

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

In the Matter of:)
)
Materials International, Inc.)
289 Great Road, Unit 103)
Acton, MA 01720)
)
Respondent.)

ORDER DENYING EXPORT PRIVILEGES

A. Denial of Export Privileges of Materials International, Inc.

On November 18, 2005, in the U.S. District Court in the District of Massachusetts, Materials International, Inc. ("MI") was convicted of violating the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401-2420 (2000)) (the "Act")¹. Specifically, MI was convicted of knowingly exporting and causing to be exported from the United States to India, a controlled commodity, to wit, a component, accessory and controls for an isostatic press, that is, a control panel which consisted of, among other things, an operating control cabinet, a power/pressure control cabinet, and digital controllers and recorder, without having first obtained the required export license from the U.S. Department of Commerce.

In addition to the violation of the Act, the MI was convicted of conspiring to violate the Act in violation of 18 U.S.C. 371 (2000). MI paid a special assessment of \$400.

¹ 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 3, 2006 (71 Fed. Reg. 44551, Aug. 7, 2006), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) ("IEEPA").

Section 11(h) of the Act and Section 766.25 of the Export Administration Regulations ("Regulations")² provide, in pertinent part, that "[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny export privileges of any person who has been convicted of a violation of . . . Act," for a period not to exceed 10 years from the date of conviction. 15 C.F.R. §§ 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that BIS's Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of the MI's conviction for violating the Act, and I, following consultations with the Export Enforcement, including the Director, Office of Export Enforcement, have decided to deny the MI's export privileges under the Regulations for a period of 10 years from the date of its conviction. Due to exceptional circumstances, this Order is being issued without prior notice or opportunity to respond.

Accordingly, it is hereby

ORDERED

- I. Until November 18, 2015, Materials International, Inc., 289 Great Road, Unit 103, Acton, MA 01720, its successors or assigns, and when acting for or on behalf of MI, its officers, representatives, agents, or employees ("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

² The Regulations are currently codified at 15 C.F.R. Parts 730-774 (2006).

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.
- 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 MI 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 this Order.

IV. 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.

V. This Order is effective immediately and shall remain in effect until November 18, 2015.

VI. In accordance with Part 756 of the Regulations, MI 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.

VII. A copy of this Order shall be delivered to MI. This Order shall be published in the Federal Register.

Date: March 12, 2007



Eileen M. Albanese
Director
Office of Exporter Services