

OCT 7 2004



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

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Dean Sehweil  
Managing Director  
Uni-Arab Engineering and Oil Field Services  
P.O. Box 46112  
Abu Dhabi, United Arab Emirates  
and  
Al-Gaith Tower, Hamden Street  
Flat No. 1202  
Abu Dhabi, United Arab Emirates

Dear Mr. Sehweil:

The Bureau of Industry and Security, United States Department of Commerce ("BIS"), has reason to believe that Uni-Arab Engineering and Oil Field Services, of Abu Dhabi, United Arab Emirates ("Uni-Arab"), has committed nine violations of the Export Administration Regulations (the "Regulations"),<sup>1</sup> which are issued under the authority of the Export Administration Act of 1979 (the "Act").<sup>2</sup> Specifically, BIS charges that Uni-Arab has committed the following violations:

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<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2004). The charged violations occurred from 1999 to 2003. The Regulations governing the violations at issue are found in the 1999 to 2003 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1999-2003)). The 2004 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 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 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 by Pub. L. No. 106-508 (114 Stat. 2360 (2000)) and it remained in effect through August 20, 2001. Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 6, 2004 (69 *Fed. Reg.* 48763, August 10, 2004), continues the Regulations in effect under IEEPA.



**Charge 1      15 C.F.R. § 764.2(b) - Aiding a Violation of an Order Issued under the Regulations**

On or about November 11, 2002, Uni-Arab aided the doing of an act prohibited by an order issued pursuant to the Regulations dated September 30, 2002 denying the export privileges of International Business Services, Ltd. and its owner, Yaudat Mustafa Talyi, a.k.a. Joseph Talyi ("Talyi") ("Talyi TDO"). Specifically, on or about November 11, 2002, Uni-Arab faxed a packing list to Jarvis International, Inc. that listed items purchased by Talyi on behalf of Uni-Arab that were to be exported to Uni-Arab in violation of the Talyi TDO. Uni-Arab's participation in this attempted export transaction aided Talyi's act that was contrary to the terms and conditions of the Talyi TDO. In doing so, Uni-Arab committed one violation of Section 764.2(b) of the Regulations.

**Charge 2      15 C.F.R. § 764.2(k) - Participating in an Export or Attempted Export of Items Subject to the Regulations Prohibited by an Order Issued Thereunder**

On or about October 30, 2002, Uni-Arab took action prohibited by a denial order by participating in a transaction concerning the export from the United States of oil field parts, items subject to the Regulations (EAR99<sup>3</sup>), in violation of the Talyi TDO. Specifically, on October 30, 2002, Uni-Arab ordered oil field equipment from an oil field equipment broker located in the United States for export to the United Arab Emirates. Uni-Arab's participation in this contemplated export transaction was contrary to the terms and conditions of the Talyi TDO since Talyi had participated in this transaction. In doing so, Uni-Arab committed one violation of Section 764.2(k) of the Regulations.

**Charge 3      15 C.F.R. § 764.2(e) - Ordering Items Subject to the Regulations With Knowledge That a Violation Would Occur**

On or about October 30, 2002, Uni-Arab ordered the items referenced in Charge two above with knowledge that such items would be exported from the United States in violation of the terms and conditions of the Talyi TDO. Uni-Arab knew that Talyi was subject to the Talyi TDO and that BIS had not authorized any exceptions to the Talyi TDO. In so doing, Uni-Arab committed one violation of Section 764.2(e) of the Regulations.

**Charge 4      15 C.F.R. § 764.2(b) - Causing the Reexport of Items to Libya Without the Required Authorization**

On or about November 7, 2000, Uni-Arab caused the doing of an act prohibited by the Regulations by reexporting oil field equipment, items subject to the Regulations (EAR99), to

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<sup>3</sup> The term "EAR99" refers to items subject to the Regulations that are not listed on the Commerce Control List. See 15 C.F.R. § 734.3(c).

Libya without obtaining authorization from BIS as required by Section 746.4 of the Regulations. In so doing, Uni-Arab committed one violation of Section 764.2(b) of the Regulations.

**Charge 5 15 C.F.R. § 764.2(e) - Sale of Items Subject to the Regulations With Knowledge That a Violation Would Occur**

In on or about November 2000, Uni-Arab sold the items referred to in Charge four above with knowledge that such items would be reexported from the Netherlands to Libya without BIS authorization in violation of Section 746.4 of the Regulations. In so doing, Uni-Arab committed one violation of Section 764.2(e) of the Regulations.

**Charges 6-7 15 C.F.R. §764.2(g) - False Statements to Assistant Secretary for Export Enforcement in the Course of a BIS Administrative Enforcement Proceeding**

On or about July 7, 2003, in connection with an ongoing BIS Administrative Enforcement Proceeding, two Uni-Arab employees represented to the BIS Assistant Secretary for Export Enforcement that Uni-Arab did not have any direct or indirect intentional dealings with countries under U.S. embargo restrictions in connection with merchandise that is subject to U.S. jurisdiction. These statements were false as Uni-Arab had, on one or more occasions, sold items subject to the Regulations to a petrochemical company in Libya. In so doing, Uni-Arab committed two violations of Section 764.2(g) of the Regulations.

**Charges 8-9 15 C.F.R. §764.2(g) - False Statements to Assistant Secretary for Export Enforcement in the Course of a BIS Administrative Enforcement Proceeding**

On or about July 7, 2003, in connection with an ongoing BIS Administrative Enforcement Proceeding, two Uni-Arab employees represented to the BIS Assistant Secretary for Export Enforcement that Uni-Arab did not have any direct dealings with Libya involving any U.S. products or otherwise subject to U.S. jurisdiction. These statements were false as Uni-Arab had, on one or more occasions, sold items subject to the Regulations to a petrochemical company in Libya. In so doing, Uni-Arab committed two violations of Section 764.2(g) of the Regulations.

Accordingly, Uni-Arab 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:

The maximum civil penalty allowed by law of \$11,000 per violation;<sup>4</sup>

Denial of export privileges; and/or

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<sup>4</sup> See 15 C.F.R. § 6.4(a)(2).

Exclusion from practice before BIS.

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

Uni-Arab is further notified that it is entitled to an agency hearing on the record if Uni-Arab files a written demand for one with its answer. *See* 15 C.F.R. § 766.6. Uni-Arab 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 Uni-Arab have a proposal to settle this case, it or its 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, Uni-Arab's answer must be filed in accordance with the instructions set forth in Section 766.5(a) of the Regulations with:

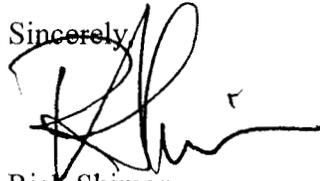
U.S. Coast Guard ALJ Docketing Center  
40 S. Gay Street  
Baltimore, Maryland 21202-4022

In addition, a copy of Uni-Arab's answer must be served on BIS at the following address:

Chief Counsel for Industry and Security  
Attention: Philip Ankel, Esq.  
Room H-3839  
United States Department of Commerce  
14<sup>th</sup> Street and Constitution Avenue, N.W.  
Washington, D.C. 20230

Philip Ankel 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,

A handwritten signature in black ink, appearing to read 'R. Shimon', written over the word 'Sincerely,'.

Rick Shimon  
Acting Director  
Office of Export Enforcement

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

In the Matter of: )  
)  
Uni-Arab Engineering and Oil Field Services )  
P.O. Box 46112 ) Docket No. 04-BIS-16  
Abu Dhabi, United Arab Emirates )  
)  
and )  
)  
Al-Gaith Tower, Hamden Street )  
Flat No. 1202 )  
Abu Dhabi, United Arab Emirates )  
)  
Respondent )

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between, Uni-Arab Engineering and Oil Field Services (“Uni-Arab”) 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 (2004)) (“Regulations”),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),<sup>2</sup>

<sup>1</sup> The charged violations occurred in 2000, 2002 and 2003. The Regulations governing the violations at issue are found in the 2000, 2002 and 2003 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2000, 2002 and 2003)). The 2004 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 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

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

WHEREAS, BIS has issued a charging letter to Uni-Arab that alleged that Uni-Arab committed nine violations of the Regulations, specifically:

1. *One Violation of 15 C.F.R. § 764.2(b) - Aiding a Violation of an Order Issued under the Regulations:* On or about November 11, 2002, Uni-Arab aided the doing of an act prohibited by an order issued pursuant to the Regulations dated September 30, 2002 denying the export privileges of International Business Services, Ltd. and its owner, Yaudat Mustafa Talyi, a.k.a. Joseph Talyi (“Talyi”) (“Talyi TDO”). Specifically, on or about November 11, 2002, Uni-Arab faxed a packing list to a freight forwarder that listed items subject to the Regulations purchased by Talyi on behalf of Uni-Arab that were to be exported to Uni-Arab in the United Arab Emirates. The Talyi TDO prohibited Talyi from “ordering, buying, receiving, ... forwarding, ... any item exported or to be exported from the United States that is subject to the Regulations.” Uni-Arab’s participation in this attempted export transaction aided Talyi’s act that was contrary to the terms and conditions of the Talyi TDO.
2. *One Violation of 15 C.F.R. § 764.2(k) - Participating in an Export or Attempted Export of Items Subject to the Regulations Prohibited by an Order Issued*

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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.

*Thereunder:* On or about October 30, 2002, Uni-Arab took action prohibited by a denial order by participating in a transaction concerning the export from the United States of oil field parts, items subject to the Regulations (EAR99<sup>3</sup>), in violation of the Talyi TDO. Specifically, on October 30, 2002, Uni-Arab ordered oil field equipment from an oil field equipment broker located in the United States for export to the United Arab Emirates. The Talyi TDO prohibited Talyi from “carrying on negotiations concerning, or ordering, buying, ... any item exported or to be exported from the United States that is subject to the Regulations.” Uni-Arab’s participation in this export transaction was contrary to the terms and conditions of the Talyi TDO since Talyi had participated in this transaction.

3. *One Violation of 15 C.F.R. § 764.2(e) - Ordering Items Subject to the Regulations With Knowledge That a Violation Would Occur:* On or about October 30, 2002, Uni-Arab ordered the items referenced in Paragraph two above with knowledge that such items would be exported from the United States in violation of the terms and conditions of the Talyi TDO. Uni-Arab knew that Talyi was subject to the Talyi TDO and that BIS had not authorized Uni-Arab to take actions prohibited by the Talyi TDO.
4. *One Violation of 15 C.F.R. § 764.2(b) - Causing the Reexport of Items to Libya Without the Required Authorization:* On or about November 7, 2000, Uni-Arab caused the doing of an act prohibited by the Regulations by reexporting oil field

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<sup>3</sup> The term “EAR99” refers to items subject to the Regulations that are not listed on the Commerce Control List. *See* 15 C.F.R. § 734.3(c).

equipment, items subject to the Regulations (EAR99), from the United Arab Emirates to Libya without obtaining authorization from BIS as required by Section 746.4 of the Regulations.

5. *One Violation of 15 C.F.R. § 764.2(e) - Sale of Items Subject to the Regulations With Knowledge That a Violation Would Occur:* In or about November 2000, Uni-Arab sold the items referred to in Paragraph four above with knowledge that such items would be reexported from the Netherlands to Libya without BIS authorization in violation of Section 746.4 of the Regulations.
6. *Two Violations of 15 C.F.R. §764.2(g) - False Statements to Assistant Secretary for Export Enforcement in the Course of a BIS Administrative Enforcement Proceeding:* On or about July 7, 2003, in connection with an ongoing BIS administrative enforcement proceeding, Uni-Arab, through two of its employees, represented to the BIS Assistant Secretary for Export Enforcement that Uni-Arab did not have any direct or indirect intentional dealings with countries under U.S. embargo restrictions in connection with merchandise that is subject to U.S. jurisdiction. These statements were false as Uni-Arab had, on one or more occasions, sold items subject to the Regulations to a petrochemical company in Libya.
7. *Two Violations of 15 C.F.R. §764.2(g) - False Statements to Assistant Secretary for Export Enforcement in the Course of a BIS Administrative Enforcement Proceeding:* On or about July 7, 2003, in connection with an ongoing BIS Administrative enforcement proceeding, two Uni-Arab employees represented to

the BIS Assistant Secretary for Export Enforcement that Uni-Arab did not have any direct dealings with Libya involving any U.S. products or otherwise subject to U.S. jurisdiction. These statements were false as Uni-Arab had, on one or more occasions, sold items subject to the Regulations to a petrochemical company in Libya.

WHEREAS, Uni-Arab has reviewed the 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, Uni-Arab 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, Uni-Arab enters into this Agreement voluntarily and with full knowledge of its rights;

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

WHEREAS, Uni-Arab neither admits nor denies the allegations contained in the charging letter;

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

WHEREAS, Uni-Arab agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Uni-Arab, under the Regulations, in connection with the matters alleged in the charging letter.

2. The following sanctions shall be imposed against Uni-Arab in complete settlement of the violations of the Regulations set forth in the charging letter:

- a. Uni-Arab shall be assessed a civil penalty in the amount of \$95,000 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 Uni-Arab. Failure to make timely payment of the civil penalty set forth above shall result in the denial of all of Uni-Arab's export privileges for a period of one year from the date of imposition of the penalty.
- c. For a period five years from the date of entry of the Order, Uni-Arab, its successors or assigns, and, when acting for or on behalf of Uni-Arab, its officers, representatives, agents, or employees ("Denied Person") 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:
  - 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.
- d. BIS agrees that, as authorized by Section 766.18 (c) of the Regulations, the five year denial period set forth in paragraph 2.c. shall be suspended in its entirety for a period of one year from the entry of the appropriate Order, and shall thereafter be waived, provided that during the period of suspension, Uni-Arab has committed no violation of the Act or any regulation, order or license issued thereunder, and, provided further that Uni-Arab has made timely payment of the \$95,000 civil penalty assessed pursuant to this Agreement and the Order.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Uni-Arab 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 charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if entered; (c) request any relief from the Order, if entered, including without limitation relief from the terms of

a denial order under 15 C.F.R. § 764.3(a)(2); and (d) 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 \$95,000 civil penalty, BIS will not initiate any further administrative proceeding against Uni-Arab in connection with any violation of the Act or the Regulations arising out of the transactions identified in the charging letter.

5. BIS will make the charging letter, this Agreement, the Order, if entered, and the record of the case as defined in Section 766.20 of the Regulations 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.

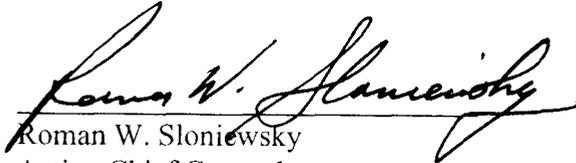
7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the Order, if entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

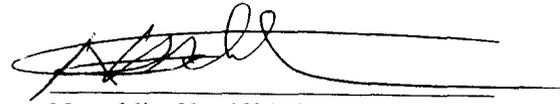
8. This Agreement shall become binding on BIS only if the Assistant Secretary of Commerce for Export Enforcement approves it by entering the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

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

UNI-ARAB ENGINEERING AND  
OIL FIELD SERVICES

  
Roman W. Sloniewsky  
Acting Chief Counsel

  
Nureddin Shariff Sehweil  
Managing Director

Date: 3/16/05

Date: 15 Feb. 2005

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

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In the Matter of: )  
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Uni-Arab Engineering and Oil Field Services )  
P.O. Box 46112 ) Docket No. 04-BIS-16  
Abu Dhabi, United Arab Emirates )  
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and )  
 )  
Al-Gaith Tower, Hamden Street )  
Flat No. 1202 )  
Abu Dhabi, United Arab Emirates )  
 )  
\_\_\_\_\_  
Respondent )

ORDER RELATING TO UNI-ARAB ENGINEERING AND OIL FIELD SERVICES

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) has initiated an administrative proceeding against Uni-Arab Engineering and Oil Field Services (“Uni-Arab”) pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2004)) (“Regulations”),<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),<sup>2</sup> by

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<sup>1</sup> The charged violations occurred in 2000, 2002 and 2003. The Regulations governing the violations at issue are found in the 2000, 2002 and 2003 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2000, 2002 and 2003)). The 2004 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 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 6, 2004, (69 Fed. Reg. 48763 (August 10, 2004)), has continued the Regulations in effect under IEEPA.

filing a charging letter that alleged that Uni-Arab committed nine violations of the Regulations.

Specifically, the charges are:

1. *One Violation of 15 C.F.R. § 764.2(b) - Aiding a Violation of an Order Issued under the Regulations:* On or about November 11, 2002, Uni-Arab aided the doing of an act prohibited by an order issued pursuant to the Regulations dated September 30, 2002 denying the export privileges of International Business Services, Ltd. and its owner, Yaudat Mustafa Talyi, a.k.a. Joseph Talyi (“Talyi”) (“Talyi TDO”). Specifically, on or about November 11, 2002, Uni-Arab faxed a packing list to a freight forwarder that listed items subject to the Regulations purchased by Talyi on behalf of Uni-Arab that were to be exported to Uni-Arab in the United Arab Emirates. The Talyi TDO prohibited Talyi from “ordering, buying, receiving, ... forwarding, ... any item exported or to be exported from the United States that is subject to the Regulations.” Uni-Arab’s participation in this attempted export transaction aided Talyi’s act that was contrary to the terms and conditions of the Talyi TDO.
2. *One Violation of 15 C.F.R. § 764.2(k) - Participating in an Export or Attempted Export of Items Subject to the Regulations Prohibited by an Order Issued Thereunder:* On or about October 30, 2002, Uni-Arab took action prohibited by a denial order by participating in a transaction concerning the export from the United States of oil field parts, items subject to the Regulations (EAR99<sup>3</sup>), in violation of the Talyi TDO. Specifically, on October 30, 2002, Uni-Arab ordered oil field equipment from an oil field equipment broker located in the United States

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<sup>3</sup> The term “EAR99” refers to items subject to the Regulations that are not listed on the Commerce Control List. See 15 C.F.R. § 734.3(c).

for export to the United Arab Emirates. The Talyi TDO prohibited Talyi from “carrying on negotiations concerning, or ordering, buying, ... any item exported or to be exported from the United States that is subject to the Regulations.” Uni-Arab’s participation in this export transaction was contrary to the terms and conditions of the Talyi TDO since Talyi had participated in this transaction.

3. *One Violation of 15 C.F.R. § 764.2(e) - Ordering Items Subject to the Regulations With Knowledge That a Violation Would Occur:* On or about October 30, 2002, Uni-Arab ordered the items referenced in Paragraph two above with knowledge that such items would be exported from the United States in violation of the terms and conditions of the Talyi TDO. Uni-Arab knew that Talyi was subject to the Talyi TDO and that BIS had not authorized Uni-Arab to take actions prohibited by the Talyi TDO.
4. *One Violation of 15 C.F.R. § 764.2(b) - Causing the Reexport of Items to Libya Without the Required Authorization:* On or about November 7, 2000, Uni-Arab caused the doing of an act prohibited by the Regulations by reexporting oil field equipment, items subject to the Regulations (EAR99), from the United Arab Emirates to Libya without obtaining authorization from BIS as required by Section 746.4 of the Regulations.
5. *One Violation of 15 C.F.R. § 764.2(e) - Sale of Items Subject to the Regulations With Knowledge That a Violation Would Occur:* In or about November 2000, Uni-Arab sold the items referred to in Paragraph four above with knowledge that such items would be reexported from the Netherlands to Libya without BIS authorization in violation of Section 746.4 of the Regulations.

6. *Two Violations of 15 C.F.R. §764.2(g) - False Statements to Assistant Secretary for Export Enforcement in the Course of a BIS Administrative Enforcement*

*Proceeding:* On or about July 7, 2003, in connection with an ongoing BIS administrative enforcement proceeding, Uni-Arab, through two of its employees, represented to the BIS Assistant Secretary for Export Enforcement that Uni-Arab did not have any direct or indirect intentional dealings with countries under U.S. embargo restrictions in connection with merchandise that is subject to U.S. jurisdiction. These statements were false as Uni-Arab had, on one or more occasions, sold items subject to the Regulations to a petrochemical company in Libya.

7. *Two Violations of 15 C.F.R. §764.2(g) - False Statements to Assistant Secretary for Export Enforcement in the Course of a BIS Administrative Enforcement*

*Proceeding:* On or about July 7, 2003, in connection with an ongoing BIS Administrative enforcement proceeding, two Uni-Arab employees represented to the BIS Assistant Secretary for Export Enforcement that Uni-Arab did not have any direct dealings with Libya involving any U.S. products or otherwise subject to U.S. jurisdiction. These statements were false as Uni-Arab had, on one or more occasions, sold items subject to the Regulations to a petrochemical company in Libya.

WHEREAS, BIS and Uni-Arab have 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;

WHEREAS, I have approved the terms of such Settlement Agreement;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$95,000 is assessed against Uni-Arab, which will be paid on the date of entry of this Order.

SECOND, for a period five years from the date of entry of the Order, Uni-Arab Engineering and Oil Field Services, P.O. Box 46112, Abu Dhabi, United Arab Emirates, and Al-Gaith Tower, Hamden Street, Flat No. 1202, Abu Dhabi, United Arab Emirates, its successors or assigns, and when acting for or on behalf of Uni-Arab, its officers, representatives, agents, or employees ("Denied Person") 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. 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.

THIRD, 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 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.

FOURTH, 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 Uni-Arab 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 the Order.

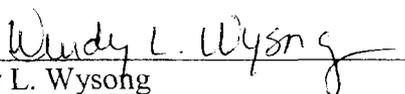
FIFTH, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

SIXTH, that, as authorized by Section 766.18 (c) of the Regulations, the denial period set forth above shall be suspended in its entirety for one year from the date of this Order, and shall thereafter be waived, provided that during the period of suspension, Uni-Arab has committed no violation of the Act or any regulation, order or license issued thereunder.

SEVENTH, that the charging letter, the Settlement Agreement, this Order and the record of the case as defined in section 766.20 of the Regulations shall be made available to the public.

EIGHTH, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

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 17th day of March 2005.