED contained a certification that all of the information provided on that SED was true and correct. In fact, each SED was not true and correct as each contained a false value for the items being exported from the United States. BIS alleges that, by causing, aiding or abetting the doing of any act prohibited, or the omission of any act required, by the Act, the Regulation, or any order, license or authorization issued thereunder, you committed 30 violations of Section 764.2(b) of the Regulations.

Charges 235-240

As is described in greater detail in Schedule C, which is enclosed herewith and incorporated herein by reference, between on or about June 4, 1996 and on or about December 10, 1996, in your capacity as president, owner or director of IHTM, you caused the making of false statements on air waybills which are defined as export control documents under Section 770A.2 of the former Regulations. Specifically, you directed the preparation and delivery of commercial invoices to freight forwarder who prepared the necessary documents, including air waybills, for export of items from the United States to various countries. The commercial invoices contained understated values which the freight forwarders then entered on the air waybill. BIS alleges that, by causing the doing of an act prohibited by the Act or any regulation, order, or license issued thereunder, you committed six violations of 787A.2 of the former Regulations.

Charges 241-265

As is described in greater detail in Schedule C, which is enclosed herewith and incorporated herein by reference, between on or about January 29, 1997 and on or about June 19, 1998, in your capacity as president, owner or director of IHTM, you caused the making of false statements on air waybills which are defined as export control documents under Section 772 of the Regulations. Specifically, you directed the preparation and delivery of commercial invoices to freight forwarder who prepared the necessary documents, including air waybills, for export of items from the United States to various countries. The commercial invoices contained understated values which the freight forwarders then entered on the air waybill. BIS alleges that, by causing the doing of an act prohibited by the Act or any regulation, order, or license issued thereunder, you committed 25 violations of 764.2 of the Regulations.

BIS alleges that you committed 77 violations of Section 787A.2 of the former Regulations, and 188 violations of Section 764.2(b) of the Regulations, for a total of 265 violations.

Accordingly, you are hereby notified that an administrative proceeding is instituted against you pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law of \$10,000 per violation (see Section 764.3(a)(1) of the Regulations);⁴

Denial of export privileges (see Section 764.3(a)(2) of the Regulations); and/or

Exclusion from practice before BIS (see Section 764.3(a)(3) of the Regulations).

If you fail to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter as provided in Section 766.6 of the Regulations, that failure will be treated as a default under Section 766.7.

You are further notified that you are entitled to an agency hearing on the record as provided by Section 13(c) of the Act and Section 766.6 of the Regulations, if a written demand for one is filed with your answer, to be represented by counsel, and to seek a consent settlement.

Pursuant to an Interagency Agreement between BIS and the U.S. Coast Guard, the U.S. Coast Guard is providing administrative law judge services, to the extent that such services are required under the Regulations, in connection with the matters set forth in this letter. Accordingly, your answer should be filed with the U.S. Coast Guard ALJ Docketing Center, 40 S. Gay Street, Baltimore, Maryland 21202-4022, in accordance with the instructions in Section 766.5(a) of the Regulations. In addition, a copy of your answer should be served on BIS at the address set forth in Section 766.5(b), adding "ATTENTION: Mi-Yong Kim, Esq." below the address and all communication with BIS concerning this matter should be directed to Ms. Kim. Ms. Kim may be contacted by telephone at (202) 482-53 11.

Sincerely,

Mark D. Menefee
Director
Office of Export Enforcement

Enclosures

⁴ The maximum civil penalty for any violation committed after October 23, 1996 is \$11,000 per violation. See 15 C.F.R. § 6.4(a)(3)(2001).

SCHEDULE A

No SED Filed

**SCHEDULE A
SCHEDULE OF VIOLATIONS
NO SED FILED**

Charge No.	Date	AWB#	Destination	Declared Value	Invoice Value	Commodity	ECCN
1	05/14/96	815855773	Nairobi, Kenya	\$450.00	\$6,255.00	Computers and related items	4A94F
2	05/15/96	40083356125	Nairobi, Kenya	\$455.0	\$5,865.00	Computers and related items	4A94F
3	05/21/96	8653354673	B'Bugia, Malta	\$1,000.00	\$4,200.00	Computer related items	4A94F
4	05/31/96	8653354802	Blantyre, Malawi	\$2,320.00	\$3,183.00	Computer related items .	4A94F
5	08/05/96	815856521	Nairobi, Kenya	\$850.00	\$2,845.00	Computer related item	4A94F
6	08/09/96	815856543	Lilongwe, Malawi	\$849.00	\$4,403.00	Computer related items	4A94F
7	08/23/96	815856613	Accra, Ghana	\$1,993.00	\$5,721.00	Computers and related items	4A94F
8	09/10/96	40083349232	Lagos, Nigeria	\$332.00	\$3,549.60	Computers and related items	4A94F
9	09/13/96	93290049455	Nairobi, Kenya	\$950.00	\$3,985.00	Computer related item	4A94F

10	09/16/96	40083349280	Lagos, Nigeria	\$836. 50	\$3,216.50	Computer related items	4A94F
11	09/17/96	40083349335	Accra, Ghana	\$1,935.50	\$3,822.00	Computer related items	4A94F
12	09/17/96	40083349324	Lagos, Nigeria	\$756. 50	\$2,519.00	Computers and related items	4A94F
13	09/19/96	40083349394	Lagos, Nigeria	\$349. 00	\$3,274.00	Computers and related items	4A94F
14	09/20/96	7781621676	Nairobi, Kenya	\$780.00	\$14,100.48	Computers	4A94F
15	09/23/96	40083349442	Lagos, Nigeria	\$1,522.50	\$3,216.50	Computer related items	4A94F
16	09/23/96	815856904	Luanda, Angola	\$1,980.00	\$4,730.00	Computer related items	4A94F
17	09/30/96	7781622063	Nairobi, Kenya	\$750.00	\$15,440.00	Computers and related items	4A94F
18	09/30/96	Not Available	Lagos, Nigeria	\$950. 00	\$5~35. 00	Computers and related items	4A94F
19	10/08/96	12593129282	Lusaka, Zambia	\$1,583.00	\$5,030.00	Computers and related items	4A94F
20	10/11/96	40083349711 40083349733 40083349722	Lagos, Nigeria	\$900.00	\$12,727	Computer related items	4A94F
21	10/11/96	40048433243	Nairobi, Kenya	\$950.00	\$6,639.00	Computers and related items	4A94F

22	10/15/96	8 1 5 8 5 8 1 0 5	Luanda, Angola	\$2,490.00	\$7,240.00	Computer related items	4A94F
23	10/18/96	40083350234 I	Ibadan, Nigeria	\$800.00	\$2,754.00	Computers	4A94F
24	10/18/96	8653359186	Ibadan, Nigeria	\$800.00	\$2,754.00	Computers	4A94F
25	10/22/96	40083350260	Lagos, Nigeria	\$800.00	\$2,754.00	Computers	4A94F
26	11/01/96	7940388750	Nairobi, Kenya	\$848.50	\$5,253.00	Computers and related items	4A94F
27	11/01/96	7940388713 I	Luanda, Angola	\$2,181.00	\$4,368.00	Computer related items	4A94F
28	11/03/96	815858562	Nairobi, Kenya	\$754.00	\$3,191.00	Computers and related items	4A94F
29	11/05/96	7940388805	Ibadan, Nigeria	\$680.00	\$5,796.00	Computer related items	4A94F
30	11/06/96	93290167092	London, United Kingdom	2,000.00	\$31,123.00	Computers and related items	4A94F
31	11/13/96	40083350540	Lagos, Nigeria	\$489.80	\$3,167.00	Computers	4A94F
32	11/14/96	40083350573	Lagos, Nigeria	\$100.00	\$4,450.00	Computer related items	4A94F
33	11/17/96	12573574045	Nairobi, Kenya	\$769.05	\$4,689.00	Computers and related items	4A94F

34	11/22/96	93290167210	Kampala, Uganda	\$1,092.00	\$3,640.00	Computer related items	4A94F
35	11/25/96	7940389531	Nairobi, Kenya	\$350.00	\$8,995.00	Computer related items	4A94F
36	11/26/96	40083350761	Lagos, Nigeria	\$940.00	\$4,376.00	Computers and related items	4A94F
37	11/29/96	40083350820	Kaduna Nigeria	\$643.60	\$3,237.95	Computers	4A94F
38	12/03/96	40048434201	Curacao, Netherlands Antilles	\$1,695.00	\$5,640.00	Computer related items	4A94F
39	12/03/96	815858595	Nairobi, Kenya	\$240.00	\$3,890.00	Computer related items	4A94F
40	12/03/96	815858573	Nairobi, Kenya	\$379.50	\$5,580.00	Computers and related items	4A94F
41	12/03/96	815858584	Nairobi, Kenya	\$390.50	\$3,895.00	Computers and related items	4A94F
42	12/03/96	815858562	Nairobi, Kenya	\$754.00	\$3,191.00	Computers and related items	4A94F
43	12/06/96	40048434260	Nairobi, Kenya	\$289.30	\$3,730.90	Computers and related items	4A94F
44	12/13/96	40048434455	Curacao, Netherlands Antilles.	\$1,930.00	\$8,470.00	Computers	4A94F

45	12/20/96	7940390231	Ibadan, Nigeria	\$1,050.00	\$4,557.60	Computer related items	4A94F
46	12/23/96	815858735	Luanda, Angola	\$1,472.00	\$2,962.50	Computers and related items	4A94F
47	12/31/96	815858750	Accra, Ghana	\$2,113.00	\$4,225.00	Computer related items	4A [REDACTED]
48	01/06/97	40048434750	Nairobi, Kenya	\$795.00	\$12,848.20	Computers and related items	4A994
49	01/08/97	27596	Blantyre, Malawi	\$2,000.00	\$10,349.00	Computer related items	EAR99
50	01/13/97	7940390566	Lilongwe, Malawi	\$1,500.00	\$5,202.00	Computers and related items	4A994
51	01/14/97	40083351236	Kaduna, Nigeria	\$230.00	\$3,681.00	Computer related items	EAR99
52	01/16/97	40083351273	Lagos, Nigeria	\$726.00	\$4,468.90	Computers and related items	4A994
53	01/17/97	7940390776	Kaduna, Nigeria	\$446.00	\$5,589.60	Computers and related items	4A994
54	01/28/97	40083351424	Lagos, Nigeria	\$855.00	\$4,143.15	Computers	4A994
55	0/06/97	8500099134	Blantyre, Malawi	\$1,765.00	\$13,544.00	Computers and related items	4A994
56	02/15/97	12573769253	Kumasi, Ghana	\$2,409.50	\$4,825.00	Computers and related items	4A994

57	02/21/97	40083351612	Lagos, Nigeria	\$1,157.00	\$4,233.00	Computers and related items	4A994
58	03/07/97	40048436404	Curacao, Netherlands Antilles	\$1,035.00	\$2,947.85	Computers and related items	4A994
59	03/11/97	MIA0139943	Nairobi, Kenya	\$1,200.00	\$2,730.00	Computer related items	EAR99
60	03/12/97	40048436496	Luanda, Angola	\$976.80	\$6,230.00	Computers and related items	4A994
61	03/13/97	40041657556	Lagos, Nigeria	\$800.00	\$3,534.00	Computers and related items	4A994
62	03/13/97	12593129341	Lusaka, Zambia	\$1,565.00	\$5,971.00	Computers and related items	4A994
63	03/16/97	04787686056	Luanda, Angola	\$2,090.00	\$4,180.00	Computer related items	EAR99
64	03/17/97	40048436640	Luanda, Angola	\$1,857.00	\$6,233.00	Computers	4A994
65	03/18/97	40041657630	Maputo, Mozambique	\$2,395.00	\$3,800.00	Computer related items	EAR99
66	03/19/97	40041657674	Lagos, Nigeria	\$660.00	\$2,595.00	Computers and related items	4A994
67	03/19/97	40041657700	Accra, Ghana	\$2,468.00	\$4,936.00	Computers and related items	4A994

68	03/23/97	00597983410	Majuro, Marshall Islands	\$759.00	\$3,538.20	Computers and related items	4A994
69	03/25/97	40048436850	Nairobi, Kenya	\$957.00	\$3,897.00	Computers	4A994
70	04/03/97	40041657976 40041657965 40041657954	Lagos, Nigeria	\$400.00 \$400.00 \$400.00	\$7,725.00	Computers	4A994
71	04/03/97	93290388631	Nairobi, Kenya	\$355.00	\$5,530.00	Computers and related items	4A994
72	04/07/97	40048437196	Luanda, Angola	\$1,807.50	\$11,640.00	Computer related parts	EAR99
73	04/09/97	40048437373	Nairobi, Kenya	\$470.00	\$3,978.00	Computers	4A994
74	05/03/97	76150446023	Nairobi, Kenya	\$438.00	\$3,014.00	Computers and related items	4A994
75	05/05/97	40041658492	Lagos, Nigeria	\$2,325.00	\$7,425.00	Computers and related items	4A994
76	05/13/97	40048438364	Kampala, Uganda	\$1,000.00	\$3,725.00	Computer	4A994
77	05/14/97	40048438401	Nairobi, Kenya	\$779.00	\$5,086.00	Computers and related items	4A994
78	05/14/97	40041658691	Kaduna, Nigeria	\$280.50	\$2,805.00	Computers and related items	4A994
79	05/14/97	40041658713	Lagos, Nigeria	\$610.40	\$3,177.32	Computers and related items	4A994

80	05/16/97	40041658761	Lagos, Nigeria	\$1,780.00	\$3,286.00	Computers	4A994
81	05/19/97	40048438633	Curacao, Netherlands Antilles	\$1,795.00	\$8,264.73	Computers and related items	4A994
82	05/30/97	40048438913	Curacao, Netherlands Antilles	\$2,485.00	\$4,750.46	Computers and related items	4A994
83	06/11/97	40041659413	Lagos, Nigeria	\$1,211.10	\$9,419.00	Computers and related items	4A994
84	06/13/97	40048439414	Nairobi, Kenya	\$450.00	\$5,580.00	Computers and related items	4A994
85	06/17/97	40048439462	Luanda, Angola	\$2,160.00	\$4335.00	Computer related items	EAR99
86	06/26/97	40041659660	Lagos, Nigeria	\$1,136.00	\$5,626.00	Computers and related items	4A994
87	06/27/97	40041659682	Lagos, Nigeria	\$1,012.34	\$9,109.44	Computer related items	EAR99
88	07/06/97	04787686826	Luanda, Angola	\$2,095.00	\$5390.00	Computer related items	EAR99
89	0708197	40041659844	Lagos, Nigeria	\$835.00	\$4,046.00	Computers and related items	4A994
90	07/09/97	42055100917	Luanda, Angola	\$1,430.00	\$8,710.00	Computer related items	EAR99
91	07/09/97	40041659800	Maputo, Mozambique	\$1,720.00	\$2,560.00	Computer related items	EAR99

92	07/21/97	40051425172	Ikeja, Nigeria	\$2,400.00	\$5,970.00	Computers	4A994
93	07/23/97	40051425290	Lagos, Nigeria	\$1,245.00	\$3,935.00	Computer related items	EAR99
94	07/24/97	42055102791	Nairobi, Kenya	\$484.50	\$4,902.00	Computers and related items	4A994
95	08/01/97	40051425625	Maputo, Mozambique	\$1,200.00	\$2,747.00	Computers and related items	4A994
96	08/06/97	40051425920	Lusaka, Zambia	\$1,269.00	\$2,690.00	Computers	4A994
97	08/20/97	42055106308	Curacao, Netherlands Antilles	\$1,135.00	\$3303.54	Computers and related items	4A994
98	08/28/97	7547201362	Kampala, Uganda	\$500.00	\$6,857.90	Computers and related items	4A994
99	08/29/97	40051427014	Lagos, Nigeria	\$609.00	\$6,854.00	Computers and related items	4A994
100	08/29/97	40051426992	Lagos, Nigeria	\$900.00	\$3,003.00	Computers and related items	4A994
101	09/03/97	420551507716	Curacao, Netherlands Antilles	\$1,100.00	\$3,950.00	Computers	4A994
102	09/04/97	420551507896	Curacao, Netherlands Antilles	\$1,444.00	\$5,280.00	Computers and related items	4A994

103	09/05/97	40051427154	Lagos, Nigeria	\$500.00	\$4,361.60	Computer related items	EAR99
104	09/05/97	76150572826	Lilongwe, Malawi	\$1~14.00	\$6,070.00	Computers and related items	4A994
105	09/05/97	7547201395	Lusaka, Zambia	\$432.00	\$2,680.00	Computers and related items	4A994
106	09/05/97	420551508024	Curacao, Netherlands Antilles	\$1,015.00	\$3,309.00	Computers and related items	4A994
107	09/09/97	40051427165	Lagos, Nigeria	\$682.00	\$4,416.00	Computer related items	EAR99
108	09/10/97	420551508333	Nairobi, Kenya	\$1,809.00	\$3,730.00	Computers and related items	4A994
109	09/15/97	40051427316	Lagos, Nigeria	\$1,950.00	\$3,504.00	Computers	4A994
110	09/16/97	40051427353	Lagos, Nigeria	\$2,302.45	\$6,027.45	Computers and related items	4A994
111	09/17/97	7547201432	Kampala, Uganda	\$399.00	\$4,983.50	Computers and related items	4A994
112	09/25/97	40097701553	Lagos, Nigeria	\$1~99.00	\$4,219.00	Computers and related items	4A994
113	09/25/97	420551509925	Nairobi, Kenya	\$80.00	\$2,605.00	Computers and related items	4A994
114	09/26/97	7547201686	Kampala, Uganda	\$600.00	\$7,502.00	Computers and related items	4A994

115	09/30/97	76150573666	Lagos, Nigeria	\$550.00	\$2,527.00	Computer related items	EAR99
116	09/30/97	40097701671	Lagos, Nigeria	\$750.00	\$4,458.50	Computer related items	EAR99
117	10/01/97	40097701715	Lagos, Nigeria	\$1,408.00	\$5,170.66	Computers and related items	4A994
118	10/02/97	40097701741	Lagos, Nigeria	\$110.00	\$2,750.00	Computer related items	EAR99
119	10/02/97	40097701752	Lagos, Nigeria	\$110.00	\$2,750.00	Computer related items	EAR99
120	10/02/97	40097701763	Lagos, Nigeria	\$110.00	\$2,750.00	Computer related items	EAR99
121	10/09/97	4 0 0 9 7 7 0 1 9 3 6	Maputo, Mozambique	\$1,463.50	\$2,635.00	Computers and related items	4A994
122	10/11/97	MIA10537251	Bamenda, Cameroon	\$1,774.77	\$4,533.36	Computers and related items	4A994
123	10/20/97	7547201561	Dar Es Salaam, Tanzania	\$75.00	\$3,220.00	Computer related items	EAR99
124	10/22/97	40097702253	Lagos, Nigeria	\$726.00	\$9,517.00	Computers and related items	4A994
125	10/23/97	40097702290	Lagos, Nigeria	\$767.00	\$9,613.00	Computer related items	EAR99
126	10/23/97	420551511226	Dar Es Salaam Tanzania	\$515.00	\$2,766.00	Computer related items	EAR99

127	10/29/97	40098952545	Lagos, Nigeria	\$840.00	\$3,059.00	Computer related items	EAR99
128	10/30/97	40098952641	Lagos, Nigeria	\$282.70	\$10,165.00	Computer related items	EAR99
129	10/30/97	40098952652	Lagos, Nigeria	\$251.00	\$5,591.00	Computer related items	EAR99
130	10/31/97	76150573902	Nairobi, Kenya	\$952.00	\$3,680.00	Computers and related items	4A994
131	11/12/97	40098952965	Lagos, Nigeria	\$284.00	\$6,958.96	Computers and related items	4A994
132	11/20/97	MIA10545345	Kampala, Uganda	\$1,000.00	\$3,987.00	Computer related items	EAR99
133	11/20/97	400551514340	Addis Abba, Ethiopia	\$600.00	\$2,928.00	Computer related items	EAR99
134	11/25/97	7547202073	Lilongwe, Malawi	\$1,995.00	\$9,863.00	Computers and related items	4A994
135	11/28/97	40098953470	Lagos, Nigeria	\$1,987.13	\$10349.50	Computer related items	EAR99
136	11/28/97	420551515747	Cayenne, French Guiana	\$1,407.69	\$3,973.43	Computer related items	EAR99
137	12/03/97	420551516022	Dar Es Salaam, Tanzania	\$90.00	\$3,262.08	Computer related items	EAR99
138	12/08/97	40098953654	Lagos, Nigeria	\$122.00	\$17,817.80	Computers and related items	4A994

139	12/09/97	40098953676	Lagos, Nigeria	\$1,432.00	\$3,376.00	Computer related items	EAR99
140	12/09/97	213066023	Lilongwe, Malawi	\$750.00	\$8,945.00	Computers and related items	4A994
141	12/10/97	40098953713	Lagos, Nigeria	\$991.25	\$5,732.99	Computer related items	EAR99
142	12/10/97	40098953750	Kaduna, Nigeria	\$701.82	\$3,226.41	Computers and related items	4A994
143	12/11/97	40098953816	Lagos, Nigeria	\$850.00	\$4,608.48	Computers and related items	4A994
144	12/11/97	40098953842	Lagos, Nigeria	\$850.00	\$4,608.48	Computers and related items	4A994
145	12/12/97	40098954166	Lagos, Nigeria	\$900.00	\$6,450.00	Computers	4A994
146	12/12/97	40098953912 40098953923	Lagos, Nigeria	\$1,700.00	\$21,761.52	Computers and related items	4A994
147	12/12/97	40098954170	Lagos, Nigeria	\$499.00	\$4,990.00	Computer related items	EAR99
148	12/12/97	40098954181	Lagos, Nigeria	\$608.64	\$6,048.00	Computer related items	EAR99
149	12/19/97	40098954321	Kaneshi, Ghana	\$1,950.00	\$8,250.00	Computers	4A994
150	12/20/97	76150577015	Kaduna, Nigeria	\$2,450.00	\$18,707.30	Computer related items	EAR99

151	12/23/97	420551518231	Maputo, Mozambique	\$1,640.00	\$3,036.50	Computer related items	EAR99
152	12/26/97	40098954483	Lagos, Nigeria	\$839.00	\$4,039.48	Computer related items	EAR99
153	12/29/97	40098954516	Lagos, Nigeria	\$2,411.86	\$11,493.01	Computers and related items	4A994
154	01/10/98	12521416312	Kampala, Uganda	\$1,255.00	\$2,526.57	Computer related items	EAR99
155	01/15/98	02067205375	Kampala, Uganda	\$2,365.00	\$4,761.22	Computer related items	EAR99
156	02/24/98	12529120162	Kampala, Uganda	\$1,430.00	\$4,843.00	Computers and related items	4A994
157	03/05/98	MIA10565505	Dar Es Salaam, Tanzania	\$0.00	\$7,972.29	Computers and related items	4A994
158	03/25/98	48766783013	Kampala, Uganda	\$1,117.12	\$5,014.12	Computers and related items	4A994
159	03/26/98	48766783022	Kampala, Uganda	\$1,173.79	\$4,985.99	Computers and related items	4A994
160	04/09/98	MIA10572763	Dar Es Salaam, Tanzania	\$1,995.00	\$4,975.00	Computers	4A994
161	04/10/98	9266318294	Kampala, Uganda	\$1,200.00	\$5,332.00	Computers and related items	4A994
162	04/14/98	9266318342	Kampala, Uganda	\$150.00	\$3,541.97	Computers and related items	4A994

163	04/17/98	9266318423	Lagos, Nigeria	\$1,181.00	\$3,868.00	Computer related items	EAR99
164	04/20/98	9266318445	Kampala, Uganda	\$1,500.00	\$7,097.00	Computers	4A994
165	04/21/98	9266318482	Lagos, Nigeria	\$650.00	\$4,150.00	Computer related items	EAR99
166	04/22/98	9266318515	Kampala, Uganda	\$1,500.00	\$3,446.00	Computers	4A994
167	04/28/98	MIA10576941	Nairobi, Kenya	\$1,995.00	\$3,800.50	Computers and related items	4A994
168	04/29/98	9266318622	Blantyre, Malawi	\$453.00	\$5,806.00	Computers and related items	4A994
169	05/14/98	12514101452	Accra, Ghana	\$1,024.00	\$5,523.00	Computers and related items	4A994
170	05/19/98	420551529700	Lagos, Nigeria	\$350.00	\$3,050.00	Computer related items	EAR99
171	05/22/98	9266318946	Kampala, Uganda	\$1,390.00	\$3,578.00	Computers	4A994
172	05/22/98	9266318950	Kampala, Uganda	\$664.60	\$3,687.84	Computers and related items	4A994
173	05/22/98	420551530162	Lagos, Nigeria	\$1,600.00	\$5,275.00	Computers and related items	4A994
174	05/27/98	420551530427	Lagos, Nigeria	\$1,472.72	\$4,851.87	Computer related items	EAR99

175	05/27/98	420551530346	Lagos, Nigeria	\$1,985.00	\$5,185.00	Computers and related items	4A994
176	06/19/98	9266319300	Lagos, Nigeria	\$2,000.00	\$3,941.84	Computers and related items	4A994
177	06/19/98	9266319296	Lagos, Nigeria	\$1,766.00	\$13,561.00	Computers and related items	4A994
178	06/20/98	MIA10588421	Lusaka, Zambia	\$1,769.00	\$3,974.00	Computers and related items	4A994
179	06/25/98	9266319381	Lagos, Nigeria	\$1,403.50	\$11,530.60	Computer related items	EAR99
180	07/17/98	1928965605	Gaborone, Botswana	\$2,054.00	\$4,061.76	Computers and related items	4A994

SCHEDULE B

Undervalued SED

**SCHEDULE B
SCHEDULE OF VIOLATIONS
UNDERVALUED SED**

Charge No.	Date	AWB#	Destination	Declared Value	Invoice Value	Commodity	ECCN
181	05/06/96	81585666	Kampala, Uganda	\$4,467.45	\$7,783.70	Computers and related items	4A94F
182	05/10/96	02089840240	Addis Abba, Ethiopia	\$6,400.00	\$19,077.20	Computers and related items	4A94F
183	05/13/96	815855751	Qormi, Malta	\$2,850.00	\$7,763.00	Computers and related items	4A94F
184	05/16/96	815855806	West Midlands, United Kingdom	\$10,500.00	\$19,505.10	Computers and related items	4A94F
185	05/22/96	815855843	Luanda, Angola	\$4,550.00	\$14,650.00	Computers and related items	4A94F
186	05/22/96	815855832	Luanda, Angola	\$3,500.00	\$4340.00	Computer related items	EAR99
187	05/23/96	815855865	Luanda, Angola	\$4,700.00	\$17,800.00	Computers and related items	4A94F
188	05/24/96	12586329493	Accra, Ghana	\$4,230.00	\$7,049.80	Computers and related items	4A94F
189	06/03/96	12552302740	Lagos, Nigeria	\$2,850.00	\$5,215.00	Computers and related items	4A94F
190	08/05/96	815856510	Luanda, Angola	\$4,865.00	\$17,709.00	Computers and related items	4A94F

191	08/06/96	815856532	Luanda, Angola	\$3,970.00	\$9,527.50	Computers and related items	4A94F
192	08/09/96	93290048980	Lagos, Nigeria	\$4,587.80	\$9,281.60	Computers and related items	4A94F
193	08/19/96	815856580	Luanda, Angola	\$4,400.00	\$12,360.00	Computers and related items	4A94F
194	09/05/96	815856720	Luanda, Angola	\$4,963.00	\$9,428.00	Computers and related items	4A94F
195	09/05/96	815856705	Accra, Ghana	\$4,875.00	\$10,185.00	Computers and related items	4A94F
196	09/16/96	815856823	Bamako, Mali	\$5,327.00	\$7,711.60	Computer related items	4A94F
197	10/08/96	815858050	Accra, Ghana	\$4,500.00	\$7,728.00	Computers and related items	4A94F
198	10/08/96	815858061	Accra, Ghana	\$4,000.00	\$5,158.00	Computers and related items	4A94F
199	10/28/96	815858212	Accra, Ghana	\$4,548.00	\$18,887.00	Computers and related items	4A94F
200	10/28/96	815858201	Accra, Ghana	\$4,974.00	\$18,887.00	Computers and related items	4A94F
201	11/01/96	815858260	Accra, Ghana	\$2,668.60	\$11,352.00	Computers and related items	4A94F
202	11/06/96	815858293	Accra, Ghana	\$3,983.00	\$8,500.00	Computer related items	4A94F
203	11/20/96	815858433	Accra, Ghana	\$4,647.50	\$9,295.00	Computer related items	4A94F

204	12/03/96	815858536	Khartoum, Sudan	\$49,367.20	\$70,150.90	Computers and related items	4A94F
205	01/15/97	12573767282	Kaduna, Nigeria	\$17,978.00	\$23,000.00	Computer related items	EAR99
206	01/22/97	40048435155	Curacao, Netherlands Antilles	\$3,484.00	\$13,467.00	Computers and related items	4A994
207	03/15/97	12593129330	Lagos, Nigeria	\$14,730.00	\$20,409.00	Computers and related items	4A994
208	04/02/97	93290499113	Lusaka, Zambia	\$15,622.00	\$34,677.00	Computers and related items	4A994
209	04/24/97	AIFN883085	Curacao, Netherlands Antilles	\$8,244.50	\$16,489.00	Computers and related items	4A994
210	05/01/97	40048438014	Luanda, Angola	\$3,935.00	\$8,718.00	Computer related items	EAR99
211	05/03/97	76150446034	Accra, Ghana	\$3,877.80	\$19,389.00	Computer related items	EAR99
212	05/09/97	93290501235	Kaduna, Nigeria	\$22,795.00	\$57,286.50	Computers and related items	4A994
213	05/09/97	AIFN34148	Curacao, Netherlands Antilles	\$11,610.00	\$25,510.00	Computers and related items	4A994
214	05/22/97	76150446071	Accra, Ghana	\$4,720.00	\$8,538.00	Computer related items	EAR99
215	06/21/97	93290502042	Lagos, Nigeria	\$6,658.00	\$24,718.00	Computers and related items	4A994

216	06/25/97	4150034516	Doha, Qatar	\$14,444.60	\$22,224.00	Computers and related items	4A994
217	06/27/97	07446171053	Lilongwe, Malawi	\$8,503.00	\$25,550.00	Computers and related items	4A994
218	07/03/97	26600803353	Mombasa, Kenya	\$87,945.00	\$119,228.00	Computers and related items	4A994
219	07/04/97	04787686771	Luanda, Angola	\$2,845.00	\$5,669.00	Computer related items	EAR99
220	07/11/97	76150446933	Kaduna, Nigeria	\$12,575.00	\$26,155.00	Computer related items	EAR99
221	07/19/97	76150571496	Lusaka, Zambia	\$23,551.00	\$37,217.00	Computers and related items	4A994
222	08/12/97	76150571614	Luanda, Angola	\$4,750.00	\$23,800.00	Computer related items	5A991
223	09/19/97	05744864035	Nairobi, Kenya	\$10,800.00	\$24,915.00	Computers and related items	4A994
224	10/22/97	MI A912410	Curacao, Netherlands Antilles	\$67,524.65	\$86,756.90	Computers and related items	4A994
225	11/11/97	76150575965	Accra, Ghana	\$9,505.00	\$27,170.00	Computer related items	EAR99
226	11/26/97	420551515379	Maputo, Mozambique	\$2,783.00	\$6,843.42	Computers and related items	4A994
227	11/28/97	12521538451	Lilongwe, Malawi	\$3,267.00	\$10,961.00	Computers and related items	4A994

228	12/04/97	AIFN35686	Curacao, Netherlands Antilles	\$3,585.00	\$6,640.00	Computers and related items	4A994
229	12/09/97	MIA10549346	Nairobi, Kenya	\$6,000.00	\$22,355.00	Computers and related items	4A994
230	12/10/97	12557441090	Kaneshi, Ghana	\$4,500.00	\$10,380.00	Computer related items	EAR99
231	04/17/98	MIA10574756	Kampala, Uganda	\$3,700.00	\$5,539.00	Computers and related items	4A994
232	06/19/98	ML410583845	Nairobi, Kenya	\$15,730.00	\$30,333.00	Computers and related items	4A994
233	06/27/98	MIA10590451	Dar Es Salaam, Tanzania	\$6,600.00	\$13,890.42	Computers and related items	4A994
234	09/03/98	12500744505	Accra, Ghana	\$4,408.20	\$16,557.40	Computers and related items	4A994

SCHEDULE C

False Statement on AWB

**SCHEDULE C
SCHEDULE OF VIOLATIONS
FALSE STATEMENT ON AWB**

Charge NO.	Date	AWB#	Destination	Declared Value	Invoice Value	Commodity	ECCN
235	06/04/96	815855950	Blantyre, Malawi	\$2,525.00	\$3,000.00	Computer related items	4A94F
236	09/11/96	40048432705	Bridgetown, Barbados	\$2,997.00	\$5,385.00	Computers and related items	4A94F
237	09/13/96	8653357996	Luanda, Angola	\$2,838.00	\$5,241.00	Computer related items	4A94F
238	10/15/96	8653359024	Luanda, Angola	\$3,735.00	\$7,580.00	Computer related items	4A94F
239	10/18/96	8653359201	Luanda, Angola	\$2,880.00	\$14354.00	Computers and related items	4A94F
240	12/10/96	815858632	Luanda, Angola	\$2,590.00	\$5,317.00	Computer related items	4A94F
241	01/29/97	7940390990	Luanda, Angola	\$3,120.00	\$6,474.00	Computer related items	EAR99
242	02/03/97	12573768310 12573768446	Accra, Ghana	\$2,272.40 \$2~00.00	\$18,418.50	Computer related items	EAR99
243	02/09/97	04786954464	Luanda, Angola	\$2,694.00	\$5,393.00	Computer related items	EAR99

244	02/22/97	12573901962	Accra, Ghana	\$4,403.20	\$15,127.00	Computer related items	EAR99
245	03/14/97	93290168444	Lagos, Nigeria	\$4,206.00	\$10,343.20	Computers and related items	4A994
246	03/21/97	04787686071	Luanda, Angola	\$2,674.00	\$5,328.00	Computer related items	EAR99
247	04/06/97	04787686141	Luanda, Angola	\$3,980.00	\$8,180.00	Computer related items	EAR99
248	04/06/97	04787686152	Luanda, Angola	\$3,865.00	\$7,730.00	Computer related items	EAR99
249	05/03/97	05738300253	Doula, Cameroon	\$3377.00	\$6,707.50	Computers and related items	4A994
250	05/28/97	40041659026 40041659015 40041659052 40041659041 40041659030 40041659063	Lagos, Nigeria	\$3,850.00	\$7,414.00	Computers	4A994
251	07/10/97	76150446874	Accra, Ghana	\$4,754.00	\$9,288.00	Computer related items	EAR99
252	08/20/97	AIFN34847	Curacao, Netherlands Antilles	\$3,050.00	\$10,687.86	Computers and related items	4A994
253	09/05/97	7547201406	Abidjan, Ivory Coast	\$4,140.00	\$5,895.36	Computer related items	EAR99

254	09/19/97	40051427471 40054427460 40051427456	Lagos, Nigeria	\$3,186.14	\$7,755.80	Computers and related items	4A994
255	10/18/97	12521501594	Accra, Ghana	\$3,279.00	\$8,109.50	Computers and related items	4A994
256	11/06/97	40098952755 40098952770 40098952781	Lagos, Nigeria	\$636.00 \$1,500.00 \$591.00	\$28,811.48	Computers	4A994
257	11/18/97	7547202036	Kampala, Uganda	\$3,800.00	\$8,136.00	Computers and related items	4A994
258	11/24/97	12556788944	Accra, Ghana	\$3,521.00	\$5,662.50	Computers and related items	4A994
259	12/15/97	40098954240 40098954236 40098954225	Lagos, Nigeria	\$2,550.00	\$16,321.14	Computers	4A994
260	12/23/97	40098954365 40098954402 40098954413 40098954424 40098954376 40098954435	Lagos, Nigeria	\$4,604.16	\$10,448.00	Computers and related items	4A994
261	04/10/98	9266318261	Lagos, Nigeria	\$6,310.00	\$23,096.73	Computers and related items	4A994
262	04/17/98	9266318412	Accra, Ghana	\$2,832.00	\$5,012.00	Computers and related items	4A994

263	05/15/98	9266318810	Accra, Ghana	\$4,355.00	\$5,059.50	Computers and related items	4A994
264	05/28/98	9266319005	Nigeria	017 846.9	\$46 510 00	Computers	4A994
265	06/19/98	9266319311	Nigeria	\$8 145.00	\$17 245.00	Computers	4A994

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

In the Matter of:)

Maria Elena Ibanez)
2 127 Brickell Avenue)
Unit 140)
Miami, Florida 33 129,)

Respondent)

) Docket No. 02-BXA-0 1

SETTLEMENT AGREEMENT

This Agreement is made by and between Maria Elena Ibanez (“Ibanez”) and the Bureau of Industry and Security, United States Department of Commerce (“BIS”), pursuant to Section 766.18(b) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2002)) (“the Regulations”),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1994 & Supp. 2002)) (“the Act”).²

¹ The alleged violations occurred in 1996, 1997 and 1998. The Regulations governing the violations at issue are found in the 1996, 1997 and 1998 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 **Fed. Reg.** 12714, March 25, 1996) (hereinafter “the former Regulations”), and 15 C.F.R. Parts 730-774 (1997 and 1998)). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. As an interim measure that was part of the transition to newly restructured and reorganized Regulations, the March 25, 1996 **Federal Register** publication also restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BIS alleges occurred. The Regulations establish the procedures that apply to this matter.

² 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 August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations then in effect under the International Emergency Economic Powers Act (50 U.S.C. A. §§ 1701 - 1706 (1991 & Supp. 2001)) (“IEEPA”). On November 13, 2000, the

WHEREAS, on December 19, 2001, BIS initiated an administrative proceeding against Ibanez pursuant to the Act and the Regulations by issuing a Charging Letter alleging that:

(1) between on or about May 14, 1996 and on or about July 17, 1998, in her capacity as president, owner or director of International High Tech Marketing (“IHTM”)³, she took action that enabled IHTM to avoid the filing of Shipper’s Export Declarations (“SEDs”) as required by Section 786A.1(c)(2) of the former Regulations and 758.3 of the Regulations, by directing the preparation and delivery of commercial invoices to **freight** forwarders which contained understated values which facilitated the failure of IHTM to file **SEDs**; (2) between on or about May 6, 1996 and on or about September 3, 1998, in her capacity as president, owner or director of IHTM, she took action that enabled the submission of **SEDs** by IHTM to the U.S. Government which contained false values for the items being exported from the United States; and (3) between on or about June 4, 1996 and on or about June 19, 1998, in her capacity as president, owner or director of IHTM, she caused the making of false statements on airway bills, defined as export control documents under 770A.2 of the former Regulations and 772 of the Regulations, by directing the preparation and delivery of commercial invoices, which contained understated values, to freight forwarders who prepared the necessary documents, including air waybills, for the exports. BIS alleged that by causing, aiding, and abetting an act prohibited by the Act or any regulation, order, or license issued thereunder,

Act was reauthorized and it remained in effect through August 20, 2001. Since August 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)), has continued the Regulations in effect under IEEPA.

³ IHTM is no longer in existence.

Ibanez committed 77 violations of Section 787A.2 of the former Regulations and 188 violations of Section 764.2(b) of the Regulations for a total of 265 violations;

WHEREAS, Ibanez received notice of issuance of the Charging Letter on January 7, 2002;

WHEREAS, Ibanez has reviewed the Charging Letter and is aware of the allegations made against her and the administrative sanctions that could be imposed against her if the allegations are found to be true;

WHEREAS, Ibanez fully understands the terms of this Settlement Agreement and the Order of the Assistant Secretary of Commerce for Export Enforcement implementing this Agreement (“Order”);

WHEREAS, Ibanez enters into this Settlement Agreement voluntarily and with full knowledge of her rights, and Ibanez states that no promises or representations have been made to her other than the agreements and considerations herein expressed;

WHEREAS, Ibanez neither admits nor denies the allegations contained in the Charging Letter;

WHEREAS, Ibanez wishes to settle and dispose of all matters alleged in the Charging Letter by entering into this Settlement Agreement; and

WHEREAS, Ibanez agrees to be bound by the Order when entered;

NOW THEREFORE, Ibanez and BTS agree as follows:

1. **BIS** has jurisdiction over Ibanez, under the Act and the Regulations, in connection with the matters alleged in the Charging Letter.

2. BIS and Ibanez agree that the following sanctions shall be imposed against her in complete settlement of all alleged violations of the Act and the Regulations as set forth in the Charging Letter:

(a) Ibanez shall be assessed a civil penalty of \$115,000, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the Order.

(b) Ibanez and all of her successors and assigns, officers, representatives, agents, and **employees** may not, for a period of five years from the date of entry of the Order, participate, directly or indirectly, 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:

- i. Applying for, obtaining, or using any license, License Exception, or export control document;
- ii. 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
- iii. 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 in any other activity subject to the Regulations.

- (c) BIS agrees that, as authorized by Section 766.18(c) of the Regulations, the five year denial period set forth in paragraph 2(b) shall be suspended for a period of five years from the entry of the appropriate Order, and shall thereafter be waived, provided that during the period of suspension, Ibanez has committed no violation of the Act or any regulation, order or license issued thereunder, and, provided further that Ibanez has made timely payment of \$115,000 of the civil penalty assessed against her pursuant to this Settlement Agreement and the Order.

3. Ibanez agrees that, subject to the approval of this Settlement Agreement pursuant to paragraph 6 hereof, she hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Settlement Agreement or the Order, when entered), including, without limitation, any right: (a) to an administrative hearing regarding the allegations in the Charging Letter; (b) to request a refund of any civil penalty paid pursuant to this Settlement Agreement and the Order, when entered; and (c) to seek judicial review or otherwise to contest the validity of this Settlement Agreement or the Order, when entered.

4. BIS agrees that, upon entry of the Order, it will not initiate any administrative proceeding against Ibanez in connection with any violation of the Act or the Regulations arising out the transactions identified in the Charging Letter.

5. Ibanez understands that BIS will make the Charging Letter, this Settlement Agreement, and the Order, when entered, available to the public.

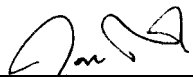
6. BIS and Ibanez agree that this Settlement Agreement is for settlement purposes only. Therefore, if this Settlement Agreement is not accepted and an Order is not issued by the Assistant Secretary of Commerce for Export Enforcement pursuant to Section 766.18(b) of the Regulations, BIS and Ibanez agree that they may not use this Settlement Agreement in any administrative or judicial proceeding and that neither party shall be bound by the terms contained in this Settlement Agreement in any subsequent administrative or judicial proceeding.

7. No agreement, understanding, representation or interpretation not contained in this Settlement Agreement may be used to vary or otherwise affect the terms of this Settlement Agreement or the Order, when entered, nor shall this Settlement Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

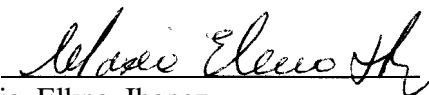
8. This Settlement Agreement shall become binding on BIS only when the Assistant Secretary of Commerce for Export Enforcement approves it by entering an Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

BUREAU OF INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE

MARIA ELENA IBANEZ

BY: 

Jon A. Dyck
Chief Counsel
Office of Chief Counsel for
Industry and Security

BY: 

Maria Elkna Ibanez

Date: 7/19/02

Date: 8-29-2002

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

In the Matter of:)	
)	
Maria Elena Ibanez)	Docket No. 02-BXA-01
2 127 Brickell Avenue)	
Unit 140)	
Miami, Florida 33 129,)	
)	
Respondent)	

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”), having initiated an administrative proceeding against Maria Elena Ibanez, 2 127 Brickell Avenue, Unit 140, Miami, Florida 33 129 (“Ibanez”) pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1994 & Supp. 2002)) (“the Act”) and the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2002)) (“the Regulations”),² based on

¹ From August 2 1, 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 August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations then in effect under the International Emergency Economic Powers Act (50 U.S.C. A. §§ 1701 - 1706 (1991 & Supp. 2001)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 2 1, 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)), has continued the Regulations in effect under IEEPA.

² The alleged violations occurred in 1996, 1997 and 1998. The Regulations governing the violations at issue are found in the 1996, 1997 and 1998 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 **Fed. Reg.** 12714, March 25, 1996) (hereinafter “the former Regulations”), and 15 C.F.R. Parts 730-774 (1997 and 1998)). The March **25, 1996 Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. As an interim measure that was part of the transition to newly restructured and reorganized Regulations, the March **25, 1996 Federal Register** publication also restructured and reorganized the Regulations, designating them as an

allegations that: (1) between on or about May 14, 1996 and on or about July 17, 1998, in her capacity as president, owner or director of International High Tech Marketing (“IHTM”)³, she took action that enabled IHTM to avoid the filing of Shipper’s Export Declarations (SEDS) as required by Section 786A. 1 (c)(2) of the former Regulations and 758.3 of the Regulations, by directing the preparation and delivery of commercial invoices to freight forwarders which contained understated values which facilitated the failure of IHTM to file SEDs; (2) between on or about May 6, 1996 and on or about September 3, 1998, in her capacity as president, owner or director of IHTM, she took action that enabled the submission of SEDs by IHTM to the U.S. Government which contained false values for the items being exported from the United States; and (3) between on or about June 4, 1996 and on or about June 19, 1998, in her capacity as president, owner or director of IHTM, she caused the making of false statements on airway bills, defined as export control documents under 770A.2 of the former Regulations and 772 of the Regulations, by directing the preparation and delivery of commercial invoices, which contained understated values, to freight forwarders who prepared the necessary documents, including air waybills, for the exports; and

BIS and Ibanez having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations (“the Settlement Agreement”) whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the

interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BIS alleges occurred. The Regulations establish the procedures that apply to this matter.

³ IHTM is no longer in existence.

Settlement Agreement having been approved by me;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$115,000 is assessed against Ibanez, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C.A. §§ 3701-3720E (1983 & Supp. 2002)), 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, Ibanez will be assessed, in addition to interest, the amount suspended, and a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, that for a period of five years from the date of this Order, Ibanez, her successors or assigns, and when acting for or on behalf of Ibanez, its officers, representatives, agents or employees ("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, 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. 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 in any other activity subject to the Regulations.

FOURTH, that 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.

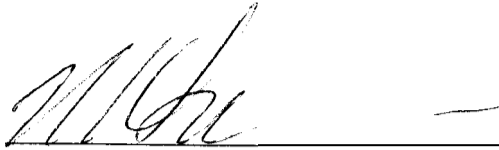
FIFTH, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, **firm**, corporation, or business organization related to Ibanez by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

SIXTH, that 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.

SEVENTH, that, as authorized by Section 766.18(c) of the Regulations, the denial period set forth above shall be suspended in its entirety for five years from the date of this Order, and shall thereafter be waived, provided that during the period of suspension, Ibanez -has committed no violation of the Act or any regulation, order or license issued thereunder, and, provided further, that Ibanez has made timely payment of the civil penalty assessed against her as provided herein.

EIGHTH, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.



Michael J. Garcia
Assistant Secretary
for Export Enforcement

Entered this 31st day of October, 2002.