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ALISON TRANSPORT SETTLES ALLEGATIONS OF ANTIBOYCOTT VIOLATIONS

The U.S. Department of Commerce today announced that Alison Transport, Inc. (Alison), a shipper's export agent located in Oceanside, New York, has agreed to pay a \$22,500 civil penalty to settle allegations that it violated the antiboycott provisions of the Export Administration Regulations (EAR).

The Commerce Department's Bureau of Industry and Security (BIS) alleged that on three occasions, in connection with transactions involving the sale and transfer of goods from the United States to Oman, Kuwait, and Saudi Arabia, Alison furnished prohibited information about another company's business relationships in violation of the EAR. BIS also alleged that Alison failed to report its receipt of a request from Oman to provide a certificate that the aircraft used in the transactions were not blacklisted by the Arab League Boycott Committee.

The antiboycott provisions of the EAR prohibit U.S. persons from complying with certain requirements of unsanctioned foreign boycotts, including furnishing information about a business relationship with another person who is known or believed to be restricted from having a business relationship with or in a boycotting country. In addition, the EAR requires that persons report their receipt of certain boycott requests to the Department of Commerce.

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UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE

_____))
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In the Matter of))
)) Case No. 03-01
Alison Transport, Inc.))
))
_____))

ORDER

The Office of Antiboycott Compliance, Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), having determined to initiate an administrative proceeding pursuant to Section 11(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2001)) (the “Act”)¹ and the Export Administration Regulations (currently codified at 15 C.F.R Parts 730-774 (2004))(the “Regulations”), against Alison Transport, Inc. (“Alison”), a domestic concern incorporated in the State of New York, based on allegations set forth in the Proposed Charging Letter, dated February 25, 2004, that alleged that Alison committed four violations of the Regulations;

¹ From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the most recent of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and 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)), as extended by the Notice of August 6, 2004 (69 Fed. Reg. 48763 (August 10,2004)), has continued the Regulations in effect under IEEPA.

Specifically, the charges are:

1. *Three Violations of 15 C.F.R. §760.2(d) - Furnishing Information about Business Relationships with Boycotted Countries or Blacklisted Persons:*

During the period 1999 through 2002, Alison engaged in transaction(s) involving the sale and/or transfer of goods from the United States to Oman, Dubai and Kuwait. In connection with these activities, on three occasions, Alison, with intent to comply with, further or support an unsanctioned foreign boycott, furnished information, as described in Table A, which is attached and incorporated herein by this reference, concerning Alison's business relationships with other persons who are known or believed to be restricted from having any business relationship with or in a boycotting country, an activity prohibited by Section 760.2(d) of the Regulations, and not excepted.

2. *One Violation of 15 C.F.R. §760.5 - Failing to Report the Receipt of a Request to Engage in a Restrictive Trade Practice or Foreign Boycott Against a Country Friendly to the United States:*

During the period January through December 2002, Alison engaged in transaction(s) involving the sale and/or transfer of goods from the United States to Oman. In connection with these activities, Alison, on one occasion, received the following request:

...PLEASE INCORPORATE THE FOLLOWING CLAUSES:
...B) CERTIFICATE ISSUED BY THE AIR COMPANY/AGENT
CERTIFYING THAT THE AIRCRAFT ... IS NOT BLACK LISTED
(SIC) BY THE ARAB LEAGUE BOYCOTT COMMITTEE

Alison therefore received a request to take an action which would have the effect of furthering or supporting a restrictive trade practice or unsanctioned foreign boycott. Alison failed to report its receipt of this request to the Department of Commerce, as directed by Section 760.5 of the Regulations.

BIS and Alison having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby the parties have agreed to settle this matter in accordance with the terms and conditions set forth therein and the terms of the Settlement Agreement having been approved by me;

IT IS THEREFORE ORDERED THAT:

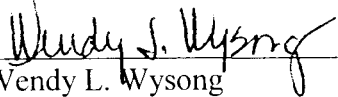
FIRST, a civil penalty of \$ 22,500 is assessed against Alison and shall be paid to the U.S. Department of Commerce in the following manner: \$ 7,500, within 30 days from the date of entry of this Order; \$7,500, within 30 days from the first anniversary of the date of entry of this Order; and \$ 7,500, within 30 days from the second anniversary of the date of entry of this Order. Payment of these sums shall be made in the manner specified in the attached instructions.

SECOND, pursuant to the Debt Collections Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (1983 and Supp. 2001)), 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 dates specified herein, Alison will be assessed, in addition to the full amount of the penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, as authorized by Section 11(d) of the Act, the timely payment of the sum of \$ 22,500 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 Alison. Accordingly, if Alison should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order under the authority of Section 11(d) of the Act denying all of Alison's export privileges for a period of one year from the date of the entry of this Order.

FOURTH, the Proposed Charging Letter, the Settlement Agreement and this Order shall be made available to the public, and a copy of this Order shall be served upon Alison.

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



Wendy L. Wysong
Acting Assistant Secretary of Commerce for
Export Enforcement

Entered this 22d day of December, 2004

Attachments

TABLE A

Schedule of Alleged Violations of Section 760.2(d)
Furnishing Prohibited Business Information

Alison Transport Inc.
Case No. 03-01

Item	Document Furnished	On or About	Shipment to	Information Furnished
1	Agent's Certificate	09.29.99	Salhiya (Kuwait)	"The aircraft is allowed to land on Kuwait airport...."
2	Agent's Certificate	05.04.00	Al Hindi (Dubai)	"We certify that the carrying vessel is allowed to enter Arab ports."
3	Agent's Certificate	07.24.02	Sports Services (Oman)	"We certify that the aircraft...is not black listed (sic) by the Arab league boycott committee."

INSTRUCTIONS FOR PAYMENT OF SETTLEMENT AMOUNT

1. The check should be made payable to:

U.S. DEPARTMENT OF COMMERCE

2. The check should be mailed to:

U.S. Department of Commerce
Bureau of Industry and Security
Room 6881
14th & Constitution Avenue, N.W.
Washington, D.C. 20230

Attention: Sharon Gardner

NOTICE

The Order to which this Notice is attached describes the reasons for the assessment of the civil monetary penalty. It also specifies the amount owed and the date by which payment of the civil penalty is due and payable.

Under the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (1983 and Supp. 2001)) and the Federal Claims Collection Standards (65 Fed. Reg. 70390-70406, November 22, 2000, to be codified at 31 C.F.R. Parts 900-904), interest accrues on any and all civil monetary penalties owed and unpaid under the Order, from the date of the Order until paid in full. The rate of interest assessed respondent is the rate of the current value of funds to the U.S. Treasury on the date that the Order was entered. However, interest is waived on any portion paid within 30 days of the date of the Order. See 31 U.S.C. §3717 and 31 C.F.R. §901.9.

The civil monetary penalty will be delinquent if not paid by the due date specified in the Order. If the penalty becomes delinquent, interest will continue to accrue on the balance remaining due and unpaid, and respondent will also be assessed both an administrative charge to cover the cost of processing and handling the delinquent claim and a penalty charge of six percent per year. However, although the penalty charge will be computed from the date that the civil penalty becomes delinquent, it will be assessed only on sums due and unpaid for over 90 days after that date. See 31 U.S.C. §3717 and 4 C.F.R. §901.9.

The foregoing constitutes the initial written notice and demand to respondent in accordance with Section 901.2 of the Federal Claims Collection Standards (31 C.F.R. §901.2(b)).

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE

_____)
)
)
In the Matter of)
)
) Case No. 03-01
Alison Transport, Inc.)
)
_____)

SETTLEMENT AGREEMENT

This agreement is made by and between Alison Transport, Inc. (“Alison”), a domestic concern incorporated in the State of New York, and the Office of Antiboycott Compliance, Bureau of Industry and Security, United States Department of Commerce (“BIS”), pursuant to Section 766.18(a) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2004)) (the “Regulations”), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2001)) (the “Act”).¹

¹ From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the most recent of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and 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)), as extended by the Notice of August 6, 2004 (69 Fed. Reg. 48763 (August 10, 2004)), has continued the Regulations in effect under IEEPA.

WHEREAS, BIS has notified Alison of its intention to initiate an administrative proceeding against Alison, pursuant to Section 11(c) of the Act by issuing the Proposed Charging Letter dated February 25, 2004, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, Alison has reviewed the Proposed Charging Letter and is aware of the allegations against it and the administrative sanctions which could be imposed against it if the allegations are found to be true; Alison fully understands the terms of this Settlement Agreement, and enters into this Settlement Agreement voluntarily and with full knowledge of its rights; and Alison states that no promises or representations have been made to it other than the agreements and considerations herein expressed; and

WHEREAS, Alison neither admits nor denies the truth of the allegations, but wishes to settle and dispose of the allegations made in the Proposed Charging Letter by entering into this Settlement Agreement; and

WHEREAS, Alison agrees to be bound by the appropriate Order (“Order”) when entered;

NOW, THEREFORE, Alison and BIS agree as follows:

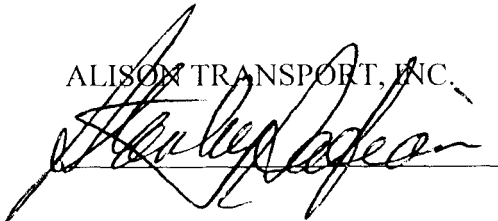
1. Under the Act and the Regulations, BIS has jurisdiction over Alison with respect to the matters alleged in the Proposed Charging Letter.

2. BIS will impose a civil penalty in the amount of \$ 22,500. Alison will pay to the U.S. Department of Commerce, within 30 days of receipt of service of the Order, and in accordance with the terms of the Order, when entered, the amount of \$ 22,500 in complete settlement of all matters set forth in the Proposed Charging Letter.
3. As authorized by Section 11(d) of the Act, timely payment of the amount agreed to in paragraph 2 is hereby made a condition of the granting, restoration, or continuing validity of any export license, permission, or privilege granted, or to be granted, to Alison. Failure to make payment of this amount shall result in the denial of all of Alison's export privileges for a period of one year from the date of entry of the Order.
4. Subject to the approval of this Settlement Agreement, pursuant to paragraph 9 hereof, Alison hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violation of this Settlement Agreement or the Order, when entered) including, without limitation, any right to:
 - A. An administrative hearing regarding the allegations in the Proposed Charging Letter;
 - B. Request a refund of the funds paid by Alison pursuant to this Settlement Agreement and the Order, when entered; or

- C. Seek judicial review or otherwise contest the validity of this Settlement Agreement or the Order, when entered.
5. BIS, upon entry of the Order, will not initiate any administrative or judicial proceeding, or make a referral to the Department of Justice for criminal proceedings against Alison with respect to any violation of Section 8 of the Act or Part 760 of the Regulations arising out of the transactions set forth in the Proposed Charging Letter or any other transaction that was disclosed to or reviewed by BIS in the course of its investigation.
 6. Alison understands that BIS will disclose publicly the Proposed Charging Letter, this Settlement Agreement, and the Order, when entered.
 7. This Settlement Agreement is for settlement purposes only, and does not constitute an admission by Alison that it has violated the Regulations, or an admission of the truth of any allegation contained in the Proposed Charging Letter or referred to in this Settlement Agreement. Therefore, if this Settlement Agreement is not accepted and the Order not entered by the Assistant Secretary for Export Enforcement, BIS may not use this Settlement Agreement against Alison in any administrative or judicial proceeding.

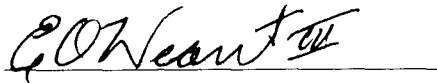
8. No agreement, understanding, representation or interpretation not contained in this Settlement Agreement may be used to vary or otherwise affect the terms of this Settlement Agreement or the Order, when entered, nor shall this Settlement Agreement bind, constrain or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances herein addressed. This paragraph shall not limit Alison's right to challenge any action brought by any other agency based on a referral by BIS or any employee thereof, in contravention of paragraph 5 of this Settlement Agreement.

9. This Settlement Agreement will become binding on BIS only when approved by the Assistant Secretary for Export Enforcement by entering the Order.

ALISON TRANSPORT, INC.


DATE: 10/27/04

U.S. DEPARTMENT OF COMMERCE



DATE: 12-17-04

Edward O. Weant III
Acting Director
Office of Antiboycott Compliance

Attachment



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

PROPOSED CHARGING LETTER

February 25, 2004

Alison Transport Inc.
1800-A Access Road
Oceanside, New York 11572

Attention : Stanley Safian,
President

Case No. 03-01

Gentlemen/Ladies:

We, the Bureau of Industry and Security, United States Department of Commerce (“BIS”), have reason to believe that you, Alison Transport Inc., on four occasions, have violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (the “Regulations”),¹ which are issued under the authority of the Export Administration Act of 1979, as amended (50 U.S.C. §§ 2401-2420 (1994 & Supp. V 1999)) (the “Act”).²

We charge that you committed three violations of Section 760.2(d) of the Regulations, in that, on three occasions, with intent to comply with, further or support an unsanctioned foreign boycott, you furnished information about your business relationships with other persons who are known or believed to be restricted from having any business relationships with or in a boycotting country.

¹ The alleged violations occurred in 1999, 2000 and 2002. The Regulations governing the violations at issue are found in the 1999, 2000 and 2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1999, 2000 and 2002)). They are substantially the same as the 2003 version of the Regulations which govern the procedural aspects of 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 most recent of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized, and remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222, extended by a Presidential Notice of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 14, 2002 (3 C.F.R., 2002 Comp. 306 (2003)) and the Notice of August 7, 2003 (68 Fed. Reg. 47833 (August 11, 2003)), has continued the Regulations in effect under IEEPA. The Regulations are available on the Government Printing Office Website at: www.access.gpo.gov/bis/.



We also charge that you committed one violation of Section 760.5 in that, on one occasion, you failed to report to the Department of Commerce ("Department") your receipt of a request to engage in a restrictive trade practice or boycott, as required by the Regulations.

We allege that:

You are a domestic concern incorporated in the State of New York. As such, you are a United States person as defined in Section 760.1(b) of the Regulations.

During the period 1999 through 2002, you engaged in transactions involving the sale and transfer of goods from the United States to Oman, Dubai and Kuwait, activities in the interstate or foreign commerce of the United States as defined in Section 760.1(d) of the Regulations.

Charges 1 - 3 (15 C.F.R. § 760.2(d) - Furnishing Information about Business Relationships with Boycotted Countries or Blacklisted Persons)

In connection with the activities referred to above, on three occasions, you furnished information as described in Table A, which is attached and incorporated herein by this reference, concerning your business relationships with other persons who are known or believed to be restricted from having any business relationship with or in a boycotting country. Providing the information described in Table A, with intent to comply with, further or support an unsanctioned foreign boycott, is an activity prohibited by Section 760.2(d) of the Regulations, and not excepted. We therefore charge you with three violations of Section 760.2(d).

Charge 4 (15 C.F.R. § 760.5 - Failing to Report the Receipt of a Request to Engage in a Restrictive Trade Practice or Foreign Boycott Against a Country Friendly to the United States)

In connection with the activities referred to above, on or about July 19, 2002, you received an amendment to a Letter of Credit, number 2002.BMLC.49513, issued by Bank Muscat Al Ahli Al Omani and advised by American Express Bank Ltd. This amendment contained a request to take an action which would have the effect of furthering or supporting a restrictive trade practice or unsanctioned foreign boycott. The boycott request in the amendment read as follows:

...PLEASE INCORPORATE THE FOLLOWING CLAUSES:
...B) CERTIFICATE ISSUED BY THE AIR COMPANY/AGENT
CERTIFYING THAT THE AIRCRAFT ... IS NOT BLACK LISTED
(SIC) BY THE ARAB LEAGUE BOYCOTT COMMITTEE.

Section 760.5 of the Regulations requires United States persons to report to the Department their receipts of such requests. You failed to report to the Department your receipt of the request described above.

By failing to report your receipt of the request, as directed by Section 760.5 of the Regulations, you are in violation of Section 760.5. We therefore charge you with one violation of Section 760.5 of the Regulations.

Accordingly, administrative proceedings are instituted against you pursuant to Part 766 of the Regulations for the purpose of obtaining an Order imposing administrative sanctions.³

You are entitled to a hearing on the record as provided in Section 766.6 of the Regulations.

If you wish to have a hearing on the record, you must file a written demand for it with your answer. You are entitled to be represented by counsel, and under Section 766.18 of the Regulations, to seek a settlement agreement.

If you fail to answer the allegations contained in this letter within thirty (30) days after service as provided in Section 766.6, such failure will be treated as a default under Section 766.7.

As provided in Section 766.3, I am referring this matter to the Administrative Law Judge. 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. Therefore, in accordance with the instructions in Section 766.5(a) of the Regulations, your answer should be filed with:

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

Attention: Administrative Law Judge

Also, in accordance with the instructions in Section 766.5(b) of the Regulations, a copy of your answer should also be served on the Bureau of Industry and Security at:

³ Administrative sanctions may include any or all the following:

- a. A civil penalty of \$11,000 per violation; after November 1, 2000, a civil penalty of \$12,000 per violation (see § 764.3(a)(1) of the Regulations and 15 C.F.R. § 6.4(a)(2)(2002));
- b. Denial of export privileges (see § 764.3(a)(2) of the Regulations); and/or
- c. Exclusion from practice before BIS (see § 764.3(a)(3) of the Regulations).

Office of the Chief Counsel for Industry and Security
Room H-3839
Bureau of Industry and Security
U.S. Department of Commerce
14th Street & Constitution Avenue, N.W.
Washington, D.C. 20230

Sincerely,

Dexter M. Price
Director
Office of Antiboycott Compliance

TABLE A

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Furnishing Prohibited Business Information

Alison Transport Inc.
Case No. 03-01

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3	Agent's Certificate	07.24.02	Sports Services (Oman)	"We certify that the aircraft...is not black listed (sic) by the Arab league boycott committee."