

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

In the Matter of:)

FRANCISCO JAVIER FERREIRO-PARGA)
Plaza de Maria Pita 21)
Piso 2d)
La Coruna, Spain)

ORDER DENYING PERMISSION
TO APPLY FOR OR USE EXPORT LICENSES

On December 12, 1997, Francisco Javier Ferreiro-Parga (Ferreiro-Parga) was convicted in the United States District Court for the Southern District of Florida on, inter alia, one count of violating the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1998)) (IEEPA).

Ferreiro-Parga was convicted of knowingly, willfully, and unlawfully exporting and causing to be exported two containers of goods to Ria Haina, Dominican Republic, under a false bill of lading, from where the containers of goods were transhipped to Havana, Cuba, without the required export license.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1998)) (the Act),¹ provides that, at the discretion

¹ The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), August 13, 1997 (3 C.F.R., 1997 Comp. 306 (1998)), and August 13, 1998 (63 Fed. Reg. 44121, August 17, 1998), continued the Export Administration Regulations in effect under the IEEPA.

of the Secretary of Commerce,² no person convicted of violating the IEEPA, or certain other provisions of the United States Code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1998)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to Sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating the IEEPA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Ferreiro-Parga's conviction for violating the IEEPA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Ferreiro-Parga permission to apply for or use any license, including any License Exception, issued pursuant to, or provided

² Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.

by, the Act and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on December 12, 2007. I have also decided to revoke all licenses issued pursuant to the Act in which Ferreiro-Parga had an interest at the time of his conviction.

Accordingly, it is hereby

ORDERED

I. Until December 12, 2007, Francisco Javier Ferreiro-Parga, Plaza de Maria Pita 21, Piso 2d, La Coruna, Spain, 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. Benefiting in any way from any transaction involving any item exported or to be exported from the United

States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

- A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;
- B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;
- C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;
- D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or
- E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item,

of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

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

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

V. This Order is effective immediately and shall remain in effect until December 12, 2007.

VI. A copy of this Order shall be delivered to Ferreiro-Parga. This Order shall be published in the Federal Register.

Date: 25 Jan 1999



Eileen M. Albanese
Director
Office of Exporter Services



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Export Administration
Washington, D.C. 20230

JAN 26 1999

Francisco Javier Ferreiro-Parga
Plaza de Maria Pita 21
Piso 2d
La Coruna, Spain

Dear Mr. Ferreiro-Parga:

The Office of Exporter Services, Bureau of Export Administration, United States Department of Commerce, has been notified that you were convicted, on December 12, 1997, of violating the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1998)) (IEEPA).

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1998)) (the Act),¹ provides that, at the discretion of the Secretary of Commerce, no person convicted of violating the IEEPA shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1998)) (the Regulations), for a period of up to 10 years from the date of conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Section 766.25 of the Regulations states that, upon notification that a person has been convicted of violating the IEEPA, the Director, Office of Exporter Services, must determine, in consultation with the Director, Office of Export Enforcement, whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations. Moreover, Section 750.8(a) of the Regulations states that I may revoke any license issued pursuant to the Act and the Regulations in which that person had any interest at the time of conviction.

Having been informed of your conviction, and having consulted with the Director, Office of Export Enforcement, I have decided to deny you permission to apply for or use any license, including any License Exception, for a period of 10 years from the date of conviction. The 10-year period ends on December 12, 2007. I

¹ The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), August 13, 1997 (3 C.F.R., 1997 Comp. 306 (1998)), and August 13, 1998 (63 Fed. Reg. 44121, August 17, 1998), continued the Export Administration Regulations in effect under the IEEPA.



have also decided to revoke all export licenses issued pursuant to the Act in which you have any interest.

Enclosed is a copy of the order implementing my decision. This order will be published in the Federal Register. In addition, your name will be included on the list (15 C.F.R. Part 764, Supp. 2) of those persons who are denied export privileges pursuant to Section 11(h) and other provisions of the Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eileen M. Albanese", written in black ink.

Eileen M. Albanese
Director
Office of Exporter Services

Enclosure