

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

In the Matter of:)
)
 ALI MOZAFFARI,)
)
 individually and doing business as)
)
 INTERLINK COMPUTER TECHNOLOGY, INC.)
)
 both with an address at)
)
 1221 Jones Street, Apt. B3)
 San Francisco, California 94109,)
)
 Respondents)

ORDER

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified Ali Mozaffari, individually and doing business as Interlink Computer Technology, Inc. (hereinafter collectively referred to as "Mozaffari"), of its intention to initiate an administrative proceeding against him pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1998)) (the "Act"),¹ and the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1998)) (the "Regulations"), based on allegations that, on

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 Regulations in effect under the International Emergency Economic Powers Act (currently codified at 50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1998)).

or about September 12, 1996, Mozaffari attempted to export from the United States to Iran, through Germany, U.S.-origin computers and computer equipment without the authorization that he knew or had reason to know was required by Section 746.7 of the Regulations, in violation of Sections 764.2(c) and (e) of the Regulations;

BXA and Mozaffari having 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 the terms of the Settlement Agreement having been approved by me;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$5,000 is assessed against Mozaffari, which shall be paid to the United States Department of Commerce within 30 days of the date 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 and Supp. 1998)), 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, respondent will be assessed, in addition to interest, 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, Ali Mozaffari, individually and doing business as Interlink Computer Technology, Inc., both with an address at 1221 Jones Street, Apt. B3, San Francisco, California 94109, and all successors or assigns, officers, representatives, agents, and employees, may not 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:

- 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.

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 that 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 the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made 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 entry of this Order, and shall thereafter be waived, provided that, during the period of suspension, Mozaffari has committed no violation of the Act, or any regulation, order, or license issued thereunder.

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.



A. Amanda DeBusk
Assistant Secretary
for Export Enforcement

Entered this 9th day of June, 1999.

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

 In the Matter of:)
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 ALI MOZAFFARI,)
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 INTERLINK COMPUTER TECHNOLOGY, INC.)
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 both with an address at)
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 1221 Jones Street, Apt. B3)
 San Francisco, California 94109,)
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 _____ Respondents)

SETTLEMENT AGREEMENT

This Agreement is made by and between Ali Mozaffari, individually and doing business as Interlink Computer Technology, Inc. (hereinafter collectively referred to as "Mozaffari"), and the Bureau of Export Administration, United States Department of Commerce, pursuant to Section 766.18(a) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1998)) (the "Regulations"), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1998)) (the "Act").¹

Whereas, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), has

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notified Mozaffari of its intention to initiate an administrative proceeding against him pursuant to the Act and the Regulations, based on allegations that, on or about September 12, 1996, Mozaffari attempted to export from the United States to Iran, through Germany, U.S.-origin computers and computer equipment without the authorization that he knew or had reason to know was required by Section 746.7 of the Regulations, in violation of Sections 764.2(c) and (e) of the Regulations;

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

Whereas, Mozaffari neither admits nor denies the allegations contained in the proposed Charging Letter;

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

Whereas, Mozaffari agrees to be bound by an appropriate Order giving effect to the terms of this Settlement Agreement, when entered (appropriate Order);

Now Therefore, Mozaffari and BXA agree as follows:

1. BXA has jurisdiction over Mozaffari, under the Act and the Regulations, in connection with the matters alleged in the proposed Charging Letter.

2. BXA and Mozaffari agree that the following sanctions shall be imposed against Mozaffari in complete settlement of the violations of the Act and the Regulations set forth in the proposed Charging Letter:

- a. Mozaffari shall be assessed a civil penalty of \$5,000, which shall be paid within 30 days of the date of entry of an appropriate Order.
- b. Mozaffari and all his successors or assigns, officers, representatives, agents, and employees, may not, for a period of five years from the date of entry of an appropriate 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. As authorized by Section 766.18(c) of the Regulations, this denial of export privileges shall be suspended for a period of five years from the date of entry of an appropriate Order, and shall thereafter be waived, provided that, during the period of suspension, Mozaffari has committed no violation of the Act, or any regulation, order, or license issued thereunder.

3. Mozaffari agrees that, subject to the approval of this Settlement Agreement pursuant to paragraph 8 hereof, he hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Settlement Agreement or the appropriate Order, when entered), including, without limitation, any right: (a) to an administrative hearing regarding the allegations in the proposed Charging Letter; (b) to request a refund of the civil penalty imposed pursuant to this Settlement Agreement and the appropriate Order, when entered; and (c) to seek judicial review or otherwise to contest the validity

of this Settlement Agreement or the appropriate Order, when entered.

4. BXA agrees that, upon entry of an appropriate Order, it will not initiate any administrative proceeding against Mozaffari in connection with any violation of the Act or the Regulations arising out of the transactions identified in the proposed Charging Letter or any other shipment by Mozaffari which BXA learned about in the course of the investigation that led to this Settlement Agreement.

5. Mozaffari understands that BXA will make the proposed Charging Letter, this Settlement Agreement, and the appropriate Order, when entered, available to the public.

6. BXA and Mozaffari agree that this Settlement Agreement is for settlement purposes only. Therefore, if this Settlement Agreement is not accepted and an appropriate Order is not issued by the Assistant Secretary for Export Enforcement pursuant to Section 766.18(a) of the Regulations, BXA and Mozaffari 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 appropriate 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 BXA only when the Assistant Secretary for Export Enforcement approves it by entering an appropriate 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 EXPORT ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

ALI MOZAFFARI,
individually and
doing business as
INTERLINK COMPUTER TECHNOLOGY,
INC.

Mark D. Menefee
Mark D. Menefee
Director
Office of Export Enforcement

Ali Mozaffari
Ali Mozaffari

Date: 4/14/99

Date: 4-8-99



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ali Mozaffari,
individually and doing business as
Interlink Computer Technology, Inc.
both with an address at
1221 Jones Street, Apt. B3
San Francisco, California 94109

Dear Mr. Mozaffari:

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), hereby charges that Ali Mozaffari, individually and doing business as Interlink Computer Technology, Inc. (hereinafter collectively referred to as "Mozaffari"), has violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1998)) (hereinafter the "Regulations"), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1998)) (hereinafter the "Act"), as set forth below.¹

Facts constituting violations:

Charges 1-2

On or about September 12, 1996, Mozaffari attempted to export from the United States to Iran, through Germany, U.S.-origin computers and computer equipment without the authorization that he knew or had reason to know was required by Section 746.7 of the Regulations. BXA alleges that, by attempting to violate the Act, the Regulations, or any order, license, or authorization issued thereunder, Mozaffari violated Section 764.2(c) of the Regulations. BXA also alleges that, by selling, transferring, or forwarding commodities exported or to be exported from the United States with knowledge or reason to know that a violation of the Act, the Regulations, or any order, license, or authorization issued thereunder occurred, was about to occur, or was intended to occur with respect to the transaction, Mozaffari violated Section 764.2(e) of the Regulations.

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BXA alleges that Mozaffari committed one violation of Section 764.2(c) and one violation of Section 764.2(e), for a total of two violations of the Regulations.

Accordingly, Mozaffari is hereby notified that an administrative proceeding is instituted against him pursuant to Part 766 of the Regulations for the purpose of obtaining an Order imposing administrative sanctions, including any or all of the following:

- a. The maximum civil penalty of \$10,000 per violation (see Section 764.3(a)(1));
- b. Denial of export privileges (see Section 764.3(a)(2)); and/or
- c. Exclusion from practice (see Section 764.3(a)(3)).

Copies of relevant Parts of the Regulations are enclosed.

If Mozaffari fails 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.

Mozaffari is further notified that he is entitled to an agency hearing on the record as provided by Section 766.6 of the Regulations if a written demand for one is filed with his answer, to be represented by counsel, and to seek a settlement.

Pursuant to an Interagency Agreement between BXA 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 charging letter. Accordingly, Mozaffari's 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 of the Regulations. In addition, a copy of Mozaffari's answer should be served on BXA at the address set forth in Section 766.5, adding "ATTENTION: Thomas C. Barbour, Esq." below the address. Mr. Barbour may be contacted by telephone at (202) 482-5311.

Sincerely,

Mark D. Menefee
Director
Office of Export Enforcement

Enclosure