

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

\_\_\_\_\_  
In the Matter of: )  
 )  
Aimil Limited )  
N-36 Greater Kailash-1 )  
New Delhi )  
India 110048 )  
 )  
 )  
Respondent )  
\_\_\_\_\_

ORDER RELATING TO AIMIL LIMITED

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has notified Aimil Limited (“Aimil”), of its intention to initiate an administrative proceeding against Aimil pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2007)) (the “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)) (the “Act”),<sup>2</sup> through issuance of a proposed charging letter to Aimil that alleged that Aimil committed one violation of the Regulations. Specifically, this charge is:

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<sup>1</sup> The violation alleged to have been committed occurred in 2003 and 2004. The Regulations governing the violation at issue are found in the 2003 and 2004 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2003 and 2004)). The 2007 Regulations establish the procedures that apply to this matter.

<sup>2</sup> Since August 21, 2001 the Act has been in lapse. However, 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 3, 2006 (71 Fed. Reg. 44,551, Aug. 7, 2006), has continued the Regulations in effect under International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)).

**Charge 1      15 C.F.R. § 764.2(b) - Causing, Aiding or Abetting a Violation -  
Aiding and Abetting an Export to a Listed Entity:**

Between on or about September 27, 2003 and January 23, 2004, Aimil aided and abetted the doing of an act prohibited by the Regulations by aiding and abetting the export of a Lasair -II-310A, an item subject to the Regulations, ("EAR99"), from the United States to Space Applications Center in Ahmedabad, India, an organization on the Department of Commerce's Entity List, Supplement No. 4 to Part 744 of the Regulations, without a license from the Department of Commerce as required by Section 744.1 of the Regulations. Aimil aided and abetted the export by placing the order with the U.S. exporter and providing the exporter with the incorrect end-user. In so doing, Aimil committed one violation of Section 764.2(b) of the Regulations.

WHEREAS, BIS and have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

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

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$8,800 is assessed against Aimil, 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.

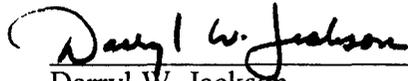
SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Aimil will be assessed, in addition 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 Aimil.

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

FOURTH, that the proposed 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.



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

Entered this 14<sup>th</sup> day of August, 2007.

UNITED STATES DEPARTMENT OF COMMERCE  
BUREAU OF INDUSTRY AND SECURITY  
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N-36 Greater Kailash-1 )  
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Respondent )

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Aimil Limited (“Aimil”), and the Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) (collectively, the “Parties”), pursuant to Section 766.18(a) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2007)) (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>

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<sup>1</sup> The violation alleged to have been committed occurred in 2003 and 2004. The Regulations governing the violation at issue are found in the 2003 and 2004 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2003-2004)). The 2007 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 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)), which has been extended by successive Presidential Notices, the most recent being that of August 2, 2006 (71 Fed. Reg. 44,551 (Aug. 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”).

WHEREAS, BIS has notified Aimil of its intention to initiate an administrative proceeding against Aimil, pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a proposed charging letter to Aimil that alleged that Aimil committed one violation of the Regulations, specifically:

**Charge 1      15 C.F.R. § 764.2(b) - Causing, Aiding or Abetting a Violation - Aiding and Abetting an Export to a Listed Entity:**

Between on or about September 27, 2003 and January 23, 2004, Aimil aided and abetted the doing of an act prohibited by the Regulations by aiding and abetting the export of a Lasair -II-310A, an item subject to the Regulations, ("EAR99"), from the United States to Space Applications Center in Ahmedabad, India, an organization on the Department of Commerce's Entity List, Supplement No. 4 to Part 744 of the Regulations, without a license from the Department of Commerce as required by Section 744.1 of the Regulations. Aimil aided and abetted the export by placing the order with the U.S. exporter and providing the exporter with the incorrect end-user. In so doing, Aimil committed one violation of Section 764.2(b) of the Regulations.

WHEREAS, Aimil has reviewed the proposed 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, Aimil 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, Aimil enters into this Agreement voluntarily and with full knowledge of its rights;

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

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

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

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

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Aimil , under the Regulations, in connection with the matters alleged in the proposed charging letter.
2. The following sanction shall be imposed against Aimil in complete settlement of the alleged violation of the Regulations relating to the transaction specifically detailed in the proposed charging letter:
  - a. Aimil shall be assessed a civil penalty in the amount of \$8,800, all of 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 Aimil. Failure to make timely payment of the civil penalty set forth above may result in the denial of all of Aimil'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, Aimil 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 any 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 \$8,800 civil penalty, BIS will not initiate any further administrative proceeding against Aimil in connection with any violation of the Act or the Regulations arising out of the transactions identified in the proposed charging letter.

5. BIS will make the proposed 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(a) 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

AIMIL LIMITED

*Ken Dell. Coll.*

*Arvind Verma*

John McKenna  
Acting Director  
Office of Export Enforcement

Arvind Verma  
Corporate Director  
Aimil Limited

Date: 8/9/2007

Date: July 19, 2007

REGISTERED MAIL - RETURN RECEIPT REQUESTED  
PROPOSED CHARGING LETTER

Aimil Limited  
N-36, Greater Kailash - 1  
New Delhi  
India 110048

Attention: Arvind Verma  
Corporate Director

Dear Mr. Verma:

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has reason to believe that Aimil Limited ("Aimil") of New Delhi, India, has committed one violation of the Export Administration Regulations (the "Regulations"),<sup>1</sup> which are issued under the authority of the Export Administration Act of 1979, as amended (the "Act").<sup>2</sup> Specifically, BIS charges that Aimil has committed the following violation:

**Charge 1                    15 C.F.R. § 764.2(b) - Causing, Aiding or Abetting a Violation -  
Aiding and Abetting an Export to a Listed Entity:**

Between on or about September 27, 2003 and January 23, 2004, Aimil aided and abetted the doing of an act prohibited by the Regulations by aiding and abetting the export of a Lasair -II-310A, an item subject to the Regulations, ("EAR99"), from the United States to Space Applications Center in Ahmedabad, India, an organization on the Department of Commerce's Entity List, Supplement No. 4 to Part 744 of the Regulations, without a license from the Department of Commerce as required by Section 744.1 of the Regulations. Aimil aided and abetted the export by placing the order with the U.S. exporter and providing the exporter with the

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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 (2007). The charged violation occurred in 2003 and 2004. The Regulations governing the violation at issue are found in the 2003 and 2004 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2003 - 2004)). The 2007 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 50 U.S.C. app. §§ 2401- 2420 (2000). 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 (August 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) ("IEEPA").

Aimil Limited  
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incorrect end-user. In so doing, Aimil committed one violation of Section 764.2(b) of the Regulations.

\* \* \* \* \*

Accordingly, Aimil 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 per violation;<sup>3</sup>

Denial of export privileges; and/or

Exclusion from practice before BIS.

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

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

The Regulations provide for settlement without a hearing. (Regulations, Section 766.18.) Should Aimil have a proposal to settle this case, Aimil or its representative should transmit it to 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, Aimil'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

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<sup>3</sup> See 15 C.F.R. § 6.4(a)(2) (2003-2004).

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

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

Melissa B. Mannino is the attorney representing BIS in this case. Any communications that Aimil may wish to have concerning this matter should occur through her. She may be contacted by telephone at (202) 482-5301.

Sincerely,

John McKenna  
Acting Director  
Office of Export Enforcement