

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

In the Matter of:)
)
Tara Technologies Corporation)
305 Fentress Boulevard)
Daytona Beach, FL 32114)
)
Respondent)

ORDER RELATING TO TARA TECHNOLOGIES CORPORATION

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has notified Tara Technologies Corporation (“Tara”) of its intention to initiate an administrative proceeding against Tara pursuant to Section 766.3 of the Export Administration Regulations (the “Regulations”),¹ and Section 13(c) of the Export Administration Act of 1979, as amended (the “Act”),² through the issuance of a Proposed Charging Letter to Tara that alleged that Tara committed three violations of the Regulations. Specifically, the charges are:

Charges 1-3 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct by Exporting Edge-Welded Metal Bellows to the People’s Republic of China Without the Required Licenses

On three occasions between on or about March 16, 2006 and on or about March 31, 2006, Tara engaged in conduct prohibited by the Regulations by exporting edge-welded metal bellows, items classified under Export Control Classification Number (“ECCN”) 3B001.e and controlled for national security and anti-terrorism reasons, from the United States to the People’s Republic

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2009). The charged violations occurred in 2006. The Regulations governing the violation at issue are found in the 2006 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2006)). The 2009 Regulations set forth the procedures that apply to this matter.

² 50 U.S.C. app. §§ 2401-2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 13, 2009 (74 Fed. Reg. 41,325 (August 14, 2009)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1707).

of China without the Department of Commerce licenses required by Section 742.4 of the Regulations. In so doing, Tara committed three violations of Section 764.2(a) of the Regulations.

WHEREAS, BIS and Tara 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:

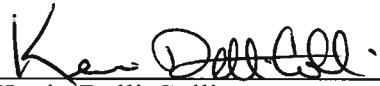
FIRST, that a civil penalty of \$27,000 is assessed against Tara, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

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



Kevin Delli-Colli
Deputy Assistant Secretary of Commerce
for Export Enforcement

Issued this 9th day of December, 2009.

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

In the Matter of:)
)
Tara Technologies Corporation)
305 Fentress Boulevard)
Daytona Beach, FL 32114)
)
Respondent)

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Tara Technologies Corporation (“Tara”) 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 (the “Regulations”),¹ issued pursuant to the Export Administration Act of 1979, as amended (the “Act”).²

WHEREAS, Tara filed a voluntary self-disclosure with BIS’s Office of Export Enforcement in accordance with Section 764.5 of the Regulations concerning the transactions at issue herein;

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2009). The charged violations occurred in 2006. The Regulations governing the violations at issue are found in the 2006 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2006)). The 2009 Regulations set forth the procedures that apply to this matter.

² 50 U.S.C. app. §§ 2401-2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 13, 2009 (74 Fed. Reg. 41,325 (August 14, 2009)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1707).

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

WHEREAS, BIS has issued a Proposed Charging Letter to Tara that alleged that Tara committed three violations of the Regulations, specifically:

Charges 1-3 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct by Exporting Edge-Welded Metal Bellows to the People's Republic of China Without the Required Licenses

On three occasions between on or about March 16, 2006 and on or about March 31, 2006, Tara engaged in conduct prohibited by the Regulations by exporting edge-welded metal bellows, items classified under Export Control Classification Number ("ECCN") 3B001.e and controlled for national security and anti-terrorism reasons, from the United States to the People's Republic of China without the Department of Commerce licenses required by Section 742.4 of the Regulations. In so doing, Tara committed three violations of Section 764.2(a) of the Regulations.

WHEREAS, Tara 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, Tara 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, Tara enters into this Agreement voluntarily and with full knowledge of its rights;

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

WHEREAS, Tara neither admits nor denies the allegations contained in the Proposed Charging Letter;

WHEREAS, Tara wishes to settle and dispose of all matters alleged in the Proposed Charging Letter by entering into this Agreement; and

WHEREAS, Tara agrees to be bound by the Order, if issued;

NOW THEREFORE, the Parties hereby agree, for purposes of this Settlement Agreement, as follows:

1. BIS has jurisdiction over Tara, under the Regulations, in connection with the matters alleged in the Proposed Charging Letter.

2. The following sanction shall be imposed against Tara in complete settlement of the alleged violations of the Regulations relating to the transactions specifically detailed in the Proposed Charging Letter:

a. Tara shall be assessed a civil penalty in the amount of \$27,000, which shall be paid to the U.S. Department of Commerce within 30 days of the date of the Order. Payment shall be made in the manner specified in the attached instructions.

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 Tara. Failure to make timely payment of the civil penalty set forth above may result in the denial of all of Tara'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, Tara 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 issued), 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 issued; and (c) seek judicial review or otherwise contest the validity of this Agreement or the Order, if issued.

4. BIS agrees that, upon issuance of the Order, it will not initiate any further administrative proceeding against Tara in connection with any violation of the Act or the Regulations arising out of the transactions specifically detailed in the Proposed Charging Letter.

5. BIS will make the Proposed Charging Letter, this Agreement, and the Order, if issued, 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 issued; 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 issuing 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


Thomas Madigan
Director
Office of Export Enforcement

Date: November 27, 2009


Raul J. Ceide
Chief Operating Officer
Tara Technologies Corporation

Date: NOV. 27, 2009

PROPOSED CHARGING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Tara Technologies Corporation
305 Fentress Boulevard
Daytona Beach, FL 32114

Attention: *Colm Lanigan*
President

Dear Mr. Lanigan:

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), has reason to believe that Tara Technologies Corporation of Daytona Beach, Florida (“Tara”) has committed three violations of the Export Administration Regulations (the “Regulations”),¹ which are issued under the authority of the Export Administration Act of 1979, as amended (the “Act”).² Specifically, BIS charges that Tara committed the following violations:

Charges 1-3 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct by Exporting Edge-Welded Metal Bellows to the People’s Republic of China Without the Required Licenses

As described in greater detail in the attached Schedule of Violations, which is incorporated herein by reference, on three occasions between on or about March 16, 2006 and on or about March 31, 2006, Tara engaged in conduct prohibited by the Regulations by exporting edge-welded metal bellows, items classified under Export Control Classification Number (“ECCN”) 3B001.e and controlled for national security and anti-terrorism reasons, from the United States to the People’s Republic of China without the Department of Commerce licenses required by Section 742.4 of the Regulations. In so doing, Tara committed three violations of Section 764.2(a) of the Regulations.

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2009). The violations charged occurred during 2006. The Regulations governing the violations at issue are found in the 2006 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2006)). The 2009 Regulations govern the procedural aspects of this case.

² 50 U.S.C. app. §§ 2401- 2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 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 13, 2009 (74 Fed. Reg. 41,325 (Aug. 14, 2009)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1707).

* * * * *

Accordingly, Tara 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 up to the greater of \$250,000 per violation or twice the value of the transaction that is the basis of the violation;³
- Denial of export privileges; and/or
- Exclusion from practice before BIS.

If Tara 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 (2009). If Tara defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to Tara. 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.

Tara is further notified that it is entitled to an agency hearing on the record if it files a written demand for one with its answer. 15 C.F.R. § 766.6 (2009). Tara is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. 15 C.F.R. §§ 766.3(a) and 766.4 (2009).

The Regulations provide for settlement without a hearing. 15 C.F.R. § 766.18 (2009). Should Tara have a proposal to settle this case, Tara or its representative should transmit it through the attorney representing BIS named below.

Tara is further notified that under the Small Business Regulatory Enforcement Flexibility Act, Tara may be eligible for assistance from the Office of the National Ombudsman of the Small Business Administration in this matter. To determine eligibility and get more information, please see: <http://www.sba.gov/ombudsman/>.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, Tara's answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

³ International Emergency Economic Powers Enhancement Act of 2007, Pub. L. No. 110-96, 121 Stat. 1011 (2007).

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

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

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

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

Sincerely,

Thomas Madigan
Director
Office of Export Enforcement

Tara Technologies Corporation
Proposed Charging Letter
Schedule of Violations
Page 1 of 1

Charge No.	Export Date	Destination	Commodity Description	ECCN	Total Value	Invoice No.	Customer Purchase Order No.	Violation
1	16-Mar-06	People's Republic of China	edge-welded metal bellows	3B001.e	\$4,764	108666	3X25-06020083	15 C.F.R. § 764.2(a)
2	21-Mar-06	People's Republic of China	edge-welded metal bellows	3B001.e	\$1,588		3X25-06020083	15 C.F.R. § 764.2(a)
3	31-Mar-06	People's Republic of China	edge-welded metal bellows	3B001.e	\$9,528	109032	3X25-06020083	15 C.F.R. § 764.2(a)