

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

In the Matter of:)
)
Ning Wen) 07-BIS-02
No. 07511-089)
Federal Prison Camp – H Dorm)
P.O. Box 1000)
Duluth, MN 55814)
)
and)
)
1218 Dewey St., #14)
Manitowoc, WI 54220)
)

Respondent)_____

ORDER RELATING TO NING WEN

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has initiated an administrative proceeding against Ning Wen (“Wen”) 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 issuance of a charging letter to Wen that alleged that he committed 124 violations of the Regulations. Specifically, the charges are:

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 between 2002 and 2004. The Regulations governing the violations at issue are found in the 2002-2004 versions of the Code of Federal Regulations. 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 13222 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. 41325 (Aug. 14, 2009)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706).

Charge 1 15 C.F.R. §764.2(d) - Conspiracy to Export Electronic Components to People's Republic of China without the Required Licenses

Between on or about March 16, 1992 and on or about September 30, 2004, Wen conspired with others, known and unknown, to bring about acts that violated the Regulations. The object of the conspiracy was to export electronic components from the United States to the People's Republic of China (PRC) in violation of U.S. export control laws by failing to obtain the proper export licenses for certain shipments, and/or providing false descriptions and/or withholding required information on the invoices provided to the shippers. In furtherance of this conspiracy, the co-conspirators, through Wen Enterprises—a business run out of Wen's home—caused exports of electronic components controlled under Export Control Classification Numbers ("ECCNs") 3A001 and 3A002 on the Commerce Control List to the PRC without the licenses required by the Regulations. Items classified under ECCNs 3A001 and 3A002 are controlled for national security reasons and their export to the PRC requires a license from the U.S. Department of Commerce pursuant to Section 742.2 of the Regulations. Also in furtherance of this conspiracy, the co-conspirators made false representations regarding the true value of shipments being exported to the PRC and, on several occasions between May 2004 and July 2004, Wen consulted directly with Ms. Hailin Lin regarding matters relevant to the conspiracy, including on methods to avoid detection of illegal exports. In conspiring to bring about acts that violate the Regulations, Wen committed one violation of Section 764.2(d) of the Regulations.

Charges 2-56 15 C.F.R. § 764.2(b) – Causing an Export without the Required License

Between on or about January 28, 2002 through on or about September 30, 2004, Wen caused 55 acts prohibited by the Regulations. Specifically, Wen caused 55 exports of items controlled under ECCNs 3A001 and 3A002 to the PRC without the licenses required by Section 742.2 of the Regulations. These exports were committed in furtherance of and as a reasonably foreseeable consequence of the conspiracy described in Charge One above. In so doing, Wen committed 55 violations of Section 764.2(b) of the Regulations.

Charges 57-111 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation

In connection with each of the transactions described in Charges 2 through 56 above, on 55 occasions between on or about January 28, 2002 through on or about September 30, 2004, Wen bought, sold, and/or transferred electronic components subject to the Regulations to be exported from the United States with knowledge that a violation of the Regulations was about to occur or was intended to occur in connection with the components. Specifically, at the time that the electronic components were bought, sold and/or transferred, all of which were done as a reasonably foreseeable consequence of the conspiracy described in Charge One above, Wen knew or had reason to know that the export of the items required an export license but that an

export license would not be obtained. In so doing, Wen committed 55 violations of Section 764.2(e) of the Regulations.

Charges 112-124 15 C.F.R. § 764.2(h) – Taking action with intent to evade the Regulations

In connection with certain transactions described above, on thirteen occasions between on or about April, 5 2004 through on or about September 30, 2004, Wen took actions with intent to evade the provisions of the Regulations. Specifically, in connection with the preparation of export control documents, Wen did make false statements and conceal material facts by representing on shipping invoices that the value of thirteen different shipments was less than \$2500 when in fact the true value of the shipments exceeded \$2500. This was done so that Shipper's Export Declarations, which are filed with the U.S. Government and which must contain information about export license requirements, would not be requested for the exports. In so doing, Wen committed 13 violations of Section 764.2(h) of the Regulations.

WHEREAS, BIS and Wen have entered into a Settlement Agreement pursuant to Section 766.18(b) 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 Wen shall be assessed a civil penalty in the amount of \$1,364,000, the payment of which shall be suspended for a period of one (1) year from the date of entry of this Order, and thereafter shall be waived, provided that during the suspension, Wen has committed no violation of the Act, or any regulation, order or license issued thereunder.

SECOND, that for a period of 15 years from the date of issuance of the Order, Ning Wen, No. 07511-089, Federal Prison Camp–H Dorm, P.O. Box 1000, Duluth, MN 55814, with an address at 1218 Dewey St., #14, Manitowoc, WI 54220, and when acting on behalf of Wen, his representatives, assigns, or agents (“Denied Person”) may not participate, directly or indirectly,

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, 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.

THIRD, that no person may, directly or indirectly, do any of the actions described below with respect to an item that is subject to the Regulations and that has been, will be, or is intended to be exported or reexported from the United States:

- 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.

FOURTH, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Wen 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 the Order.

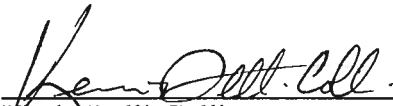
FIFTH, that the charging letter, the Settlement Agreement, this Order, and the record of

this case as defined by Section 766.20 of the Regulations shall be made available to the public.

SIXTH, that the Administrative Law Judge shall be notified that this case is withdrawn from adjudication.

SEVENTH, that this Order shall be served on the Denied Person and on BIS, and shall be published in the *Federal Register*.

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

Entered this 29th day of December 2009.

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

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Ning Wen) 07-BIS-02
No. 07511-089)
Federal Prison Camp – H Dorm)
P.O. Box 1000)
Duluth, MN 55814)
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and)
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1218 Dewey St., #14)
Manitowoc, WI 54220)
)
Respondent)

SETTLEMENT AGREEMENT

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

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 between 2002 and 2004. The Regulations governing the violations at issue are found in the 2002 - 2004 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2002-2004)). 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. 41325 (Aug. 14, 2009)), has continued the Regulations in effect under the International Emergency Economic

WHEREAS, BIS has initiated an administrative proceeding against Wen, pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a charging letter to Wen that alleged that Wen committed 124 violations of the Regulations, specifically:

Charge 1 15 C.F.R. §764.2(d) - Conspiracy to Export Electronic Components to People's Republic of China without the Required Licenses

Between on or about March 16, 1992 and on or about September 30, 2004, Wen conspired with others, known and unknown, to bring about acts that violated the Regulations. The object of the conspiracy was to export electronic components from the United States to the People's Republic of China (PRC) in violation of U.S. export control laws by failing to obtain the proper export licenses for certain shipments, and/or providing false descriptions and/or withholding required information on the invoices provided to the shippers. In furtherance of this conspiracy, the co-conspirators, through Wen Enterprises—a business run out of Wen's home—caused exports of electronic components controlled under Export Control Classification Numbers ("ECCNs") 3A001 and 3A002 on the Commerce Control List to the PRC without the licenses required by the Regulations. Items classified under ECCNs 3A001 and 3A002 are controlled for national security reasons and their export to the PRC requires a license from the U.S. Department of Commerce pursuant to Section 742.2 of the Regulations. Also in furtherance of this conspiracy, the co-conspirators made false representations regarding the true value of shipments being exported to the PRC and, on several occasions between May 2004 and July 2004, Wen consulted directly with Ms. Hailin Lin regarding matters relevant to the conspiracy, including on methods to avoid detection of illegal exports. In conspiring to bring about acts that violate the Regulations, Wen committed one violation of Section 764.2(d) of the Regulations.

Charges 2-56 15 C.F.R. § 764.2(b) – Causing an Export without the Required License

Between on or about January 28, 2002 through on or about September 30, 2004, Wen caused 55 acts prohibited by the Regulations. Specifically, Wen caused 55 exports of items controlled under ECCNs 3A001 and 3A002 to the PRC without the licenses required by Section 742.2 of the Regulations. These exports were committed in furtherance of and as a reasonably foreseeable

consequence of the conspiracy described in Charge One above. In so doing, Wen committed 55 violations of Section 764.2(b) of the Regulations.

Charges 57-111 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation

In connection with each of the transactions described in Charges 2 through 56 above, on 55 occasions between on or about January 28, 2002 through on or about September 30, 2004, Wen bought, sold, and/or transferred electronic components subject to the Regulations to be exported from the United States with knowledge that a violation of the Regulations was about to occur or was intended to occur in connection with the components. Specifically, at the time that the electronic components were bought, sold and/or transferred, all of which were done as a reasonably foreseeable consequence of the conspiracy described in Charge One above, Wen knew or had reason to know that the export of the items required an export license but that an export license would not be obtained. In so doing, Wen committed 55 violations of Section 764.2(e) of the Regulations.

Charges 112-124 15 C.F.R. § 764.2(h) – Taking action with intent to evade the Regulations

In connection with certain transactions described above, on thirteen occasions between on or about April, 5 2004 through on or about September 30, 2004, Wen took actions with intent to evade the provisions of the Regulations. Specifically, in connection with the preparation of export control documents, Wen did make false statements and conceal material facts by representing on shipping invoices that the value of thirteen different shipments was less than \$2500 when in fact the true value of the shipments exceeded \$2500. This was done so that Shipper's Export Declarations, which are filed with the U.S. Government and which must contain information about export license requirements, would not be requested for the exports. In so doing, Wen committed 13 violations of Section 764.2(h) of the Regulations.

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

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

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

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

WHEREAS, Wen 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 Wen, under the Regulations, in connection with the matters alleged in the charging letter.

2. The following sanctions shall be imposed against Wen in complete settlement of the alleged violations of the Regulations relating to the transactions specifically detailed in the

Charging Letter:

- a. Wen shall be assessed a civil penalty in the amount of \$1,364,000, the payment of which shall be suspended for a period of one year from the date of entry of the Order and thereafter shall be waived, provided that during the period of suspension, Wen has committed no violation of the Act, or any regulation, order,

or license issued thereunder.

b. For a period of 15 years from the date of entry of the Order, Wen, and when acting on behalf of Wen, his representatives, assigns, or agents (“Denied Person”) may not participate, directly or indirectly, 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, or in any other activity subject to the Regulations, including, but not limited to:

- i. Applying for, obtaining, or using any license, License Exception, or export control document;
- ii. 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
- iii. 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.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Wen 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. BIS agrees that, upon issuance of the Order, it will not initiate any further administrative proceeding against Wen in connection with any violation of the Act or the Regulations arising out of the transactions specifically detailed in the charging letter.

5. BIS will make the charging letter, this Agreement, and the Order, if issued, and the record of the case as described in Section 766.20 of the Regulations available to the public.

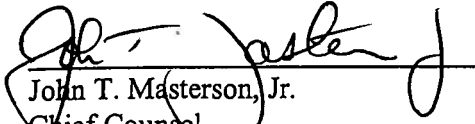
6. This Agreement is for settlement purposes only. Therefore, if this Agreement is not accepted and the Order is not issued by the Assistant Secretary of Commerce for Export Enforcement pursuant to Section 766.18(b) of the Regulations, no Party may use this Agreement in any administrative or judicial proceeding and the Parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.

7. This Agreement shall not 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.

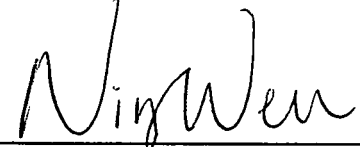
8. This Agreement shall become binding on BIS only if the Assistant Secretary of Commerce for Export Enforcement approves it by issuing the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

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


John T. Masterson, Jr.
Chief Counsel

NING WEN


Ning Wen

Date: 12/28/09

Date: 11/23/2009

JAN 25 2007



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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ning Wen
FPC Duluth
Federal Prison Camp
6902 Stebner Road
Duluth, MN 55814

Dear Mr. Wen:

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has reason to believe that you, Ning Wen ("Wen"), co-owner of Wen Enterprises, in your individual capacity, have committed 124 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 Wen committed the following violations:

Charge 1 15 C.F.R. §764.2(d) - Conspiracy to Export Electronic Components to the People's Republic of China without the Required Licenses

Between on or about March 16, 1992 and on or about September 30, 2004, Wen conspired with others, known and unknown, to bring about acts that violated the Regulations. The object of the conspiracy was to export electronic components from the United States to the People's Republic of China (PRC) in violation of U.S. export control laws by failing to obtain the proper export licenses for certain shipments, and/or providing false descriptions and/or withholding required information on the invoices provided to the shippers. In furtherance of this conspiracy, the co-conspirators, through Wen Enterprises—a business run out of Wen's home—caused exports of electronic components controlled under Export Control Classification Numbers ("ECCNs") 3A001 and 3A002 on the Commerce Control List to the PRC without the licenses required by

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2006). The violations charged occurred between 2002 and 2004. The Regulations governing the violations at issue are found in the 2002-2004 versions of the Code of Federal Regulations. *See* 15 C.F.R. Parts 730-774 (2002-04). The 2006 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. However, 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), continues the Regulations in effect under International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) ("IEEPA"). The Act and the Regulations are available on the Government Printing Office website at: <http://www.access.gpo.gov/bis/>.



the Regulations. Items classified under ECCNs 3A001 and 3A002 are controlled for national security reasons and their export to the PRC requires a license from the U.S. Department of Commerce pursuant to Section 742.2 of the Regulations. Also in furtherance of this conspiracy, the co-conspirators made false representations regarding the true value of shipments being exported to the PRC and, on several occasions between May 2004 and July 2004, Wen consulted directly with Ms. Hailin Lin regarding matters relevant to the conspiracy, including on methods to avoid detection of illegal exports. In conspiring to bring about acts that violate the Regulations, Wen committed one violation of Section 764.2(d) of the Regulations.

Charges 2-56 15 C.F.R. § 764.2(b) – Causing an Export without the Required License

Between on or about January 28, 2002 through on or about September 30, 2004, Wen caused 55 acts prohibited by the Regulations. Specifically, Wen caused 55 exports of items controlled under ECCNs 3A001 and 3A002 to the PRC without the licenses required by Section 742.2 of the Regulations. These exports, which were committed in furtherance of and as a reasonably foreseeable consequence of the conspiracy described in Charge One above, are detailed more specifically in the attached schedule of violations, which is hereby incorporated into this charging letter. In so doing, Wen committed 55 violations of Section 764.2(b) of the Regulations.

Charges 57-111 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation

In connection with each of the transactions described in Charges 2 through 56 above, on 55 occasions between on or about January 28, 2002 through on or about September 30, 2004, Wen bought, sold, and/or transferred electronic components subject to the Regulations to be exported from the United States with knowledge that a violation of the Regulations was about to occur or was intended to occur in connection with the components. Specifically, at the time that the electronic components were bought, sold and/or transferred, all of which were done as a reasonably foreseeable consequence of the conspiracy described in Charge One above, Wen knew or had reason to know that the export of the items required an export license but that an export license would not be obtained. In so doing, Wen committed 55 violations of Section 764.2(e) of the Regulations.

Charges 112-124 15 C.F.R. § 764.2(h) – Taking action with intent to evade the Regulations

In connection with certain transactions described above and in the attached Schedule of Violations, on thirteen occasions between on or about April, 5 2004 through on or about September 30, 2004, Wen took actions with intent to evade the provisions of the Regulations. Specifically, in connection with the preparation of export control documents, Wen did make false statements and conceal material facts by representing on shipping invoices that the value of thirteen different shipments was less than \$2500 when in fact

the true value of the shipments exceeded \$2500. This was done so that Shipper's Export Declarations, which are filed with the U.S. Government and which must contain information about export license requirements, would not be requested for the exports. In so doing, Wen committed 13 violations of Section 764.2(h) of the Regulations.

* * * * *

Accordingly, Wen 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;³
- Denial of export privileges; and/or
- Exclusion from practice before BIS.

If Wen 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. *See* 15 C.F.R. §§ 766.6 and 766.7 (2006). If Wen defaults, the Administrative Law Judge may find the charges alleged in this letter to be true without a hearing or further notice to Wen. 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.

Wen 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. *See* 15 C.F.R. § 766.6 (2006). Wen 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 (2006).

The Regulations provide for settlement without a hearing. *See* 15 C.F.R. § 766.18 (2006). Should Wen have a proposal to settle this case, Wen 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, Wen'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

³ *See* 15 C.F.R. § 6.4(a)(4) (2002-2004), *as supplemented by* 68 Fed. Reg. 4,380 (Jan. 29, 2003), *and* 68 Fed. Reg. 69,001 (Dec. 11, 2003).

Mr. Ning Wen
Charging Letter
Page 4

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

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

Charles Wall is the attorney representing BIS in this case; any communications that Wen may wish to have concerning this matter should occur through him. Mr. Wall may be contacted by telephone at (202) 482-5301.

Sincerely,



Michael D. Turner
Director
Office of Export Enforcement

Enclosure

**Schedule of Violations
Ning Wen**

Charge(s)	Invoice #	Export Date	Controlled Part Number(s) on Customer Invoice	ECCN of Controlled Part	Invoice Value(\$ to Forwarder	Invoice Value to Customer
2, 57, 112	D368-JS0440	17-Sep-04	AD9226ARS	3A001.a.5.a.2	\$2,486.20	\$8,411.10
3, 58, 113	D366-JS0438	3-Sep-04	AD6645ASQ-105 AD9236-BCP-80 AD9236BRU-80 AD9433BSQ-125 SPT7760AIK	3A001.a.5.a.3 3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.5.a.1	\$2,475.60 \$2,487.80	\$18,434.00
4, 59, 114	DS363-JS0435	20-Aug-04	SMJ320C6203GLPM20	3A001.a.2.c	\$2,484.00	\$13,654.20
5, 60, 115	D361-JS0433	6-Aug-04	AD9410BSQ	3A001.a.5.a.1	\$2,486.50 \$2,484.50	\$13,374.80
6, 61, 116	D359-JS0431	27-Jul-04	AD9430BSV-170	3A001.a.5.a.2	\$2,457.60	\$20,330.40
7, 62, 117	D358-JS0430	23-Jul-04	AD6645ASQ-105 AD6645ASQ-80	3A001.a.5.a.3 3A001.a.5.a.3	\$2,462.95	\$8,262.80
8, 63, 118	D354-JS0425	29-Jun-04	AD6645ASQ-105	3A001.a.5.a.3	\$2,483.50	\$8,519.60
9, 64, 119	D351-JS0422	11-Jun-04	AD1674TD	3A001.a.2.c	\$2,479.40	\$10,935.60
10, 65, 120	D350-JS0421	4-Jun-04	AD9410BSQ SPT7722SIT	3A001.a.5.a.1 3A001.a.5.a.1	\$2,478.60 \$2,463.90	\$16,421.50
11, 66, 121	D349-JS0420	28-May-04	AD9410BSQ	3A001.a.5.a.1	\$2,486.70 \$2,453.40	\$15,780.60
12, 67, 122	D345-JS0416	30-Apr-04	AD6640AST	3A001.a.5.a.2	\$2,488.95	\$7,881.00
13, 68, 123	D344-JS0414-15	22-Apr-04	AD6644AST-65	3A001.a.5.a.3	\$2,478.70 \$1,695.00	\$23,704.10
14, 69, 124	D341-JS0409	5-Apr-04	AD9430BSV-210	3A001.a.5.a.2	\$2,176.50	\$8,627.50
15, 70	D339-JS0407	12-Mar-04	AD9433BSQ-125	3A001.a.5.a.2		
16, 71	D338-JS0406	5-Mar-04	AD9430BSV-210	3A001.a.5.a.2		
17, 72	D336-JS0404	20-Feb-04	AD6645ASQ-80	3A001.a.5.a.3		
18, 73	D335-JS0403	9-Feb-04	SPT7722SIT	3A001.a.5.a.1		
19, 74	D330-JS0339	5-Dec-03	AD9430BSV-170 AD9430BSV-170 SMJ320C31GFAM50	3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.2.c		
20, 75	D331-JS0340	11-Dec-03	SMJ320C31GFAM50	3A001.a.2.c		
21, 76	D329-JS0338	21-Nov-03	SPT7722SIT	3A001.a.5.a.1		
22, 77	D327-JS0335	7-Nov-03	AD9858/PCB	3A002.b		
23, 78	D325-JS0332	24-Oct-03	AD9430BSV-210	3A001.a.5.a.2		
24, 79	D323-JS0330	10-Oct-03	AD9433BSQ-105 SMJ320C31GFAM50	3A001.a.5.a.2 3A001.a.2.c		
25, 80	D322-JS0329	19-Sep-03	AD9433BSQ-125	3A001.a.5.a.2		
26, 81	D320-JS0327	5-Sep-03	SPT7721SIT	3A001.a.5.a.1		
27, 82	D318-JS0325	15-Aug-03	SMJ320C6203GLPM20	3A001.a.2.c		
28, 83	D317-JS0324	8-Aug-03	AD9240AS AD9430BSV-170 SMJ320C6203GLPM20	3A001.a.5.a.3 3A001.a.5.a.2 3A001.a.2.c		
29, 84	D316-JS0322	25-Jul-03	TS83102G0BCGL	3A001.a.5.a.1		
30, 85	D313-JS0319	27-Jun-03	SPT7722SIT	3A001.a.5.a.1		
31, 86	D312-JS0318	20-Jun-03	AD9240AS AD9433BSQ-125	3A001.a.5.a.3 3A001.a.5.a.2		
32, 87	D308-JS0314	23-May-03	AD6640AST	3A001.a.5.a.2		
33, 88	D307-JS0313	9-May-03	SMJ320C31GFAM50	3A001.a.2.c		

**Schedule of Violations
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Charge(s)	Invoice #	Export Date	Controlled Part Number(s) on Customer Invoice	ECGN of Controlled Part	Invoice Value(s) to Forwarder	Invoice Value to Customer
34, 89	D301-JS0307	21-Mar-03	IDT7005S25GB	3A001.a.2.c		
35, 90	D300-JS0306	13-Mar-03	SPT7721SIT XQR4013XL-3CB228M	3A001.a.5.a.1 3A001.a.2.c		
36, 91	D298-JS0304	21-Feb-03	AD13465AZ	3A001.a.5.a.3		
37, 92	D296-JS0302	17-Jan-03	MAX101ACFR1	3A001.a.2.a.c		
38, 93	D294-JS0229	12-Dec-02	AD6645ASQ-80	3A001.a.5.a.3		
39, 94	D292-JS0227	22-Nov-02	AD9224ARS SMJ320C6203GLPM20	3A001.a.5.a.2 3A001.a.2.c		
40, 95	D291-JS0296		AD9430BSV-170 SMJ320C31GFAM50	3A001.a.5.a.2 3A001.a.2.c		
41, 96	D290-JS0225	8-Nov-02	AD9225AR	3A001.a.5.a.2		
42, 97	D289-JS0224	1-Nov-02	XQR4013XL-3CB228M	3A001.a.2.c		
43, 98	D288-JS0223	25-Oct-02	AD1674TD AD6640AST AD6644AST-65 AD9224ARS AD9433BSQ-125 SPT7760AIK	3A001.a.2.c 3A001.a.5.a.2 3A001.a.5.a.3 3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.5.a.1		
44, 99	D287-JS0222	4-Oct-02	AD6640AST AD6640AST AD6640AST AD9225ARS AD9226ARS AD9410BSQ MAX101ACFR1	3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.5.a.2 3A001.a.5.a.1 3A001.a.2.a.c		
45, 100	D286-JS0221	12-Sep-02	AD9240-EB	3A001.a.5.a.3		
46, 101	D285-JS0220	30-Aug-02	AD6640AST AD6644AST-65 AD9224ARS AD9430BSV-170	3A001.a.5.a.2 3A001.a.5.a.3 3A001.a.5.a.2 3A001.a.5.a.2		
47, 102	D84-JS0219	16-Aug-02	AD6645ASQ-80 IDT7005S25GB	3A001.a.5.a.3 3A001.a.2.c		
48, 103	D283-JS0218	2-Aug-02	AD9240AS SPT7760AIK	3A001.a.5.a.3 3A001.a.5.a.1		
49, 104	D282-JS0217	26-Jul-02	MAX101ACFR1	3A001.a.2.a.c		
50, 105	D281-JS0216	19-Jul-02	AD9226ARS AD9410BSQ AD9430BSV-170 SPT7760AIK	3A001.a.5.a.2 3A001.a.5.a.1 3A001.a.5.a.2 3A001.a.5.a.1		
51, 106	D278-JS0213	7-Jun-02	AD9240AS	3A001.a.5.a.3		
52, 107	D277-JS0212	24-May-02	AD9225ARS	3A001.a.5.a.2		
53, 108	D275-JS0210	3-May-02	AD6645ASQ-80 AD9225AR IDT7005S25GB	3A001.a.5.a.3 3A001.a.5.a.2 3A001.a.2.c		
54, 109	D272-JS0207	29-Mar-02	AD6640AST	3A001.a.5.a.2		
55, 110	D270-JS0205	1-Mar-02	AD6640AST AD9240AS	3A001.a.5.a.2 3A001.a.5.a.3		
56, 111	D268-JS0203	28-Jan-02	AD6644AST-65	3A001.a.5.a.3		

*Charge One is not transaction-specific and thus is not listed on this chart.