

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

|                            |   |                      |
|----------------------------|---|----------------------|
| In the Matter of:          | ) |                      |
|                            | ) |                      |
| Mohammed Saleh Sweidan     | ) | Docket No. 05-BIS-05 |
| Chairman/Managing Director | ) |                      |
| Trans-Media Services Ltd.  | ) |                      |
| B/5 Auberge San Anton      | ) |                      |
| Old Railway Road           | ) |                      |
| Balzan, BZN, 07 Malta      | ) |                      |
|                            | ) |                      |
| <u>Respondent</u>          | ) |                      |

ORDER RELATING TO MOHAMMED SALEH SWEIDAN

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has initiated an administrative proceeding against Mohammed Saleh Sweidan (“Sweidan”) pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2005)) (“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> through issuance of a charging letter

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<sup>1</sup> The violations charged occurred during 2000, 2001 and 2003. The Regulations governing the violations at issue are found in the 2000, 2001, and 2003 versions of the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2000-2001; 2003). The 2005 Regulations govern 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 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 2, 2005 (70 Fed. Reg. 45,273, Aug. 5, 2005), has continued the Regulations in effect under IEEPA.

to Sweidan.

WHEREAS, BIS and Sweidan have entered into a Settlement Agreement pursuant to Section 766.18(b)(1) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, on the basis of the following two violations of the Regulations, specifically:

1. *Two Violations of 15 C.F.R. § 764.2(g) – Misrepresentation of Facts through False Statements to BIS Officials:* On two occasions on or about July 18, 2003, Sweidan, as the Chairman and Managing Director of Trans-Media, made false representations to officials of BIS. Specifically Sweidan stated that Trans-Media had attempted to source items from the United States but had never entered into any contracts. Separately, Sweidan also stated that Trans-Media had never imported any items from the United States. However, on or about March 13, 2000, Trans-Media contracted with a U.S. company to purchase satellite communications equipment, and on or about June 4, 2000, Trans-Media purchased satellite communications equipment, items subject to the Regulations, from the U.S. Company. On or about June 12, 2000, these items were exported to Trans-Media in Malta.

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

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$19,800 is assessed against Sweidan, 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.

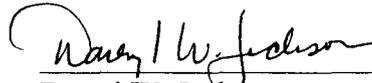
§§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Sweidan will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and 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 Sweidan. Accordingly, if Sweidan should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Sweidan's export privileges for a period of one year from the date of entry of this Order.

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

FIFTH, 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.

  
\_\_\_\_\_  
Darryl W. Jackson  
Assistant Secretary of Commerce  
for Export Enforcement

Entered this 14<sup>th</sup> day of November, 2005.

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

\_\_\_\_\_  
In the Matter of: )  
)  
Mohammed Saleh Sweidan ) Docket No. 05-BIS-05  
Chairman/Managing Director )  
Trans-Media Services Ltd. )  
B/5 Auberge San Anton )  
Old Railway Road )  
Balzan, BZN, 07 Malta )  
)  
Respondent )  
\_\_\_\_\_

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Mohammed Saleh Sweidan (“Sweidan”) and the Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) (collectively, the “Parties”), pursuant to Section 766.18(b) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2005)) (the “Regulations”),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the “Act”),<sup>2</sup>

<sup>1</sup> The violations charged occurred during 2000, 2001, and 2003. The Regulations governing the violations at issue are found in the 2000, 2001, and 2003 versions of the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2000-2001; 2003). The 2005 Regulations govern 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 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 2, 2005 (70 Fed. Reg. 45,273, Aug. 5, 2005), has continued the Regulations in effect under IEEPA.

WHEREAS, BIS has initiated an administrative proceeding against Sweidan, U.S. Coast Guard Administrative Law Judge Docket No. 05-BIS-05, pursuant to the Act and the Regulations by issuing a charging letter to Sweidan;

WHEREAS, BIS and Sweidan have agreed to settle administrative action 05-BIS-05 on the basis of the following two violations of the Regulations, specifically:

1. *Two Violations of 15 C.F.R. § 764.2(g) – Misrepresentation of Facts through False Statements to BIS Officials:* On two occasions on or about July 18, 2003, Sweidan, as the Chairman and Managing Director of Trans-Media, made false representations to officials of BIS. Specifically Sweidan stated that Trans-Media had attempted to source items from the United States but had never entered into any contracts. Separately, Sweidan also stated that Trans-Media had never imported any items from the United States. However, on or about March 13, 2000, Trans-Media contracted with a U.S. company to purchase satellite communications equipment, and on or about June 4, 2000, Trans-Media purchased satellite communications equipment from the U.S. company. On or about June 12, 2000, these items were exported to Trans-Media in Malta.

WHEREAS, Sweidan has reviewed the 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;

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

WHEREAS, Sweidan enters into this Agreement voluntarily and with full knowledge of his rights;

WHEREAS, Sweidan states that no promises or representations have been made to him other than the agreements and considerations herein expressed;

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

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

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

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Sweidan, under the Regulations, in connection with the matters alleged in the charging letter.
2. The following sanction shall be imposed against Sweidan for the two violations of the Regulations described above in complete settlement of administrative action 05-BIS-05:
  - a. Sweidan shall be assessed a civil penalty in the amount of \$19,800, 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 Sweidan. Failure to make timely payment of the civil penalty set forth above may result in the denial of all of Sweidan'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, Sweidan 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 \$19,800 civil penalty, BIS will not initiate any further administrative proceeding against Sweidan 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, 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.

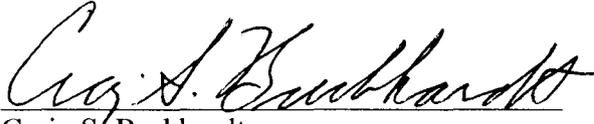
7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this

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 U.S. Government with respect to the facts and circumstances addressed herein.

8. This Agreement shall become binding on the Parties 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.

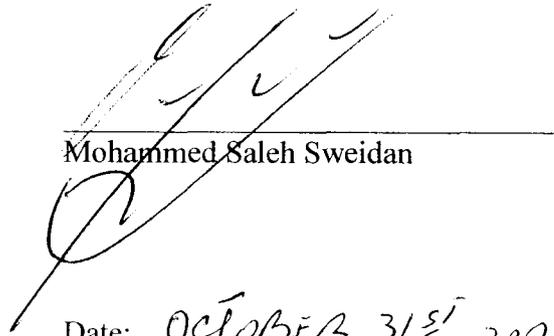
BUREAU OF INDUSTRY AND SECURITY  
U.S. DEPARTMENT OF COMMERCE



Craig S. Burkhardt  
Acting Chief Counsel  
Office of Chief Counsel for Industry and Security  
U.S. Department of Commerce

Date: November 4, 2005

MOHAMMED SALEH SWEIDAN



Mohammed Saleh Sweidan

Date: OCTOBER 31<sup>ST</sup>, 2005

JUN - 3 2005



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

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Mohammed Saleh Sweidan  
Chairman/Managing Director  
Trans-Media Services Ltd.  
B/5 Auberge San Anton  
Old Railway Road  
Balzan, BZN, 07 Malta

Dear Mr. Sweidan:

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has reason to believe that Mohammed Saleh Sweidan, acting as the Chairman/Managing Director of Trans-Media Services Ltd. of Balzan, Malta ("Trans-Media"), in his individual capacity, has committed five 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 Sweidan, as the Chairman/Managing Director of Trans-Media, committed the following violations:

**Charge 1      15 C.F.R. § 764.2(a) – Reexporting Items Subject to the Regulations Without the Required License**

Between on or about June 12, 2000 and on or about March 6, 2001, Sweidan, as the Chairman and Managing Director of Trans-Media, engaged in conduct prohibited by the Regulations by

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2005). The violations charged occurred in 2000 and 2001. The Regulations governing the violations at issue are found in the 2000 and 2001 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2000) and (2001)). The 2005 Regulations govern the procedural aspects of this case.

<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 was 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. The Act and the Regulations are available on the Government Printing Office website at: <http://www.access.gpo.gov/bis/>.



reexporting or causing to be reexported satellite communications equipment, designated as EAR99 equipment,<sup>3</sup> from Malta to Libya without the required BIS license. Specifically, Sweidan reexported to Libya approximately 59 Demand Assigned Multiple Access (“DAMA”) terminals and other satellite communications equipment (hereinafter “satellite equipment”) that it had imported into Malta from the United States without the BIS license required under Section 746.4 of the Regulations. In so doing, Sweidan committed one violation of Section 764.2(a) of the Regulations.

**Charge 2 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation**

Between on or about June 12, 2000 and on or about March 6, 2001, in connection with the reexport described in Charge 1, above, as the Chairman and Managing Director of Trans-Media, Sweidan sold satellite equipment, which is designated as EAR99 equipment, to Libya with knowledge that a violation of the Regulations would occur. Sweidan knew that a BIS license was required to reexport this equipment and that the required license would not be obtained. In so doing, Sweidan committed one violation of Section 764.2(e) of the Regulations.

**Charge 3 15 C.F.R. § 764.2(h) – Acting to Evade the Regulations**

Between on or about June 4, 2000 and March 6, 2001, in connection with the reexport described in Charge 1, above, as the Chairman and Managing Director of Trans-Media, Sweidan took action with the intent to evade the Regulations by misleading a U.S. company to believe that the final destination for satellite equipment that Trans-Media was to purchase from the U.S. company was Malta. By creating this erroneous belief, Sweidan intended to evade the licensing requirement under the Regulations for the export or reexport of the satellite equipment to Libya. In so doing, Sweidan committed one violation of Section 764.2(h) of the Regulations.

**Charges 4-5 (15 C.F.R. § 764.2(g) – Misrepresentation and Concealment of Facts)**

On or about July 18, 2003, in the course of a BIS investigation, as the Chairman and Managing Director of Trans-Media, Sweidan made two false representations to officials of BIS. Specifically, in a conversation with BIS, Sweidan stated that Trans-Media had attempted to source items from the United States but had never entered into any contracts. Separately, Sweidan also stated that Trans-Media had never imported any items from the United States. However, on or about March 14, 2000, Trans-Media contracted with a U.S. company to purchase satellite equipment, and on or about June 4, 2000, Trans-Media purchased satellite equipment from the U.S. company. These items were exported to Trans-Media in Malta on or about June 12, 2000. In making these statements, Sweidan committed two violations of Section 764.2(g) of the Regulations.

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<sup>3</sup> EAR99 is a designation for items subject to the Regulations but not listed on the Commerce Control List. 15 C.F.R. § 734.3(c) (2000-2001).

Accordingly, Sweidan is hereby notified that an administrative proceeding is instituted against him 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 up to \$11,000 per violation;<sup>4</sup>
- Denial of export privileges; and/or
- Exclusion from practice before BIS.

If Sweidan 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. 15 C.F.R. §§ 766.6 and 766.7. If Sweidan defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to Sweidan. 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.

Sweidan is further notified that he is entitled to an agency hearing on the record if he files a written demand for one with his answer. 15 C.F.R. § 766.6. Sweidan is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent him. 15 C.F.R. §§ 766.3(a) and 766.4.

The Regulations provide for settlement without a hearing. 15 C.F.R. § 766.18. Should Sweidan have a proposal to settle this case, Sweidan or his representative should transmit it through the attorney representing BIS, who is named below.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, Sweidan's 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

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

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

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<sup>4</sup> See 15 C.F.R. § 6.4(a)(1) (2005).

Mohammed Saleh Sweidan  
Charging Letter  
Page 4

Thea D. R. Kendler is the attorney representing BIS in this case; any communications that Sweidan may wish to have concerning this matter should occur through her. Ms. Kendler may be contacted by telephone at (202) 482-5301.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Turner". The signature is written in a cursive style with a large, looping initial "M".

Michael D. Turner  
Director  
Office of Export Enforcement