



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

July 15, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Astro-Med, Inc.
Astro-Med Industrial Park
600 East Greenwich Avenue
West Warwick, Rhode Island 02839

Attention: Mr. Everett V. Pizzuti, President

Dear Mr. Pizzuti

The Bureau of Industry and Security, United States Department of Commerce (“BIS”), has reason to believe that Astro-Med, Inc. (“Astro-Med”) committed one violation of the Export Administration Regulations (the “Regulations”), which are issued under the authority of the Export Administration Act of 1979 (the “Act”). Specifically, BIS charges that Astro-Med committed the following violation:

Charge 15 C.F.R. § 764.2(c) - Attempted Violation of the Regulations

On or about July 17, 1998, Astro-Med attempted to export a Dash 10M data recorder, an item subject to the Regulations, to the Nuclear Power Corporation of India, in Mumbai, India, without the license required by section 744.2(a) of the Regulations. The license was required because, at the time of the attempted export, Astro-Med knew or had reason to know that the item to be exported would be used directly or indirectly in an unsafeguarded nuclear activity described in section 744.2(a)(2) of the Regulations. In so doing, Astro-Med committed one violation of Section 764.2(c) of the Regulations.

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The Regulations were issued pursuant to the Export Administration Act of 1979 (“Act”), 50 U.S.C. app. §§ 2401-2420 (2000). 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 issued on 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 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/>.



Accordingly, Astro-Med 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;²

Denial of export privileges; and/or

Exclusion from practice before BIS.

If you fail 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. (Regulations, Sections 766.6 and 766.7). If you default, the Administrative Law Judge may find the charges alleged in this letter are true without hearing or further notice to you. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty on each of the charges in this letter.

You are further notified that you are entitled to an agency hearing on the record if you file a written demand for one with your answer. (Regulations, Section 766.6). You are also entitled to be represented by counsel or other authorized representative who has power of attorney to represent you. (Regulations, Sections 766.3(a) and 766.4).

The Regulations provide for settlement without a hearing. (Regulations, Section 766.18). Should you have a proposal to settle this case, you 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, your 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

²Pursuant to the Federal Civil Penalties Adjustment Act of 1990 (28 U.S.C. §2461, note (1994 & Supp. V 1999)), and 15 C.F.R. §6.4(a)(2), the maximum penalty for each violation committed after October 23, 1996 is \$11,000.

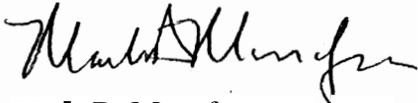
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In addition, a copy of your answer must be served on **BIS** at the following address:

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

Anstruther Davidson **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**, by facsimile at (202) **501-4697**, or **by** email at adavidso@bis.doc.gov.

Sincerely,



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

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

In the Matter of:)	
ASTRO-MED, INC.)	Docket No. 03-BIS-10
Astro-Med Industrial Park)	
600 East Greenwich Avenue)	
West Warwick, Rhode Island 02839,)	
)	
Respondent.)	

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Respondent, **Astro-Med, Inc.** (“Astro-Med”), and the Bureau of Industry and Security, United States Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(b) 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 violation charged occurred in 1998. The Regulations governing the violation at issue are found in the 1998 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998)). The Regulations define the violation 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 - 1706 (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 7, 2003 (68 Fed. Reg. 478333, August 11, 2003), has continued the Regulations in effect under IEEPA.

WHEREAS, BIS has initiated an administrative proceeding against Astro-Med pursuant to the Act and the Regulations;

WHEREAS, **BIS** has issued a charging letter to Astro-Med that alleged that Astro-Med committed one violation of the Regulations, specifically:

1. ***One Violation of 15 C.F.R. § 764.2(c) -Attempted Violation of the Regulations:***

On or about July 17, 1998, Astro-Med attempted to export a Dash 10M data recorder subject to the Regulations (“EAR99”)³ to an organization listed on BIS’s Entity List⁴ without the **BIS** license required by section 744.2(a) of the Regulations. The license was required because, at the time of the attempted export, Astro-Med knew **or** had reason to know that the item to be exported would be used directly or indirectly in **an** unsafeguarded nuclear activity described in section 744.2(a)(2) of the Regulations.

WHEREAS, Astro-Med has reviewed the charging letter and is aware of the allegation made against it and the administrative sanctions which could be imposed against it if the allegation is found to be true;

WHEREAS, Astro-Med 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;

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).

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

WHEREAS, Astro-Med enters into this Agreement voluntarily and with full knowledge of its rights;

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

WHEREAS, Astro-Med neither admits nor denies the allegation contained in the charging letter;

WHEREAS, Astro-Med wishes to settle and dispose of the matter alleged in the charging letter by entering into this Agreement; and

WHEREAS, Astro-Med agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. **BIS** has jurisdiction over Astro-Med, under the Regulations, in connection with the matter alleged in the charging letter.
2. The following sanction shall be imposed against Astro-Med in complete settlement of the violation of the Regulations set forth in the charging letter:
 - a. Astro-Med shall be assessed a civil penalty in the amount of \$5,000 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 Astro-Med. Failure to make timely payment of the civil penalty set forth above shall result in the

denial of all of Astro-Med'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, Astro-Med 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 allegation in the 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 \$5,000 civil penalty, **BIS** will not initiate any further administrative proceeding against Astro-Med in connection with any violation of the Act or the Regulations arising out of the transaction identified in the charging letter.

5. **BIS** will make the 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(b) 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

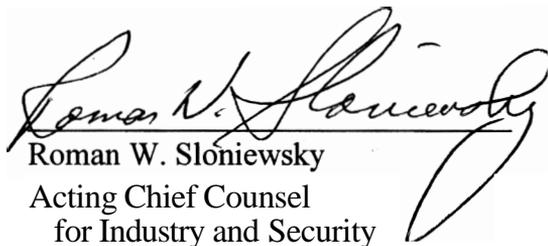
other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

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**

ASTRO-MED, INC.


Roman W. Sloniewsky
Acting Chief Counsel
for Industry and Security


Everett V. Pizzuti
President

Date: SEPT. 16, 2003

Date: 11 September 2003

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

In the Matter of:)	
)	
ASTRO-MED, INC.)	Docket No. 03-BIS-10
Astro-Med Industrial Park)	
600 East Greenwich Avenue)	
West Warwick, Rhode Island 02839,)	
)	
Respondent.)	

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) having initiated an administrative proceeding against Astro-Med, Inc. (“Astro-Med”) 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”)? based on the charging letter issued to Astro-Med that alleged that Astro-Med committed one violation of the Regulations. Specifically, the charge is:

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The violation charged occurred in 1998. The Regulations governing the violation at issue are found in the 1998 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998)). The Regulations define the violation 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 issued on 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 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 7, 2003 (68 Fed. Reg. 478333, August 11, 2003), has continued the Regulations in effect under IEEPA.

1. *One Violation of 15 C.F.R. § 764.2(c) - Attempted Violation of the Regulations:*

On or about July 17, 1998, Astro-Med attempted to export a Dash 10M data recorder subject to the Regulations (“EAR99”)³ to an organization listed on BIS’s Entity List⁴ without the BIS license required by section 744.2(a) of the Regulations. The license was required because, at the time of the attempted export, Astro-Med knew or had reason to know that the item to be exported would be used directly or indirectly in an unsafeguarded nuclear activity described in section 744.2(a)(2) of the Regulations.

BIS and Astro-Med having entered into a Settlement Agreement pursuant to Section 766.18(b) 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 Astro-Med, 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,

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).

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

Astro-Med 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 Astro-Med. Accordingly, if Astro-Med should fail to pay the civil penalty in a timely manner, the undersigned may enter **an** Order denying all of Astro-Med's export privileges for a period of one year **from** the date of entry of this Order.

FOURTH, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, **40** Gay Street, Baltimore, Maryland 21202-4022, notifying that office that this case is withdrawn from adjudication, as provided by Section **766.18** of the Regulations.

FIFTH, that the 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.


Lisa A. Decker
Lisa A. Decker

Acting Assistant Secretary of Commerce
for **Export** Enforcement

Entered this 26th day of September 2003.