

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

In the Matter of:)	
)	
Well Being Enterprise Co., Ltd.)	08-BIS-0008
9 F, No. 170 Min Chuan E. Rd., Sec. 3)	
Taipei 10542)	
Taiwan)	
)	
Respondent.)	
)	

ORDER RELATING TO WELL BEING ENTERPRISE CO., LTD.

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has initiated an administrative proceeding against Well Being Enterprise Co., Ltd. (hereinafter referred to as “Well Being”) pursuant to Section 766.3 of the Export Administration Regulations (“Regulations”)¹ and Section 13(c) of the Export Administration Act of 1979, as amended (“Act”),² through issuance of a charging letter to Well Being that alleged that Well Being committed 25 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 (2008). The charged violations occurred in 2003 through 2006. The Regulations governing the violations at issue are found in the 2003 through 2006 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2003-2006)). The 2008 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)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 Fed. Reg. 43,603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)).

Charge 1 15 C.F.R. § 764.2(d) – Conspiracy to Export Items from the United States to Taiwan without the Required License

Beginning in or about 2003 and continuing through on or about July 29, 2006, Well Being conspired and acted in concert with others, known and unknown, to violate the Regulations and to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export items from the United States to Taiwan without the required U.S. Government authorization. Pursuant to Sections 742.2 or 742.3 of the Regulations, authorization was required from the Department of Commerce before certain chemicals, metals, and electronic components, items subject to the Regulations and classified under Export Control Classification Numbers (“ECCNs”) 1C227, 1C299, 1C231, 1C234, 1C240, and 1C350, could be exported from the United States to Taiwan. In furtherance of the conspiracy, the conspirators, including Well Being, participated in a scheme in which Well Being requested that an affiliated U.S. company procure specific items from U.S. suppliers and export them to Taiwan. Well Being instructed the affiliated U.S. company not to tell U.S. suppliers that the affiliated U.S. company would export the items. Pursuant to this instruction, the affiliated U.S. company procured the items and exported them to Taiwan without the required license. In so doing, Well Being committed one violation of Section 764.2(d) of the Regulations.

Charge 2 15 C.F.R. § 764.2(h) – Evasion

On or about October 20, 2005, Well Being engaged in a transaction or took other action with intent to evade the provisions of the Regulations. Specifically, Well-Being provided electronic instruction to an affiliated U.S. company stating that the affiliated U.S. company should not use its correct name when placing an order for nickel powder with a specific U.S. supplier because Well Being thought that the U.S. supplier knew that there was a relationship between Well Being and the affiliated U.S. company. Well Being conveyed this instruction to the affiliated U.S. company for the purpose of obtaining the nickel powder, which was subject to the Regulations and classified under ECCN 1C240, without obtaining the required U.S. government authorization. In so doing, Well Being committed one violation of Section 764.2(h) of the Regulations.

Charges 3-24 15 C.F.R. § 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

On 22 occasions between on or about August 13, 2003 and on or about May 13, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan certain chemicals, metals, and electronic components, items subject to the Regulations and classified under ECCNs 1C227, 1C299, 1C231, 1C234, and 1C240, without the Department of Commerce licenses required by Section 742.3 of the Regulations. Specifically, Well Being instructed an affiliated U.S. company, whose sole officer was also the president of

Well Being, to procure items for Well Being and export them to Well Being in Taiwan. In so doing, Well Being committed 22 violations of Section 764.2(b) of the Regulations.

Charge 25 15 C.F.R. § 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

On one occasion on or about April 15, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan sodium fluoride, an item subject to the Regulations and classified under ECCN 1C350, without the Department of Commerce license required by Section 742.2 of the Regulations. Specifically, Well Being instructed an affiliated U.S. company, whose sole officer was also the president of Well Being, to procure sodium fluoride for Well Being and export it to Well Being in Taiwan. In so doing, Well Being committed one violation of Section 764.2(b) of the Regulations.

WHEREAS, BIS and Well Being 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 a civil penalty of \$250,000 is assessed against Well Being. Well Being shall pay \$30,000 to the U.S. Department of Commerce within 30 days of from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining \$220,000 shall be suspended for a period of five years from the date of entry of this Order and thereafter shall be waived, provided that during the period of suspension, Well Being has committed no violation of the Act, or any regulation, order, or license issued thereunder and has made the payment of \$30,000, described above, in a timely manner. Additionally:

- A. 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 Well

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

SECOND, that for a period of twenty years from the date of entry of this Order, Well Being Enterprise Co., Ltd., 9 F, No. 170 Min Chuan E. Rd., Sec. 3, Taipei 10542, Taiwan, ("Well Being"), its successors or assigns, and, when acting for or on behalf of Well Being, its officers, representatives, agents or employees ("Denied Person(s)") 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 and listed on the Commerce Control List, set forth in Supplement No. 1 to 15 C.F.R. part 774, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List, including, but not limited to:

- A. Applying for, obtaining, or using any license, License Exception, or export control document that involves an item that is subject to the Regulations and listed on the Commerce Control List;
- 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 and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List; or

- C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List.

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 listed on the Commerce Control List 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 a Denied Person any item subject to the Regulations and listed on the Commerce Control List;
- B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a 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 a Denied Person of any item subject to the Regulations and listed on the Commerce Control List that has been exported from the United States;
- D. Obtain from a Denied Person in the United States any item subject to the Regulations and listed on the Commerce Control List 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 and listed on the Commerce Control List that has been or will be exported from the United States and that is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

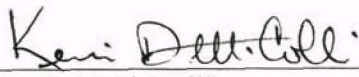
FOURTH, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Well Being by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

FIFTH, that the charging letter, amended charging letter, the Settlement Agreement, and this Order, and the record of the cases 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
Acting Assistant Secretary for Export Enforcement

Entered this 26th day of January, 2009.

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

In the Matter of:)	
)	
Well Being Enterprise Co., Ltd.)	08-BIS-0008
9 F, No. 170 Min Chuan E. Rd., Sec. 3)	
Taipei 10542)	
Taiwan)	
)	
Respondent.)	

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Well Being Enterprise Co., Ltd. (hereinafter referred to as “Well Being”) and the Bureau of Industry and Security, U. S. Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(b) of the Export Administration Regulations (“Regulations”),¹ issued pursuant to the Export Administration Act of 1979, as amended (“Act”),²

WHEREAS, BIS has initiated an administrative proceeding against Well Being pursuant to the Act and the Regulations,

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2008). The charged violations occurred in 2003 through 2006. The Regulations governing the violations at issue are found in the 2003 through 2006 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2003-2006)). The 2008 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)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 Fed. Reg. 43,603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)).

WHEREAS, BIS has issued a charging letter to Well Being that alleged that Well Being committed 25 violations of the Regulations, specifically:

Charge 1 15 C.F.R. § 764.2(d) – Conspiracy to Export Items from the United States to Taiwan without the Required License

Beginning in or about 2003 and continuing through on or about July 29, 2006, Well Being conspired and acted in concert with others, known and unknown, to violate the Regulations and to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export items from the United States to Taiwan without the required U.S. Government authorization. Pursuant to Sections 742.2 or 742.3 of the Regulations, authorization was required from the Department of Commerce before certain chemicals, metals, and electronic components, items subject to the Regulations and classified under Export Control Classification Numbers (“ECCNs”) 1C227, 1C299, 1C231, 1C234, 1C240, and 1C350, could be exported from the United States to Taiwan. In furtherance of the conspiracy, the conspirators, including Well Being, participated in a scheme in which Well Being requested that an affiliated U.S. company procure specific items from U.S. suppliers and export them to Taiwan. Well Being instructed the affiliated U.S. company not to tell U.S. suppliers that the affiliated U.S. company would export the items. Pursuant to this instruction, the affiliated U.S. company procured the items and exported them to Taiwan without the required license. In so doing, Well Being committed one violation of Section 764.2(d) of the Regulations.

Charge 2 15 C.F.R. § 764.2(h) – Evasion

On or about October 20, 2005, Well Being engaged in a transaction or took other action with intent to evade the provisions of the Regulations. Specifically, Well-Being provided electronic instruction to an affiliated U.S. company stating that the affiliated U.S. company should not use its correct name when placing an order for nickel powder with a specific U.S. supplier because Well Being thought that the U.S. supplier knew that there was a relationship between Well Being and the affiliated U.S. company. Well Being conveyed this instruction to the affiliated U.S. company for the purpose of obtaining the nickel powder, which was subject to the Regulations and classified under ECCN 1C240, without obtaining the required U.S. government authorization. In so doing, Well Being committed one violation of Section 764.2(h) of the Regulations.

Charges 3-24 15 C.F.R. § 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

On 22 occasions between on or about August 13, 2003 and on or about May 13, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan certain chemicals, metals, and electronic components, items subject to the Regulations and classified under ECCNs 1C227, 1C299, 1C231, 1C234, and 1C240, without the Department of Commerce licenses required by Section 742.3 of the Regulations. Specifically, Well

Being instructed an affiliated U.S. company, whose sole officer was also the president of Well Being, to procure items for Well Being and export them to Well Being in Taiwan. In so doing, Well Being committed 22 violations of Section 764.2(b) of the Regulations.

Charge 25 15 C.F.R. § 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

On one occasion on or about April 15, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan sodium fluoride, an item subject to the Regulations and classified under ECCN 1C350, without the Department of Commerce license required by Section 742.2 of the Regulations. Specifically, Well Being instructed an affiliated U.S. company, whose sole officer was also the president of Well Being, to procure sodium fluoride for Well Being and export it to Well Being in Taiwan. In so doing, Well Being committed one violation of Section 764.2(b) of the Regulations.

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

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

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

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

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

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Well Being, under the Regulations, in connection with the matters alleged in the charging letter.
2. The following sanctions shall be imposed against Well Being in complete settlement of the alleged violations of the Regulations relating to the transactions specifically detailed in the charging letter:
 - a. Well Being shall be assessed a civil penalty in the amount of \$250,000. Well Being shall pay \$30,000 to the U.S. Department of Commerce within 30 days from the date of the Order. Payment of the remaining \$220,000 shall be suspended for a period of five years from the date of entry of the Order and thereafter shall be waived, provided that during the period of suspension, Well Being has committed no violation of the Act, or any regulation, order, or license issued thereunder and has made the payment of \$30,000, described above, in a timely manner.
 - 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, License Exception, permission, or privilege granted, or to be granted, to Well Being. Failure to make timely payment of the civil penalty set forth above may result in the denial of all of Well Being's export privileges under the EAR for a period of five years from the date of imposition of the penalty.
 - c. For a period of twenty years from the date of entry of the Order, Well Being, its successors or assigns, and, when acting for or on behalf of Well

Being, its representatives, agents, or employees (“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 and listed on the Commerce Control List, set forth in Supplement No. 1 to 15 C.F.R. part 774, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List, including, but not limited to:

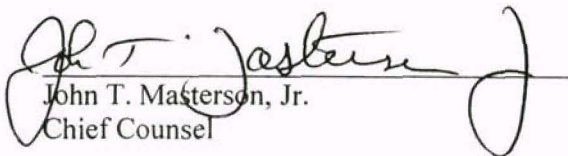
- i. Applying for, obtaining, or using any license, License Exception, or export control document that involves an item that is subject to the Regulations and listed on the Commerce Control List;
- ii. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, 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 and listed on the Commerce Control List, or in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List; or

- iii. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List.
3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Well Being 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 the 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 entry of the Order, it will not initiate any further administrative proceeding against Well Being in connection with any violation of the Act or the Regulations arising out of the transactions identified in the charging letter.
5. BIS will make the charging letter, amended charging letter, this Agreement, the Order, if entered, 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.

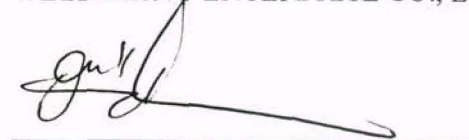
7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the Order, if entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department 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


John T. Masterson, Jr.
Chief Counsel

Date: January 22, 2009

WELL BEING ENTERPRISE CO., LTD.


Li-Cheng Yeh
President

Date: 2009 - Jan, 14



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

CHARGING LETTER

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Well Being Enterprise Co., Ltd.
9F, 170, Min Chuan E. Rd., Sec. 3
Taipei 10542
Taiwan

JAN 22 2009

Attn: *Li-Cheng Yeh*
President

Dear Mr. Yeh:

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has reason to believe that Well Being Enterprise Co., Ltd. of Taipei, Taiwan ("Well Being") has committed 20 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 Well Being committed the following violations:

Charge 1 15 C.F.R. § 764.2(d) – Conspiracy to Export Items from the United States to Taiwan without the Required License

Beginning in or about 2003 and continuing through on or about July 29, 2006, Well Being conspired and acted in concert with others, known and unknown, to violate the Regulations and to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export items from the United States to Taiwan without the required U.S. Government authorization. Pursuant to Sections 742.2 or 742.3 of the Regulations, authorization was required from the Department of Commerce before certain chemicals, metals, and electronic components, items subject to the Regulations and classified under Export Control Classification

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2008). The charged violations occurred in 2003 through 2006. The Regulations governing the violations at issue are found in the 2003 through 2006 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2003-2006)). The 2008 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 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 July 23, 2008 (73 Fed. Reg. 43,603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)).



Numbers ("ECCNs") 1C227, 1C229, 1C231, 1C234, 1C240, and 1C350, could be exported from the United States to Taiwan. In furtherance of the conspiracy, the conspirators, including Well Being, participated in a scheme in which Well Being requested that an affiliated U.S. company procure specific items from U.S. suppliers and export them to Taiwan. Well Being instructed the affiliated U.S. company not to tell U.S. suppliers that the affiliated U.S. company would export the items. Pursuant to this instruction, the affiliated U.S. company procured the items and exported them to Taiwan without the required license. In so doing, Well Being committed one violation of Section 764.2(d) of the Regulations.

Charge 2 15 C.F.R. § 764.2(h) – Evasion

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on or about October 20, 2005, Well Being engaged in a transaction or took other action with intent to evade the provisions of the Regulations. Specifically, Well-Being provided electronic instruction to an affiliated U.S. company stating that the affiliated U.S. company should not use its correct name when placing an order for nickel powder with a specific U.S. supplier because Well Being thought that the U.S. supplier knew that there was a relationship between Well Being and the affiliated U.S. company. Well Being conveyed this instruction to the affiliated U.S. company for the purpose of obtaining the nickel powder, which was subject to the Regulations and classified under ECCN 1C240, without obtaining the required U.S. government authorization. In so doing, Well Being committed one violation of Section 764.2(h) of the Regulations.

Charges 3-19 15 C.F.R. § 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on 17 occasions between on or about August 13, 2003 and on or about May 13, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan certain chemicals, metals, and electronic components, items subject to the Regulations and classified under ECCNs 1C227, 1C229, 1C231, and 1C234, without the Department of Commerce licenses required by Section 742.3 of the Regulations. Specifically, Well Being instructed an affiliated U.S. company, whose sole officer was also the president of Well Being, to procure items for Well Being and export them to Well Being in Taiwan. In so doing, Well Being committed 17 violations of Section 764.2(b) of the Regulations.

Charge 20 15 C.F.R. § 764.2(b): Commanding and/or Inducing an Act Prohibited by the Regulations

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on one occasion on or about April 15, 2006, Well Being commanded or induced the doing of an act prohibited by the Regulations by instructing an affiliated U.S. company to procure and export to Taiwan sodium fluoride, an item subject to the Regulations and classified under ECCN 1C350, without the Department of Commerce license required by Section 742.2 of

the Regulations. Specifically, Well Being instructed an affiliated U.S. company, whose sole officer was also the president of Well Being, to procure sodium fluoride for Well Being and export it to Well Being in Taiwan. In so doing, Well Being committed one violation of Section 764.2(b) of the Regulations.

* * * * *

Accordingly, Well Being 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 Well Being 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. If Well Being defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to Well Being. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty for the charges in this letter.

Well Being 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. *See* 15 C.F.R. § 766.6. Well Being is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. *See* 15 C.F.R. §§ 766.3(a) and 766.4.

The Regulations provide for settlement without a hearing. *See* 15 C.F.R. § 766.18. Should Well Being have a proposal to settle this case, Well Being should transmit it to the attorney representing BIS named below.

Well Being is further notified that under the Small Business Regulatory Enforcement Flexibility Act, Well Being 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, Well Being's answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

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

Well Being Enterprise Co., Ltd.
Charging Letter
Page 4 of 4

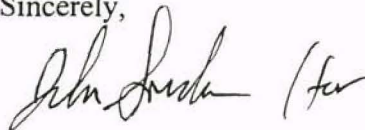
U.S. Coast Guard ALJ Docketing Center
40 S. Gay Street
Baltimore, Maryland 21202-4022

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

Chief Counsel for Industry and Security
Attention: Thea D. R. Kendler, Esq.
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 Well Being may wish to have concerning this matter should occur through her. Ms. Kendler may be contacted by telephone at (202) 482-5301.

Sincerely,

A handwritten signature in black ink, appearing to read "John Smith" with a flourish, followed by a circled "H" or similar mark.

Thomas Madigan
Director
Office of Export Enforcement

Well Being Enterprise Co., Ltd.
 Charging Letter
 Schedule A

Charge No(s).	Export Date	Item Description	Quantity	ECCN	Destination	Invoice No.	Total Value	Violation
2	10/29/2005	Nickel Powder	10 kg	1C240	Taiwan	WB5A07	\$551.00	15 C.F.R. § 764.2(h)
3	8/13/2003	Bismuth Pieces, 10 cm & down, 99.99%	250 g	1C229	Taiwan	WB3801	\$378.07	15 C.F.R. § 764.2(b)
		Bismuth rod, 11mm dia, 99.99%	25 g	1C229	Taiwan		\$36.36	
4	8/27/2003	Calcium Crystalline Dendritic Pieces	10 g	1C227	Taiwan	WB3805	\$185.40	15 C.F.R. § 764.2(b)
5	9/28/2003	Zirconium Carbide, 99.5%, Hf <200ppm	100 g	1C234	Taiwan	WB3906	\$60.30	15 C.F.R. § 764.2(b)
6	10/26/2003	Bismuth Pieces, 10 cm & down, 99.99%	250 g	1C229	Taiwan	WB3A06	\$38.07	15 C.F.R. § 764.2(b)
7	12/14/2003	Zirconium Sponge, .8-19mm, 99.6%	1 kg	1C234	Taiwan	WB3C05	\$198.00	15 C.F.R. § 764.2(b)
8	7/28/2004	Zirconium Sponge, .8-19mm, 99.6%	2 kg	1C234	Taiwan	WH4701	\$414.00	15 C.F.R. § 764.2(b)
9	11/6/2004	Calcium Crystalline Dendritic Pieces	5 g	1C227	Taiwan	WB4B01	\$97.20	15 C.F.R. § 764.2(b)
10	4/16/2005	Calcium Crystalline Dendritic Pieces	25 kg	1C227	Taiwan	WB5404	\$494.10	15 C.F.R. § 764.2(b)

Well Being Enterprise Co., Ltd.
 Charging Letter
 Schedule A

Charge No(s).	Export Date	Item Description	Quantity	ECCN	Destination	Invoice No.	Total Value	Violation
11	6/11/2005	Calcium Crystalline Dendritic Pieces	25 g	1C227	Taiwan	WB5605	\$494.10	15 C.F.R. § 764.2(b)
12	6/11/2005	Bismuth rod, 8mm dia x 145mm thick, Puratronic], 99.9999%	1 piece	1C229	Taiwan	WB5604	\$161.10	15 C.F.R. § 764.2(b)
13	8/27/2005	Bismuth foil, 2mm thick, 99.999%	1 piece	1C229	Taiwan	WB5807	\$693.90	15 C.F.R. § 764.2(b)
14	9/17/2005	Bismuth rod, 12.7mm dia, 99.999+%	100 g	1C229	Taiwan	WB5903	\$381.60	15 C.F.R. § 764.2(b)
15	11/29/2005	Hafnium wire, 0.5mm dia, 99.95%, Zr nominal 3%	500 cm	1C231	Taiwan	WB5B05	\$145.80	15 C.F.R. § 764.2(b)
16	12/3/2005	Hafnium pieces, 3-12mm, 99.9%, Zr nominal 2%	50 g	1C231	Taiwan	WB5C02	\$209.70	15 C.F.R. § 764.2(b)
17	2/3/2006	Calcium Crystalline Dendritic Pieces	25 g	1C227	Taiwan	WB6202	\$540.00	15 C.F.R. § 764.2(b)
18	2/4/2006	Zirconium foil, 0.025mm thick, annealed, 99.8%	3 pieces	1C234	Taiwan	WB6201	\$359.10	15 C.F.R. § 764.2(b)
19	5/13/2006	Calcium Crystalline Dendritic Pieces	15 g	1C227	Taiwan	WB6503	\$378.00	15 C.F.R. § 764.2(b)

Well Being Enterprise Co., Ltd.
Charging Letter
Schedule A

Charge No(s).	Export Date	Item Description	Quantity	ECCN	Destination	Invoice No.	Total Value	Violation
20	4/15/2006	Sodium fluoride, 99.99%	100 g	1C350	Taiwan	WB6404	\$90.90	15 C.F.R. § 764.2(b)