



NOV 30 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Charlie Kuan
President
Suntek Microwave, Inc.
8698 Thorton Avenue
Newark, California 94560

Dear Mr. Kuan:

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), hereby charges that you have violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2001)) (the Regulations),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 2001)) (the Act).²

¹ The Regulations governing the violations at issue are found in the 1996, 1997, 1998 and 1999 versions of the Code of Federal Regulations, (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed. Reg.* 12714, March 25, 1996) (hereinafter "the former Regulations")), and 15 C.F.R. Parts 768-799 (1997, 1998 and 1999)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. As an interim measure that was part of the transition to newly restructured and reorganized Regulations, the March 25, 1996 *Federal Register* publication also restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BXA alleges occurred. The Regulations establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations then in effect under the International Emergency Economic Powers Act (50 U.S.C. A. §§ 1701 - 1706 (1991 & Supp. 2001)) (IEEPA). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 *Fed. Reg.* 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.



Charge 1

On or about December 1, 1996 you authorized the procurement of detector log video amplifiers by Silicon Valley Scientific Instruments Corporation (SVSIC) from Suntek Microwave, Inc. (Suntek) knowing or having reason to know that SVSIC would export them to the People's Republic of China (PRC) without a validated license as required by Section 771A.1 of the former Regulations. BXA alleges that, by causing, aiding or abetting in the procurement of any item to be exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder, has occurred, was about to occur, or was intended to occur, you committed one violation of Section 787A.2 of the former Regulations.

Charge 2

On or about January 27, 1997, you authorized the procurement of detector log video amplifiers by SVSIC from Suntek knowing or having reason to know that SVSIC would export them to the PRC without a license as required by Section Sections 742.4 and 742.5 of the Regulations. BXA alleges that, by causing, aiding or abetting in the procurement of any item to be exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder, has occurred, was about to occur, or was intended to occur, you committed one violation of Section 764.2(e) of the Regulations.

Charges 3 - 11

As is described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, from on or about November 1996 through on or about April 2000, you arranged for the entrance of citizens of the People's Republic of China (PRC), not citizens or permanent resident aliens of the United States, into the United States, knowing or having reason to know that Suntek then would release the U.S.-origin technology as described in Schedule A to them without the licenses required under Sections 742.4 and 742.5 of the Regulations. Suntek's release of the technology within the United States to citizens of the PRC constituted exports under 734.2(b) of the Regulations. BXA alleges that, by causing, aiding or abetting the doing of any act required by the Act, the Regulations, or any order, license or authorization issued thereunder, you committed nine violations Section 764.2(b) of the Regulations.

Charge 12

On or about July 25, 1997, Suntek filed an application for a license with BXA to export detector log video amplifiers to the PRC. On the application, Suntek stated that the purchaser, intermediate consignee, ultimate consignee, and end-user were China Electronic Science & Technical University when, in fact, China Electronic Science & Technical University was not

the purchaser, intermediate consignee, ultimate consignee or end-user. You certified on the license application that all information contained therein was true and correct when, in fact, you knew or had reason to know that the information contained therein was false. BXA alleges that, by engaging in conduct prohibited by the Act, the Regulations, or any order, license or authorization issued thereunder, you violated Section 764.2(a) of the Regulations.

Charges 13 - 17

As is described in greater detail in Schedule B, which is enclosed herewith and incorporated herein by reference, you, as president of Suntek, authorized the sales and exports of detector log video amplifiers by Suntek from the United States to the PRC. At the time you authorized the exports, you knew or had reason to know that no licenses were obtained for the exports as required under Sections 742.4 and 742.5 of the Regulations. BXA alleges that, by authorizing the sales and transfers of items exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder, has occurred, was about to occur, or was intended to occur, you committed five Section 764.2(e) of the Regulations.

BXA alleges that you committed one violation Section 787A.2 of the former Regulations, and one violation of Section 764.2(a), nine violations of Section 764.2(b), and six violations of Section 764.2(e) of the Regulations, for a total of 17 violations.

Accordingly, you are hereby notified that an administrative proceeding is instituted against you pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law of \$11,000 per violation (see Section 764.3(a)(1) of the Regulations and 15 C.F.R. § 6.4(a)(3)(2001));

Denial of export privileges (see Section 764.3(a)(2) of the Regulations); and/or

Exclusion from practice before BXA (see Section 764.3(a)(3) of the Regulations).

Copies of relevant Parts of the Regulations are enclosed.

If you fail to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter as provided in Section 766.6 of the Regulations, that failure will be treated as a default under Section 766.7.

You are further notified that you are entitled to an agency hearing on the record as provided by Section 13(c) of the Act and Section 766.6 of the Regulations, if a written demand for one is filed with your answer, to be represented by counsel, and to seek a consent settlement.

Pursuant to an Interagency Agreement between BXA and the U.S. Coast Guard, the U.S. Coast Guard is providing administrative law judge services, to the extent that such services are required under the Regulations, in connection with the matters set forth in this letter.

Accordingly, your answer should be filed with the U.S. Coast Guard ALJ Docketing Center, 40 S. Gay Street, Baltimore, Maryland 21202-4022, in accordance with the instructions in Section 766.5(a) of the Regulations. In addition, a copy of your answer should be served on BXA at the address set forth in Section 766.5(b), adding "ATTENTION: Mi-Yong Kim, Esq." below the address and all communication with BXA concerning this matter should be directed to Ms. Kim. Ms. Kim may be contacted by telephone at (202) 482-5311.

Sincerely,



Mark D. Menefee
Director
Office of Export Enforcement

Enclosures

SCHEDULE A

SCHEDULE OF VIOLATIONS
 CHARLIE KUAN
 SCHEDULE A

Charge No.	Date (On or about)	Technology	ECCN	Citizenship	Name
3	November 1996 - March 1997	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Yong An WANG
4	November 1996 - March 1997	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	An Lao WANG
5	Mid-1997	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Jingui YAN
6	August 1997 - October 1997	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Changhong HU
7	August 1997 - October 1997	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Yijie QIU
8	Early 1998	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Zhenya HU
9	June 1998 - February 1999	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Zhong SHI
10	June 27, 1998	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Taoyu ZHANG
11	April 2000	Detector Log Video Amplifiers Technology	3E001	People's Republic of China	Jiadong HUANG

SCHEDULE B

**SCHEDULE OF VIOLATIONS
CHARLIE KUAN
SCHEDULE B**

Charge No.	Date (On or about)	Commodity	Invoice No.	Air Waybill No.
13	February 4, 1998	Detector Log Video Amplifiers, Model SKA-1002, 1004	1117	Fed Ex 800086485589
14	February 26, 1998	Detector Log Video Amplifiers, Model SKA-1004	1132	Fed Ex 800086485214
15	April 28, 1998	Detector Log Video Amplifiers, Model SKA-1006	4798 CHJW	Fed Ex 800086485350
16	May 7, 1998	Detector Log Video Amplifiers, Model SKA-1002	5198 CHJW	Fed Ex 800086485340
17	June 8, 1998	Detector Log Video Amplifiers, Model SKA-1006	6198 CHJW	None, Airmail

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

In the Matter of:)	
)	
Charlie Kuan)	
2541 Robin Court)	Docket No. 01-BXA-18
Union City, California 94587,)	
)	
Respondent)	

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Charlie Kuan, the former President of Suntek Microwave, Inc, (“Kuan”) and the Bureau of Industry and Security, United States Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(b) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (“Regulations”),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),²

¹ The Regulations governing the violations at issue are found in the 1996, 1997, 1998, 1999 and 2000 versions of the Code of Federal Regulations, (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed. Reg.* 12714, March 25, 1996) (hereinafter “the former Regulations”), and 15 C.F.R. Parts 768-799 (1997, 1998, 1999 and 2000)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. As an interim measure that was part of the transition to newly restructured and reorganized Regulations, the March 25, 1996 *Federal Register* publication also restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The 2003 Regulations establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in

WHEREAS, BIS has initiated an administrative proceeding against Kuan, pursuant to the Act and the Regulations by issuing a charging letter on November 30, 2001;

WHEREAS, BIS, in the charging letter, alleged that Kuan committed 17 violations of the former Regulations and the Regulations, specifically:

1. *One Violation of 15 C.F.R. § 787A.2 - Aiding and Abetting an Unlicensed Export:*

On or about December 1, 1996, Kuan aided and abetted the unlicensed export of detector log video amplifiers, items subject to the former Regulations and classified under ECCN 3A001.b.4.a, by authorizing the procurement of the detector log video amplifiers by Silicon Valley Scientific Instruments Corporation (SVSIC) from Suntek Microwave, Inc. (Suntek) who then exported them to the People's Republic of China (PRC) without a validated license as required by Section 771A.1 of the former Regulations.

2. *One Violation of 15 C.F.R. § 764.2(e) - Transfer of Controlled Commodity*

Knowing That It Will be Exported Without a License: On or about January 27, 1997, Kuan authorized the procurement of detector log video amplifiers, items subject to the Regulations and classified under ECCN 3A001.b.4.a, by SVSIC from Suntek knowing or having reason to know that SVSIC would export them to

lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August 11, 2003), has continued the Regulations in effect under IIEPA.

the PRC without a license as required by Sections 742.4 and 742.5 of the Regulations.

3. *Nine Violations of 15 C.F.R. § 764.2(b) - Aiding and Abetting an Unlicensed Export:* From on or about November 1996 through on or about April 2000, Kuan arranged for the entrance of citizens of the PRC, not citizens or permanent resident aliens of the United States, into the United States, knowing or having reason to know that Suntek then would release the U.S.-origin technology classified under ECCN 3E001 to them without the licenses required under Sections 742.4 and 742.5 of the Regulations.
4. *One Violation of 15 C.F.R. § 764.2(a) - False Statements on License Application:* On or about July 25, 1997, Suntek filed an application for a license with BIS to export detector log video amplifiers to the PRC. On the application, Suntek stated that the purchaser, intermediate consignee, ultimate consignee, and end-user were China Electronic Science & Technical University when, in fact, China Electronic Science & Technical University was not the purchaser, intermediate consignee, ultimate consignee, or end-user. Kuan certified on the license application that all information contained therein was true and correct when, in fact, Kuan knew or had reason to know that the information contained therein was false.
5. *Five Violations of 15 C.F.R. § 764.2(e) - Exporting Without Licenses:* On or about February 4, 1998, February 26, 1998, April 28, 1998, May 7, 1998, and June 8, 1998, Kuan authorized the sales and exports of detector log video amplifiers,

items subject to the Regulations and classified under ECCN 3A001.b.4.a, by Suntek from the United States to the PRC. At the time Kuan authorized the exports, Kuan knew or had reason to know that no licenses were obtained for the exports as required under Sections 742.4 and 742.5 of the Regulations.

WHEREAS, Kuan 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, Kuan fully understands the terms of this Agreement and the Order (“Order”) that the Assistant Secretary of Commerce for Export Enforcement will issue if she approves this Agreement as the final resolution of this matter;

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

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

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

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

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

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Kuan, under the Regulations, in connection with the matters alleged in the charging letter.

2. The following sanctions shall be imposed against Kuan in complete settlement of the violations of the Regulations set forth in the charging letter:

- a. Kuan shall be assessed a civil penalty in the amount of \$187,000 which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the Order. The payment of \$187,000 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, Kuan has committed no violation of the Act, or any regulation, order, or license issued by thereunder.
- b. For a period 20 years from the date of entry of the Order, Kuan, and when acting for or on behalf of Kuan, his representatives, agents, assigns 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.

3. Subject to the approval of this Agreement pursuant to paragraph 7 hereof, Kuan 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; (c) request any relief from the Order, if entered, including without limitation relief from the terms of a denial order under 15 C.F.R. § 764.3(a)(2); and (d) seek judicial review or otherwise contest the validity of this Agreement or the Order, if entered.

4. BIS will make the charging letter, this Agreement, and the Order, if entered, in addition to the record of the case, available to the public.

5. 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.

6. 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

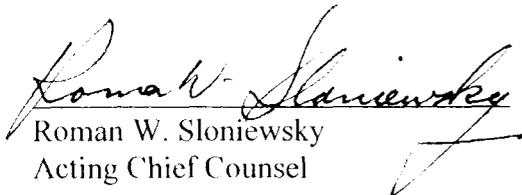
entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

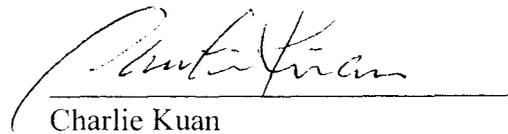
7. This Agreement shall become binding on BIS only if the Assistant Secretary of Commerce for Export Enforcement approves it by entering the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

8. 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.

OFFICE OF CHIEF COUNSEL FOR
INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE

CHARLIE KUAN


Roman W. Sloniewsky
Acting Chief Counsel


Charlie Kuan

Date: 4/13/04

Date: 04/03/2004

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

In the Matter of:)	
)	
Charlie Kuan)	
2541 Robin Court)	Docket No. 01-BXA-18
Union City, California 94587,)	
)	
Respondent)	

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) having initiated an administrative proceeding against Charlie Kuan, the former President of Suntek Microwave Inc., (“Kuan”) pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (“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 based on the charging letter issued to Kuan that alleged that Kuan committed 17 violations of the Regulations. Specifically, the charges are:

¹ The Regulations governing the violations at issue are found in the 1996, 1997, 1998, 1999 and 2000 versions of the Code of Federal Regulations, (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed. Reg.* 12714, March 25, 1996) (hereinafter “the former Regulations”)), and 15 C.F.R. Parts 768-799 (1997, 1998, 1999 and 2000)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. As an interim measure that was part of the transition to newly restructured and reorganized Regulations, the March 25, 1996 *Federal Register* publication also restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The 2003 Regulations establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was issued on August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August 11, 2003)), has continued the Regulations in effect under IEEPA.

1. *One Violation of 15 C.F.R. § 787A.2 - Aiding and Abetting an Unlicensed Export:*
On or about December 1, 1996, Kuan aided and abetted the unlicensed export of detector log video amplifiers, items subject to the former Regulations and classified under ECCN 3A001.b.4.a, by authorizing the procurement of the detector log video amplifiers by Silicon Valley Scientific Instruments Corporation (SVSIC) from Suntek Microwave, Inc. (Suntek) who then exported them to the People's Republic of China (PRC) without a validated license as required by Section 771A.1 of the former Regulations.
2. *One Violation of 15 C.F.R. § 764.2(e) - Transfer of Controlled Commodity Knowing That It Will be Exported Without a License:* On or about January 27, 1997, Kuan authorized the procurement of detector log video amplifiers, items subject to the Regulations and classified under ECCN 3A001.b.4.a, by SVSIC from Suntek knowing or having reason to know that SVSIC would export them to the PRC without a license as required by Sections 742.4 and 742.5 of the Regulations.
3. *Nine Violations of 15 C.F.R. § 764.2(b) - Aiding and Abetting an Unlicensed Export:* From on or about November 1996 through on or about April 2000, Kuan arranged for the entrance of citizens of the PRC, not citizens or permanent resident aliens of the United States, into the United States, knowing or having reason to know that Suntek then would release the U.S.-origin technology classified under ECCN 3E001 to them without the licenses required under Sections 742.4 and 742.5 of the Regulations.

4. *One Violation of 15 C.F.R. § 764.2(a) - False Statements on License Application:*
On or about July 25, 1997, Suntek filed an application for a license with BIS to export detector log video amplifiers to the PRC. On the application, Suntek stated that the purchaser, intermediate consignee, ultimate consignee, and end-user were China Electronic Science & Technical University when, in fact, China Electronic Science & Technical University was not the purchaser, intermediate consignee, ultimate consignee, or end-user. Kuan certified on the license application that all information contained therein was true and correct when, in fact, Kuan knew or had reason to know that the information contained therein was false.
5. *Five Violations of 15 C.F.R. § 764.2(e) - Exporting Without Licenses:* On or about February 4, 1998, February 26, 1998, April 28, 1998, May 7, 1998, and June 8, 1998, Kuan authorized the sales and exports of detector log video amplifiers, items subject to the Regulations and classified under ECCN 3A001.b.4.a, by Suntek from the United States to the PRC. At the time Kuan authorized the exports, Kuan knew or had reason to know that no licenses were obtained for the exports as required under Sections 742.4 and 742.5 of the Regulations.

BIS and Kuan having 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 the terms of the Settlement Agreement having been approved by me;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$187,000 is assessed against Kuan, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

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

THIRD, for a period 20 years from the date of entry of the Order, Charlie Kuan, 2541 Robin Court, Union City, California 94587, when acting for or on behalf of Kuan, his assigns, 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:

- 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.

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

- 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.

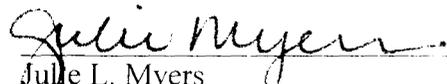
FIFTH, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may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

SIXTH, that this Order does not prohibit any export, reexport, 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.

SEVENTH, that, as authorized by Section 766.18 (c) of the Regulations, the civil penalty set forth above shall be suspended in its entirety for one year from the date of this Order, and shall thereafter be waived, provided that during the period of suspension, Kuan has committed no violation of the Act or any regulation, order or license issued thereunder.

EIGHTH, that the charging letter, the Settlement Agreement, and this Order, in addition to the record of the case, shall be made available to the public.

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


Julie L. Myers
Assistant Secretary of Commerce
for Export Enforcement

Entered this 16th day of May 2004.