

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

In the Matter of:)
)
Uni-Arab Engineering and)
Oil Field Services)
Post Office Box 46112)
Abu Dhabi, United Arab Emirates)
)
and)
)
Al-Gaith Tower, Hamden Street)
Flat No. 1202)
Abu Dhabi, United Arab Emirates)
)
)

Respondent)

06-BIS-20

ORDER RELATING TO UNI-ARAB ENGINEERING AND OIL FIELD SERVICES

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has initiated an administrative proceeding against Uni-Arab Engineering and Oil Field Services (“Uni-Arab”), case number 06-BIS-20, through the issuance of a charging letter pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2008)) (“Regulations”),¹ and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”).² BIS and Uni-Arab have agreed to settle case 06-BIS-20 based on the following alleged violation of the Regulations:

¹ The violation alleged to have been committed occurred in 2001. The Regulations governing the violation at issue are found in the 2001 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2001)). The 2008 Regulations establish the procedures that apply to this matter.

² 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 (Jul. 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”).

Charge 1 15 C.F.R. § 764.2(b) Causing the Re-export of U.S. Origin Items to Libya without the Required U.S. Government Authorization

Between on or about October 11, 2001 and on or about November 6, 2001, Uni-Arab caused the doing of an act prohibited by the Regulations by re-exporting items subject to the Regulations including gas lift mandrels, from the Netherlands to Libya without the required U.S. government authorization. Specifically, Uni-Arab arranged for the purchase of the items from the United States and had them shipped to the Netherlands. Uni-Arab then re-exported the items to Libya without the U.S. government authorization required by Section 764.4 of the Regulations. In so doing, Uni-Arab committed one violation of Section 764.2(b) of the Regulations.

WHEREAS, BIS and Uni-Arab 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 the terms of the Settlement Agreement;

IT IS THEREFORE ORDERED:

FIRST, for a period of one year from the date of entry of the Order Uni-Arab Engineering and Oil Field Services ("Uni-Arab"), its successors or assigns and, when acting for or on behalf of Uni-Arab, its officers, representatives, agents or employees (hereinafter collectively referred to as "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.

SECOND, that no person may, directly or indirectly, do any of the following:

- A. Export or re-export 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.


THIRD, 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 Uni-Arab 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.

FOURTH, that this Order does not prohibit any export, re-export, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

FIFTH, that, as authorized by Section 766.18 (c) of the Regulations, the denial period set forth above shall be suspended in its entirety, and shall thereafter be waived, provided that during the period of suspension, Uni-Arab has committed no violation of the Act or any regulation, order or license issued thereunder.

SIXTH, BIS will make the proposed charging letter, settlement agreement and this Order available to the public consistent with its Freedom of Information Act requirements and other applicable laws and regulations . BIS shall notify the administrative law judge that case 06-BIS-20 is withdrawn from adjudication.

This Order, which constitutes the final agency action in this matter, is effective immediately.



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

Entered this 4th day of March, 2009.

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

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Al-Gaith Tower, Hamden Street)
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Abu Dhabi, United Arab Emirates)
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Respondent)

06-BIS-20

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Uni-Arab Engineering and Oil Field Services (“Uni-Arab”), 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 (currently codified at 15 C.F.R. Parts 730-774 (2008)) (the “Regulations”),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the “Act”),²

WHEREAS, BIS initiated an administrative proceeding against Uni-Arab, case number 06-BIS-20, pursuant to the Act and the Regulations;

¹ The violation alleged to have been committed occurred in 2001. The Regulations governing the violation at issue is found in the 2001 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2001)). The 2008 Regulations establish the procedures that apply to this matter.

² 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 (Jul. 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”).

WHEREAS, absent this settlement, BIS and Uni-Arab were prepared to fully litigate any and all of the alleged violations in case 06-BIS-20;

WHEREAS, Uni-Arab and BIS wish to settle and dispose of all matters alleged in case 06-BIS-20 by entering into this Agreement;

WHEREAS, Uni-Arab and BIS enter into this Agreement voluntarily, with full knowledge of their rights, and with a full understanding of 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, Uni-Arab and BIS state that no party has made any oral promises or representations other than those agreements and considerations herein expressed; and

WHEREAS, Uni-Arab and BIS agree to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Uni-Arab, under the Regulations, in connection with the matters alleged in case 06-BIS-20.
2. BIS and Uni-Arab shall fully settle case 06-BIS-20 against Uni-Arab with a civil penalty based on a single charge which Uni-Arab neither admits nor denies:

Charge 1 15 C.F.R. § 764.2(b) Causing the Reexport of U.S. Origin Items to Libya without the Required U.S. Government Authorization

Between on or about October 11, 2001 and on or about November 6, 2001, Uni-Arab caused the doing of an act prohibited by the Regulations by re-exporting items subject to the Regulations including gas lift mandrels, from the Netherlands to Libya without the required U.S. government authorization. Specifically, Uni-Arab arranged for the purchase of the items from the United States and had them shipped to the Netherlands. Uni-Arab then re-exported the items to Libya without the U.S. government authorization required by Section 746.4 of the Regulations. In so doing, Uni-Arab committed one violation of Section 764.2(b) of the Regulations.

3. BIS and Uni-Arab agree that the following sanction shall be imposed

against Uni-Arab in complete settlement of case 06-BIS-20:

a. For a period of one year from the date of entry of the Order, Uni-Arab, its successors or assigns, and, when acting for or on behalf of Uni-Arab, its officers, 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, 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.

b. BIS agrees that, as authorized by Section 766.18(c) of the Regulations, the one year denial period set forth in paragraph 3.a shall be suspended in its entirety for a period of one year from the entry of the appropriate Order, and shall thereafter be waived, provided that during the period of suspension, Uni-Arab has committed no violation of the Act or any regulation, order or license issued thereunder.

4. Subject to the approval of this Agreement pursuant to paragraph 9 hereof, Uni-Arab 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 any of the allegations in case 06-BIS-20; (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.

5. Upon entry of the Order, BIS will not initiate any further administrative proceeding against Uni-Arab and BIS will completely release Uni-Arab from any and all administrative liability in connection with any violation of the Act or the Regulations involving exports or re-exports to Libya of items subject to the Regulations prior to March 15, 2005.

6. BIS will make the proposed charging letter, this Agreement and the Order, if entered, available to the public consistent with its Freedom of Information Act requirements and other applicable laws and regulations.

7. 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.

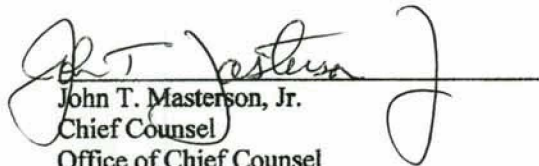
8. No oral agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the Order, if entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action

by any other agency or department of the U.S. Government with respect to the facts and circumstances addressed herein.

9. 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. If the Assistant Secretary issues the Order, BIS will withdraw case 06-BIS-20 from adjudication.

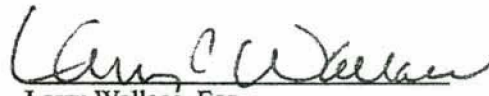
10. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

BUREAU OF INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE


John T. Masterson, Jr.
Chief Counsel
Office of Chief Counsel
for Industry and Security

Date: 3/3/09

UNI-ARAB ENGINEERING AND
OIL FIELD SERVICES


Larry Wallace, Esq.
Attorney for Uni-Arab Engineering and
Oil Field Services.

Date: February 25, 2009

PROPOSED CHARGING LETTER

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Uni-Arab Engineering and
Engineering Services
Post Office Box 46112
Abu Dhabi, United Arab Emirates

and

Al-Gaith Tower, Hamden Street
Flat No. 1202
Abu Dhabi, United Arab Emirates

Dear Mr. Sehweil:

The Bureau of Industry and Security, United States Department of Commerce ("BIS"), has reason to believe that Uni-Arab Engineering and Oil Field Services, of Abu Dhabi, United Arab Emirates Abu Dhabi ("Uni-Arab"), has committed one violation of the Export Administration Regulations (the "Regulations"),¹ which are issued under the authority of the Export Administration Act of 1979 (the "Act") as amended.² Specifically, BIS charges that Uni-Arab committed the following violation:

Charge 1 15 C.F.R. § 764.2(b) Causing the Reexport of U.S. Origin Items to Libya without the Required U.S. Government Authorization

Between on or about October 11, 2001 and on or about November 6, 2001, Uni-Arab caused the doing of an act prohibited by the Regulations by re-exporting items subject to the Regulations including gas lift mandrels, from the Netherlands to Libya without the required U.S. government authorization. Specifically, Uni-Arab arranged for the purchase of the items from the United States and had them shipped to the Netherlands. Uni-Arab then re-exported the items to Libya without the U.S. government authorization required by Section 746.4 of the Regulations. In so doing, Uni-Arab committed one violation of Section 764.2(b) of 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 violation occurred in 2001. The Regulations governing the violation at issue are found in the 2001 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2001)). The 2008 Regulations establish 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 (Jul. 25, 2008)), has continued the Regulations in effect under the 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/>.

* * * * *

Accordingly, Uni-Arab is hereby notified that an administrative proceeding is instituted against it pursuant to 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 violation³;

Denial of export privileges; and/or

Exclusion from practice before BIS.

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

Uni-Arab is further notified that it is entitled to an agency hearing on the record if Uni-Arab files a written demand for one with its answer. *See* 15 C.F.R. § 766.6. Uni-Arab 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 Uni-Arab have a proposal to settle this case, Uni-Arab 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, Uni-Arab's answer must be filed in accordance with the instructions set forth 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 International Emergency Economic Powers Enhancement Act of 2007, Pub. L. No. 110-96, 121 Stat. 1011 (2007).

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

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

Gregory Michelsen is the attorney representing BIS in this case; any communications that Uni-Arab may wish to have concerning this matter should occur through him. He may be contacted by telephone at (202) 482-5301.

Sincerely,

Thomas Madigan
Director
Office of Export Enforcement

Enclosure