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

In the Matter of:	)
	)
Ernest Chornoletskyy	)
a/k/a Erik Chornoletskyy	)
currently incarcerated at:	)
Inmate Number – 43799-424	)
CI NE Ohio Corr Ctr	)
Correctional Institution	)
2240 Hubbard Rd.	)
Youngstown, OH 44501	)
	)
and with an address at:	)
	)
Ernest Chornoletskyy	)
a/k/a Erik Chornoletskyy	)
4310 Marmora Ave. N	)
Chicago, IL 60634	)
	)

ORDER DENYING EXPORT PRIVILEGES

On August 21, 2013, in the U.S. District Court, Eastern District of Pennsylvania, Ernest Chornoletskyy, a/k/a Erik Chornoletskyy ("Chornoletskyy"), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.* (2006 & Supp. IV 2010)) ("IEEPA"). Specifically, Chornoletskyy conspired to willfully export from the United States to Belarus export-controlled items, including L-3 x 200xp Handheld Thermal Imaging Cameras, without first obtaining from the United States Department of Commerce a license or written authorization. Chornoletskyy was sentenced to 15 months of imprisonment, three years of supervised release, a $200 assessment and a $3,000 fine. Chornoletskyy is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations ("EAR" or "Regulations")[1] provides, in pertinent part, that "[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act ("EAA"), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. § 1701-1706); 18 U.S.C. §§ 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. § 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. § 2778)." 15 C.F.R. § 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 C.F.R. § 766.25(d); *see also* 50 U.S.C. app. § 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security ("BIS") licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Chornoletskyy's conviction for violating the IEEPA, and have provided notice and an opportunity for Chornoletskyy to make a written submission

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[1] The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2013). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401-2420 (2000)) ("EAA"). Since August 21, 2001, the EAA has been in lapse and the President, through 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 8, 2013 (78 Fed. Reg. 49107 (August 12, 2013)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq*. (2006 & Supp. IV 2010)).

to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Chornoletskyy.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Chornoletskyy's export privileges under the Regulations for a period of 10 years from the date of Chornoletskyy's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Chornoletskyy had an interest at the time of his conviction.

Accordingly, it is hereby

ORDERED

I. Until August 21, 2023, Ernest Chornoletskyy, a/k/a Erik Chornoletskyy, currently incarcerated at: Inmate Number – 43799-424, CI NE Ohio Corr Ctr, Correctional Institution, 2240 Hubbard Rd., Youngstown, OH 44501, and with a last known address at: 4310 Marmora Ave. N, Chicago, IL 60634, and when acting for or on behalf of Chornoletskyy, his representatives, assigns, agents or employees (the "Denied Person"), may not, directly or indirectly, participate 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, 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.

II. 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.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Chornoletskyy by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order is effective immediately and shall remain in effect until August 21, 2023.

V. In accordance with Part 756 of the Regulations, Chornoletskyy may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VI. A copy of this Order shall be delivered to the Chornoletskyy. This Order shall be published in the *Federal Register*.

Eileen M Albanese

Eileen M. Albanese
Acting Director
Office of Exporter Services

Issued this 20 day of March, 2014.