

PROPOSED CHARGING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

The National Institute for Truth Verification (“NITV”)  
a/k/a NITV Federal Services, LLC  
a/k/a NITV Government Services, LLC  
a/k/a NITV, LLC  
11400 Fortune Circle  
West Palm Beach, Florida 33414

Attn: *Charles Humble*  
*Chief Executive Officer*

Dear Mr. Humble:

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), has reason to believe that the National Institute for Truth Verification<sup>1</sup> of West Palm Beach, Florida, (“NITV”) has committed eleven violations of the Export Administration Regulations (the “Regulations”),<sup>2</sup> which are issued under the authority of the Export Administration Act of 1979, as amended (the “Act”).<sup>3</sup> Specifically, BIS charges that NITV committed the following violations:

**Charge 1:                    15 C.F.R. § 764.2(a): Exporting an Item without the Required License:**

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on one occasion on or about April 3, 2003, NITV engaged in conduct prohibited by

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<sup>1</sup> a/k/a NITV Federal Services, LLC; a/k/a NITV Government Services, LLC; a/k/a NITV, LLC.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2006). The charged violations occurred between 2001 and 2006. The Regulations governing the violations at issue are found in the 2001 through 2006 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2001-2006)). The 2006 Regulations set forth the procedures that apply to this matter.

<sup>3</sup> 50 U.S.C. app. §§ 2401-2420 (2000). 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)), which has been extended by successive Presidential Notices, the most recent being that of August 2, 2005 (70 Fed. Reg. 45,273 (August 5, 2005)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)).

the Regulations by exporting a computer containing voice stress analyzer software, classified as ECCN<sup>4</sup> 3A981, from the United States to South Africa, without the Department of Commerce license required by Section 742.7 of the Regulations. In so doing, NITV committed one violation of Section 764.2(a) of the Regulations.

**Charge 2:                    15 C.F.R. § 764.2(a): Exporting Technology Without the Required License:**

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on or about September 10, 2001 through on or about September 15, 2001, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to South Africa, without the Department of Commerce license required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to a national of South Africa who was not lawfully admitted for permanent residence in the United States and was not a protected individual under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to a national of South Africa is deemed to be an export of the technology to South Africa under Section 734.2(b)(ii) of the Regulations. In so doing, NITV committed one violation of Section 764.2(a) of the Regulations.

**Charge 3:                    15 C.F.R. § 764.2(a): Exporting Technology Without the Required License:**

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on or about July 22, 2002 through July 27, 2002, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to South Korea, without the Department of Commerce license required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to a national of South Korea who was not lawfully admitted for permanent residence in the United States and was not a protected individual under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to a national of South Korea is deemed to be an export of the technology to South Korea under Section 734.2(b)(ii) of the Regulations. In so doing, NITV committed one violation of Section 764.2(a) of the Regulations.

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<sup>4</sup> The term "ECCN" refers to an Export Control Classification Number. See Section 772.1 of the Regulations.

**Charges 4 – 6: 15 C.F.R. § 764.2(a): Exporting Technology Without the Required Licenses:**

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on three occasions on or about February 24, 2003 through March 1, 2003, on or about March 1, 2004 through March 6, 2004, and on or about February 6, 2006 through February 11, 2006, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to Mexico, without the Department of Commerce licenses required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to nationals of Mexico who were not lawfully admitted for permanent residence in the United States and were not protected individuals under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to nationals of Mexico is deemed to be an export of the technology to Mexico under Section 734.2(b)(ii) of the Regulations. In so doing, NITV committed three violations of Section 764.2(a) of the Regulations.

**Charges 7 – 10: 15 C.F.R. § 764.2(b): Causing the Export of Items Without the Required Licenses:**

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on four occasions on or about September 15, 2001, on or about July 27, 2002, on or about March 1, 2003, and on or about March 6, 2004, NITV caused, aided, or abetted the doing of an act prohibited by the Regulations. Specifically, NITV caused the export of computers containing voice stress analyzer software (ECCN 3A981), from the United States to South Africa, South Korea, and Mexico without the Department of Commerce licenses required by Section 742.7 of the Regulations. Specifically, NITV provided foreign nationals attending NITV's Certified Examiners Course in the United States with computers containing voice stress analyzer software. These foreign nationals then exported these items from the United States to South Africa, South Korea, and Mexico, without the Department of Commerce licenses required by Section 742.7 of the Regulations. In so doing, NITV committed four violations of Section 764.2(b) of the Regulations.

**Charge 11: 15 C.F.R. § 764.2(e): Acting With Knowledge That a Violation of the Regulations Was About to Occur:**

On or about February 6, 2006, NITV transferred items exported from the United States with knowledge that a violation of the Regulations would occur. Specifically, NITV transferred technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980) to a

national of Mexico, when NITV knew or had reason to know that a Department of Commerce license was required to release this technology in the United States to a national of Mexico. NITV had reason to know that a license was required for the release of this technology, as agents of the Office of Export Enforcement, Bureau of Industry and Security had met with employees of NITV on January 27, 2005, and provided NITV with information about the Regulations. In addition, NITV had reason to know that a license was required for the release of this technology, as BIS had issued a proposed charging to NITV on December 27, 2005. That proposed charging letter informed NITV that the release of such technology to nationals of Mexico is deemed to be an export of the technology to Mexico under Section 734.2(b)(ii) of the Regulations. In addition, that proposed charging letter informed NITV that the release of such technology required a license pursuant to Section 742.7 of the Regulations. In so doing, NITV committed one violation of Section 764.2(e) of the Regulations.

\* \* \* \*

Accordingly, NITV is hereby notified that an administrative proceeding is instituted against it 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 \$11,000 per violation;<sup>5</sup>

Denial of export privileges; and/or

Exclusion from practice before BIS.

If NITV fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter, that failure will be treated as a default. *See* 15 C.F.R. §§ 766.6 and 766.7. If NITV defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to NITV. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty for the charges in this letter.

NITV is further notified that it is entitled to an agency hearing on the record if it files a written demand for one with its answer. *See* 15 C.F.R. § 766.6. NITV is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. *See* 15 C.F.R. §§ 766.3(a) and 766.4.

The Regulations provide for settlement without a hearing. *See* 15 C.F.R. § 766.18. Should NITV have a proposal to settle this case, NITV or its representative should transmit it to the attorney representing BIS named below.

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<sup>5</sup> 15 C.F.R. § 6.4(a)(2).

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, NITV's answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

U.S. Coast Guard ALJ Docketing Center  
40 S. Gay Street  
Baltimore, Maryland 21202-4022

In addition, a copy of NITV's answer must be served on BIS at the following address:

Chief Counsel for Industry and Security  
Attention: James C. Pelletier, Esq.  
Room H-3839  
United States Department of Commerce  
14th Street and Constitution Avenue, N.W.  
Washington, D.C. 20230

James C. Pelletier is the attorney representing BIS in this case; any communications that NITV may wish to have concerning this matter should occur through him. Mr. Pelletier may be contacted by telephone at (202) 482-5301.

Sincerely,

Michael D. Turner  
Director  
Office of Export Enforcement

SCHEDULE A

NITV

CHARGE	DATE OF EXPORT (ON OR ABOUT)	COMMODITY	VALUE (U.S. DOLLARS)	ECCN	COUNTRY	AIRWAYBILL/BILL OF LADING
1	04/03/03	Computer containing CVSA Software	3000	3A981	South Africa	U.S. Postal Express Mail #ER 144213262US
2	9/10/01 – 9/15/01	Certified Examiners Course involving computer containing CVSA Software	--	3E980	South Africa	N/A
3	7/22/02 – 7/27/02	Certified Examiners Course involving computer containing CVSA Software	2,680	3E980	South Korea	N/A
4	2/24/03 – 3/1/03	Certified Examiners Course involving computer containing CVSA Software	1,395	3E980	Mexico	N/A
5	3/1/04 – 3/6/04	Certified Examiners Course involving computer containing CVSA Software	2,880	3E980	Mexico	N/A
6, 11	2/6/06 – 2/11/06	Certified Examiners Course involving computer containing CVSA Software	1,440	3E980	Mexico	N/A
7	9/15/01	Computer containing CVSA Software	9,950	3A981	South Africa	N/A (Hand delivered at end of training)
8	7/27/02	Computer containing CVSA Software	9,450	3A981	South Korea	N/A (Hand delivered at end of training)
9	3/1/03	Computer containing CVSA Software	10,445	3A981	Mexico	N/A (Hand delivered at end of training)
10	3/6/04	Computer containing CVSA Software	21,520	3A981	Mexico	N/A (Hand delivered at end of training)

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

\_\_\_\_\_  
In the Matter of: )  
)  
The National Institute for Truth )  
Verification (“NITV”) )  
a/k/a NITV Federal Services, LLC )  
a/k/a NITV Government Services, LLC )  
a/k/a NITV, LLC )  
11400 Fortune Circle )  
West Palm Beach, Florida 33414 )  
)  
Respondent \_\_\_\_\_)

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between the National Institute for Truth Verification<sup>1</sup> (“NITV”) and the Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(a) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2006)) (“Regulations”)<sup>2</sup>, issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”);<sup>3</sup>

WHEREAS, BIS has notified NITV of its intention to initiate an administrative proceeding against NITV, pursuant to the Act and the Regulations;

<sup>1</sup> a/k/a NITV Federal Services, LLC; a/k/a NITV Government Services, LLC; a/k/a NITV, LLC.

<sup>2</sup> The charged violations occurred between 2001 and 2006. The Regulations governing the violations at issue are found in the 2001 through 2006 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2001-2006)). The 2006 Regulations set forth the procedures that apply to this matter.

<sup>3</sup> 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)), as extended most recently by the Notice of August 2, 2005, (70 Fed. Reg. 45,273 (August 5, 2005)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701- 1706 (2000)).

WHEREAS, BIS has issued a proposed charging letter to NITV that alleged that NITV committed 11 violations of the Regulations, specifically:

1. *One Violation of 15 C.F.R. § 764.2(a) - Exporting an Item without the Required License:* On one occasion on or about April 3, 2003, NITV engaged in conduct prohibited by the Regulations by exporting a computer containing voice stress analyzer software, classified as ECCN<sup>4</sup> 3A981, from the United States to South Africa, without the Department of Commerce license required by Section 742.7 of the Regulations.
2. *One Violation of 15 C.F.R. § 764.2(a) - Exporting Technology Without the Required License:* On or about September 10, 2001 through on or about September 15, 2001, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to South Africa, without the Department of Commerce license required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to a national of South Africa who was not lawfully admitted for permanent residence in the United States and was not a protected individual under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to a national of South Africa is deemed to be an export of the technology to South Africa under Section 734.2(b)(ii) of the Regulations.

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<sup>4</sup> The term “ECCN” refers to an Export Control Classification Number. *See* Section 772.1 of the Regulations.



3. *One Violation of 15 C.F.R. § 764.2(a) - Exporting Technology Without the Required License:* On or about July 22, 2002 through July 27, 2002, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to South Korea, without the Department of Commerce license required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to a national of South Korea who was not lawfully admitted for permanent residence in the United States and was not a protected individual under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to a national of South Korea is deemed to be an export of the technology to South Korea under Section 734.2(b)(ii) of the Regulations.
4. *Three Violations of 15 C.F.R. § 764.2(a) - Exporting Technology Without the Required Licenses:* On or about February 24, 2003 through March 1, 2003, on or about March 1, 2004 through March 6, 2004, and on or about February 6, 2006 through February 11, 2006, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to Mexico, without the Department of Commerce licenses required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to nationals of Mexico who were not lawfully admitted for

permanent residence in the United States and were not protected individuals under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to nationals of Mexico is deemed to be an export of the technology to Mexico under Section 734.2(b)(ii) of the Regulations.

5. *Four Violations of 15 C.F.R. § 764.2(b) -- Causing the Export of Items Without the Required Licenses:* On or about September 15, 2001, on or about July 27, 2002, on or about March 1, 2003, and on or about March 6, 2004, NITV caused, aided, or abetted the doing of an act prohibited by the Regulations. Specifically, NITV caused the export of computers containing voice stress analyzer software (ECCN 3A981), from the United States to South Africa, South Korea, and Mexico without the Department of Commerce licenses required by Section 742.7 of the Regulations. Specifically, NITV provided foreign nationals attending NITV's Certified Examiners Course in the United States with computers containing voice stress analyzer software. These foreign nationals then exported these items from the United States to South Africa, South Korea, and Mexico, without the Department of Commerce licenses required by Section 742.7 of the Regulations.
6. *One Violation of 15 C.F.R. § 764.2(e) -- Acting With Knowledge That a Violation of the Regulations was about to Occur:* On or about February 6, 2006, NITV transferred items exported from the United States with knowledge that a violation of the Regulations would occur. Specifically, NITV transferred technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980) to a national of Mexico, when NITV knew or had reason to know that a

Department of Commerce license was required to release this technology in the United States to a national of Mexico. NITV had reason to know that a license was required for the release of this technology, as agents of the Office of Export Enforcement, Bureau of Industry and Security had met with employees of NITV on January 27, 2005, and provided NITV with information about the Regulations. In addition, NITV had reason to know that a license was required for the release of this technology, as BIS had issued a proposed charging to NITV on December 27, 2005. That proposed charging letter informed NITV that the release of such technology to nationals of Mexico is deemed to be an export of the technology to Mexico under Section 734.2(b)(ii) of the Regulations. In addition, that proposed charging letter informed NITV that the release of such technology required a license pursuant to Section 742.7 of the Regulations.

WHEREAS, NITV has reviewed the proposed charging letter and is aware of the allegations made against it and the administrative sanctions which could be imposed against it if the allegations are found to be true;

WHEREAS, NITV fully understands the terms of this Agreement and the Order (“Order”) that the Assistant Secretary of Commerce for Export Enforcement will issue if he approves this Agreement as the final resolution of this matter;

WHEREAS, NITV enters into this Agreement voluntarily and with full knowledge of its rights;

WHEREAS, NITV states that no promises or representations have been made to it other than the agreements and considerations herein expressed;

WHEREAS, NITV neither admits nor denies the allegations contained in the proposed charging letter;

WHEREAS, NITV wishes to settle and dispose of all matters alleged in the proposed charging letter by entering into this Agreement; and

WHEREAS, NITV agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over NITV, under the Regulations, in connection with the matters alleged in the proposed charging letter.

2. The following sanctions shall be imposed against NITV in complete settlement of the violations of the Regulations set forth in the proposed charging letter:

a. NITV shall be assessed a civil penalty in the amount of \$77,000, of which \$19,250 shall be paid to the U.S. Department of Commerce not later than July 24, 2006; \$19,250 shall be paid to the U.S. Department of Commerce not later than October 24, 2006; \$19,250 shall be paid to the U.S. Department of Commerce not later than January 24, 2007; and \$19,250 shall be paid to the U.S. Department of Commerce not later than April 24, 2007.

b. The timely payment of the civil penalty agreed to in paragraph 2.a. is hereby made a condition to the granting, restoration, or continuing validity of any export license, permission, or privilege granted, or to be granted, to NITV. Failure to make timely payment of the civil penalty set forth above shall result in the denial of all of NITV's export privileges under the Regulations for a period of one year from the date of imposition of the penalty.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof,

NITV hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Agreement or the Order, if entered), including, without limitation, any right to: (a) an administrative hearing regarding the allegations in any charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if entered; (c) request any relief from the Order, if entered, including without limitation relief from the terms of a denial order under 15 C.F.R. § 764.3(a)(2); and (d) seek judicial review or otherwise contest the validity of this Agreement or the Order, if entered.

4. Upon entry of the Order and timely payment of the \$77,000 civil penalty, BIS will not initiate any further administrative proceeding against NITV in connection with any violation of the Act or the Regulations arising out of the transactions identified in the proposed charging letter.

5. BIS will make the proposed charging letter, this Agreement, and the Order, if entered, available to the public.

6. This Agreement is for settlement purposes only. Therefore, if this Agreement is not accepted and the Order is not issued by the Assistant Secretary of Commerce for Export Enforcement pursuant to Section 766.18(a) of the Regulations, no Party may use this Agreement in any administrative or judicial proceeding and the Parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.


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


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

9. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

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

THE NATIONAL INSTITUTE FOR  
TRUTH VERIFICATION

  
\_\_\_\_\_  
Michael D. Turner  
Director  
Office of Export Enforcement

  
\_\_\_\_\_  
Charles Humble  
Chairman and Chief Executive Officer

Date: 4/24/06

Date: 4-17-06

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

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In the Matter of: )  
)  
The National Institute for Truth )  
Verification ("NITV") )  
a/k/a NITV Federal Services, LLC )  
a/k/a NITV Government Services, LLC )  
a/k/a NITV, LLC )  
11400 Fortune Circle )  
West Palm Beach, Florida 33414 )  
)  
\_\_\_\_\_  
Respondent )

ORDER RELATING TO  
THE NATIONAL INSTITUTE OF TRUTH VERIFICATION

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS") having notified the National Institute for Truth Verification<sup>1</sup> ("NITV") of its intention to initiate an administrative proceeding against NITV pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2006)) ("Regulations"),<sup>2</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) ("Act"),<sup>3</sup> by issuing a proposed charging letter to NITV that alleged that NITV committed 11 violations of the Regulations. Specifically, the charges are:

<sup>1</sup> a/k/a NITV Federal Services, LLC; a/k/a NITV Government Services, LLC; a/k/a NITV, LLC.

<sup>2</sup> The charged violations occurred from 2001 through 2006. The Regulations governing the violations at issue are found in the 2001- 2006 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2001-2006)). The 2006 Regulations establish the procedures that apply to this matter.

<sup>3</sup> 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)), as extended most recently by the Notice of August 2, 2005, (70 Fed. Reg. 45,273 (August 5, 2005)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701- 1706 (2000)).

1. *One Violation of 15 C.F.R. § 764.2(a) - Exporting an Item without the Required License:* On one occasion on or about April 3, 2003, NITV engaged in conduct prohibited by the Regulations by exporting a computer containing voice stress analyzer software, classified as ECCN<sup>1</sup> 3A981, from the United States to South Africa, without the Department of Commerce license required by Section 742.7 of the Regulations.
  
2. *One Violation of 15 C.F.R. § 764.2(a) - Exporting Technology Without the Required License:* On or about September 10, 2001 through on or about September 15, 2001, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to South Africa, without the Department of Commerce license required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to a national of South Africa who was not lawfully admitted for permanent residence in the United States and was not a protected individual under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to a national of South Africa is deemed to be an export of the technology to South Africa under Section 734.2(b)(ii) of the Regulations.

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in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701- 1706 (2000)).

<sup>1</sup> The term “ECCN” refers to an Export Control Classification Number. *See* Section 772.1 of the Regulations.



3. *One Violation of 15 C.F.R. § 764.2(a) - Exporting Technology Without the Required License:* On or about July 22, 2002 through July 27, 2002, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to South Korea, without the Department of Commerce license required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to a national of South Korea who was not lawfully admitted for permanent residence in the United States and was not a protected individual under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to a national of South Korea is deemed to be an export of the technology to South Korea under Section 734.2(b)(ii) of the Regulations.
4. *Three Violations of 15 C.F.R. § 764.2(a) - Exporting Technology Without the Required Licenses:* On or about February 24, 2003 through March 1, 2003, on or about March 1, 2004 through March 6, 2004, and on or about February 6, 2006 through February 11, 2006, NITV engaged in conduct prohibited by the Regulations by exporting technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980), from the United States to Mexico, without the Department of Commerce licenses required by Section 742.7 of the Regulations. Specifically, NITV released information, in the form of technical data and/or technical assistance provided during its Certified Examiners Course (ECCN 3E980), to nationals of Mexico who were not lawfully admitted for

permanent residence in the United States and were not protected individuals under the Immigration and Naturalized Act (8 U.S.C. Section 1324b(a)(3)). The release of this technology in the United States to nationals of Mexico is deemed to be an export of the technology to Mexico under Section 734.2(b)(ii) of the Regulations.

5. *Four Violations of 15 C.F.R. § 764.2(b) – Causing the Export of Items Without the Required Licenses:* On or about September 15, 2001, on or about July 27, 2002, on or about March 1, 2003, and on or about March 6, 2004, NITV caused, aided, or abetted the doing of an act prohibited by the Regulations. Specifically, NITV caused the export of computers containing voice stress analyzer software (ECCN 3A981), from the United States to South Africa, South Korea, and Mexico without the Department of Commerce licenses required by Section 742.7 of the Regulations. Specifically, NITV provided foreign nationals attending NITV's Certified Examiners Course in the United States with computers containing voice stress analyzer software. These foreign nationals then exported these items from the United States to South Africa, South Korea, and Mexico, without the Department of Commerce licenses required by Section 742.7 of the Regulations.
6. *One Violation of 15 C.F.R. § 764.2(e) – Acting With Knowledge That a Violation of the Regulations was about to Occur:* On or about February 6, 2006, NITV transferred items exported from the United States with knowledge that a violation of the Regulations would occur. Specifically, NITV transferred technology specially designed for the use of voice stress analyzer equipment (ECCN 3E980) to a national of Mexico, when NITV knew or had reason to know that a

Department of Commerce license was required to release this technology in the United States to a national of Mexico. NITV had reason to know that a license was required for the release of this technology, as agents of the Office of Export Enforcement, Bureau of Industry and Security had met with employees of NITV on January 27, 2005, and provided NITV with information about the Regulations. In addition, NITV had reason to know that a license was required for the release of this technology, as BIS had issued a proposed charging to NITV on December 27, 2005. That proposed charging letter informed NITV that the release of such technology to nationals of Mexico is deemed to be an export of the technology to Mexico under Section 734.2(b)(ii) of the Regulations. In addition, that proposed charging letter informed NITV that the release of such technology required a license pursuant to Section 742.7 of the Regulations.

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

WHEREAS, I have approved of the terms of such Settlement Agreement;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$77,000 is assessed against NITV, of which \$19,250 shall be paid to the U.S. Department of Commerce not later than July 24, 2006; \$19,250 shall be paid to the U.S. Department of Commerce not later than October 24, 2006; \$19,250 shall be paid to the U.S. Department of Commerce not later than January 24, 2007; and \$19,250 shall be paid to the U.S. Department of Commerce not later than April 24, 2007. Payment shall be made in the manner specified in the attached instructions.

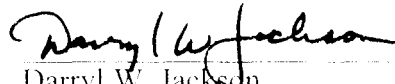
SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C.

§§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, NITV will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to NITV. Accordingly, if NITV should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of NITV's export privileges under the Regulations for a period of one year from the date of entry of this Order.

FOURTH, 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.

  
Darryl W. Jackson  
Assistant Secretary of Commerce  
for Export Enforcement

Entered this 28<sup>th</sup> day of April 2006.