



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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DSV Samson Transport, Inc.
100 Walnut Street
Suite 405
Clark, New Jersey 07066

Attn: Joergen Moeller
President

Dear Mr. Moeller:

The Bureau of Industry and Security, United States Department of Commerce ("BIS"), has reason to believe that DSV Samson Transport, Inc. ("DSV") of Clark, New Jersey, has committed 59 violations of the Export Administration Regulations (the "Regulations"), which are issued under the authority of the Export Administration Act of 1979 (the "Act").² Specifically, BIS charges that DSV committed the following violations:

Charges 1-33 15 C.F.R. § 764.2(b) - Causing a Violation - Causing Unlicensed Exports of Items to Organizations Listed on the Entity List

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on 33 occasions between on or about December 23, 1998, and on or about May 12, 2001, DSV caused the export of items subject to the Regulations (EAR99 and ECCNs 1A999

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2002). The violations charged occurred from 1998 to 2001. The Regulations governing the violation at issue are found in the 1998 and 2001 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998/2001)). The Regulations define the violations that BIS alleges occurred and 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 in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1707 (2000)) ("IEEPA"). On November 13, 2000, the 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)), as extended by the Notice of August 14, 2002 (3 C.F.R., 2002 Comp. 306 (2003)), has continued the Regulations in effect under IEEPA. The Act and Regulations are available on the Government Printing Office website at: <http://w3.access.gpo.gov/bis/>.



and 3A992),³ to organizations listed on BIS's Entity List⁴ without the BIS license required by Section 744.1 l(c). In doing so, DSV committed 33 violations of Section 764.2(b) of the Regulations.

**Charges 34-56 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation -
Forwarding Items to Organizations Listed on the Entity List With
Knowledge that a BIS License was Required**

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on 23 occasions between on or about November 13, 1999, and on or about May 12, 2001, DSV forwarded the items referenced above to organizations listed on BIS's Entity List knowing that the items would be exported in violation of the Regulations. By forwarding items that it knew would be exported in violation of the Regulations as described above, DSV committed 23 violations of Section 764.2(e) of the Regulations.

**Charges 57-59 15 C.F.R. § 764.2(g) - False or Misleading Representations of Fact -
False Statements on Shipper's Export Declarations Concerning
Authority to Export**

On three occasions between on or about May 26, 1999, and on or about May 12, 2001, DSV filed or caused to be filed Shipper's Export Declarations' that stated the items exported qualified for export from the United States as NLR ("No License Required"). The representations were false because, as described in above, a license was required to export these items pursuant to Section 744.1 l(c) of the Regulations. In doing so, DSV committed three violations of Section 764.2(g) of the Regulations.

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

³ The term "EAR99" refers to items subject to the Regulations which are not listed on the Commerce Control List. See 15 C.F.R. § 734.3(c). The term "ECCN" is an Export Control Classification Number. See Supp. 1 to 15 C.F.R. § 774.

⁴ See Supplement No. 4 to Part 744 of the Regulations.

⁵ Shipper's Export Declarations are export control documents, as defined in Part 772 of the Regulations.

The maximum civil penalty allowed by law of \$11,000 per **violation**,⁶

Denial of export privileges; and/or

Exclusion **from** practice before BIS.

If DSV fails to answer the charge 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 DSV defaults, the Administrative Law Judge may **find** the charge alleged in this letter are true without a hearing or further notice to DSV. The Under Secretary for Industry and Security may then impose up to the maximum penalty on the charges in this letter.

DSV is further notified that it is entitled to an agency hearing on the record if DSV files a written demand for one with its answer. See 15 C.F.R. §766.6. DSV 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 you have a proposal to settle this case, your or your representative should transmit it to me through the attorney representing BIS named below.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, DSV's answer must be filed in accordance with the instructions set forth 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 DSV's answer must be served on BIS at the following address:

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

⁶ See 15 C.F.R. § 6.4(a)(2).

DSV
Charging Letter
Page 4 of 4

David C. **Recker** is the attorney representing BIS in this case. Any communications that you may wish to have concerning this matter should occur through him. He may be contacted by telephone at (202) 482-5301.

Sincerely,

Mark D. Menefee
Director
Office of Export Enforcement

Attachment: Attachment A

DSV SAMSON TRANSPORT, INC.
ATTACHMENT A

Charges	Date (on or about)	Consignee	Air Waybill Number/Invoice Number
1	12/23/98	Dept. of Atomic Energy, Dir. of P&S, Mumbai	055-19346600
2	01/09/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	055-19346670
3	02/06/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	055-19531540
4	03/06/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	020-88102840
5	03/31/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	020-88103083
6, 57	05/26/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	125-32708071
7	06/01/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	055-17625974
8, 34	11/13/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	125-29871564
9, 35	11/20/99	Dept. of Atomic Energy, Dir. of P&S, Mumbai	020-76738944
10	12/20/99	Nuclear Power Corp. of India, Mumbai	074-33977576
11, 36	01/16/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	125-42287610
12, 37	1/16/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	125-46887610
13, 38	01/22/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	125-46887691
14	02/17/00	Bharat Heavy Electricals, Ltd, Tiruchirappalli	055-22106825
15	4/29/00	Bharat Heavy Electricals, Ltd, Tiruchirappalli	020-50006342
16	06/09/00	Bharat Heavy Electricals, Ltd, Tiruchirappalli	020-50006924
17, 39	06/23/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	020-53413636
40	07/25/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	057-65663732
18, 41	07/29/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	067-65663743
19, 42	08/11/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	618-92876501
20	08/26/00	Bharat Heavy Electricals Ltd Tiruchirappalli	007-60116250

Charges	Date (on or about)	Consignee	Air Waybill Number/Invoice Number
21, 43	08/31/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	618-92876582 (HAWB 1104307)
22, 44	09/01/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	618-92876582 (HAWB 1104313)
23, 45	09/30/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	618-92876615
24, 46	10/14/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	020-60281756
25, 47	10/21/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	618-92876630
26, 48	10/28/00	Bharat Electronics, Bangalore	020-67011350
27, 49	11/03/00	Dept. of Atomic Energy, Dir. of P&S, Mumbai	618-92876641
28, 50	01/24/01	Bharat Heavy Electricals, Ltd, Tiruchirappalli	057-78703671
29, 51	02/24/01	Bharat Heavy Electricals, Ltd, Tiruchirappalli	055-24196233
SZ	2/27/01	Dept. of Atomic Energy, Dir. of P&S, Mumbai	Invoice No. 1148474
JO, 53	03/23/01	Dept. of Atomic Energy, Dir. of P&S, Mumbai	020-72097933
JI, 54, 58	04/20/01	Dept. of Atomic Energy, Dir. of P&S, Mumbai	618-96166280
32, SS, S9	05/01/01	Dept. of Atomic Energy, Dir. of P&S, Mumbai	055-24917804
33, 56	05/12/01	Bharat Heavy Electricals, Hyderabad	055-24917933

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

In the Matter of:)
)
DSV SAMSON TRANSPORT, INC.)
100 Walnut Street)
Suite 405)
Clark, New Jersey 07066,)
)
Respondent.)

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Respondent, DSV Samson Transport, Inc. (“DSV”), and the Bureau of Industry and Security, United States 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 (2003)) (“Regulations”),’ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),*

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The violations charged occurred from 1998 to 2001. The Regulations governing the violations at issue are found in the 1998-2001 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998-2001)). The Regulations define the violations that BIS alleges occurred and 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 in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1707 (2000)) (“IEEPA”). On November 13, 2000, the 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)), as extended by the Notice of August 14, 2002 (67 *Fed. Reg.* 53721 (August 16, 2002)), has continued the Regulations in effect under IEEPA. The Act and Regulations are available on the Government Printing Office website at: <http://w3.access.gpo.gov/bis/>.

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

WHEREAS, BIS has issued a proposed charging letter to DSV that alleged that DSV committed 59 violations of the Regulations, specifically:

1. *33 Violations of 15 C.F.R. § 764.2(b) - Causing a Violation - Causing Unlicensed Exports of Items to Organizations Listed on the Entity List:* Between on or about December 23, 1998, and on or about May 12, 2001, DSV caused the export of items subject to the Regulations (EAR99 and ECCNs 1A999 and 3A992),³ to organizations listed on BIS's Entity List⁴ without the BIS license required by Section 744.11 (c).
2. *23 Violations of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation - Forwarding Items to Organizations Listed on the Entity List With Knowledge that a BIS License was Required..* Between on or about November 13, 1999, and on or about May 12, 2001, DSV forwarded items to organizations listed on BIS's Entity List knowing that the items would be exported in violation of the Regulations.
3. *Three Violations of 15 C.F.R. § 764.2(g) - False or Misleading Representations of Fact - False Statements on Shipper's Export Declarations Concerning Authority to Export:* Between on or about May 26, 1999, and on or about May 12, 2001,

³ The term "EAR99" refers to items subject to the Regulations which are not listed on the Commerce Control List. See 15 C.F.R. § 734.3(c). The term "ECCN" is an Export Control Classification Number. See Supp. 1 to 15 C.F.R. § 774.

⁴ See Supplement No. 4 to Part 744 of the Regulations.

DSV filed or caused to be filed Shipper's Export Declarations' that stated the items exported qualified for export from the United States as NLR ("No License Required"). The representations were false because a license was required to export these items pursuant to Section 744.11 (c) of the Regulations.

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

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

WHEREAS, DSV has agreed to enter a plea of guilty in response to an information filed in federal district court by the U.S. Department of Justice, to pay a criminal fine in the amount of \$250,000, and to be subject to a probation period of five years for criminal violations of U.S. export control laws arising out of the transactions referenced in the proposed charging letter;

WHEREAS, DSV states that no promises or representations have been made to it by BIS concerning the administrative matter other than the agreements and considerations herein expressed;

⁵ Shipper's Export Declarations are export control documents, as defined in Part 772 of the Regulations.

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

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

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

NOW THEREFORE, the Parties hereby agree as follows:

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

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

- a. DSV shall be assessed a civil penalty in the amount of \$399,000 which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the Order.
- 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 DSV. Failure to make timely payment of the civil penalty set forth above shall result in the denial of all of DSV's export privileges 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, DSV 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 the proposed charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if entered; and (c) 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 \$399,000 civil penalty, BIS will not initiate any further administrative proceeding against DSV or any subsidiary, affiliate or otherwise related entity, or against any former or current director, officer or employee of DSV, or any subsidiary, affiliate or otherwise related entity 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 United States 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.

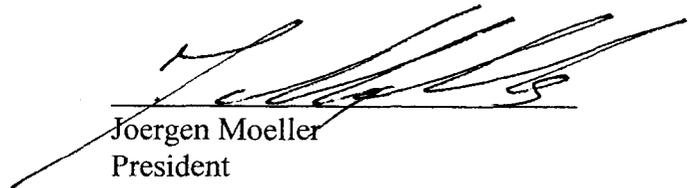
9. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

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

DSV SAMSON TRANSPORT, INC.



Mark D. Menefee
Director
Office of Export Enforcement



Joergen Moeller
President

Date: 7/17/03

Date: 7.8.2003

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

In the Matter of:)
)
DSV SAMSON TRANSPORT, INC.)
100 Walnut Street)
Suite 405)
Clark, New Jersey 07066,)
)
Respondent.)

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) having notified DSV Samson Transport, Inc. (“DSV”) of its intention to initiate an administrative proceeding against DSV pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (“Regulations”),¹ and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),²

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The violations charged occurred from 1998 to 2001. The Regulations governing the violations at issue are found in the 1998-2001 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998-2001)). The Regulations define the violations that BIS alleges occurred and 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 in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1707 (2000)) (“IEEPA”). On November 13, 2000, the 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)), as extended by the Notice of August 14, 2002 (67 *Fed. Reg.* 53721 (August 16, 2002)), has continued the Regulations in effect under IEEPA. The Act and Regulations are available on the Government Printing Office website at: <http://w3.access.gpo.gov/bis/>.

based on the proposed charging letter issued to DSV that alleged DSV committed 59 violations of the Regulations. Specifically, the charges are:

1. *33 Violations of 15 C.F.R. § 764.2(b) - Causing a Violation - Causing Unlicensed Exports of Items to Organizations Listed on the Entity List:* Between on or about December 23, 1998, and on or about May 12, 2001, DSV caused the export of items subject to the Regulations (EAR99 and ECCNs 1A999 and 3A992),³ to organizations listed on BIS's Entity List⁴ without the BIS license required by Section 744.11 (c).
2. *23 Violations of 15 C.F. R. § 764.2(e) - Acting with Knowledge of a Violation - Forwarding Items to Organizations Listed on the Entity List With Knowledge that a BIS License was Required:* Between on or about November 13, 1999, and on or about May 12, 2001, DSV forwarded to organizations listed on BIS's Entity List knowing that the items would be exported in violation of the Regulations.
3. *Three Violations of 15 C. F.R. § 764.2(g) - False or Misleading Representations of Fact - False Statements on Shipper's Export Declarations Concerning Authority to Export:* Between on or about May 26, 1999, and on or about May 12, 2001, DSV filed or caused to be filed Shipper's Export Declarations' that stated the items exported qualified for export from the United States as NLR ("No License

³ The term "EAR99" refers to items subject to the Regulations which are not listed on the Commerce Control List. See 15 C.F.R. § 734.3(c). The term "ECCN" is an Export Control Classification Number. See Supp. 1 to 15 C.F.R. § 774.

⁴ See Supplement No. 4 to Part 744 of the Regulations.

⁵ Shipper's Export Declarations are export control documents, as defined in Part 772 of the Regulations.

Required”). The representations were false because a license was required to export these items pursuant to Section 744.11 (c) of the Regulations.

BIS and DSV 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:

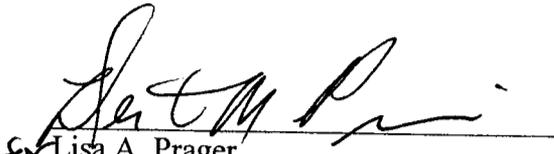
FIRST, that a civil penalty of \$399,000 is assessed against DSV, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 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, DSV 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 DSV. Accordingly, if DSV should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of DSV’s export privileges 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.


for Lisa A. Prager
Acting Assistant Secretary of Commerce
for Export Enforcement

Entered this 17 day of July 2003.