

UNITED STATES DEPARTMENT OF COMMERCE
 BUREAU OF EXPORT ADMINISTRATION
 WASHINGTON, D.C. 20230

In the Matter of:)
)
 FADI BOUTROS,)
 also known as Fadi E. Sitto, Fadi Jirjis, and Fred Boutros)
)
 currently incarcerated at:)
)
 Federal Correction Institute)
 P.O. Box 9999)
 Milan, Michigan 48160)
)
 and with an address at:)
)
 1491 Fueta Heights Lane)
 El Cajon, California 92019)
)

ORDER DENYING PERMISSION
TO APPLY FOR OR USE EXPORT LICENSES

On April 29, 1999, Fadi Boutros, also known as Fadi E. Sitto, Fadi Jirjis, and Fred Boutros (Boutros), was convicted in the United States District Court for the District of Connecticut on one count of violating Section 38 of the Arms Export Control Act (currently codified at 22 U.S.C.A. § 2778 (1990 & Supp. 1999)) (AECA) and one count of violating the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1999)) (IEEPA). Specifically, Boutros was convicted of willfully attempting to export defense articles on the U.S. Munitions List from the United States to Iraq via Jordan, namely, ITT Aviator Night Vision GEN III AN/AVS 6 systems, without first having obtained the required export license from the United States Department of State, and of willfully dealing and attempting to deal in defense articles on the U.S. Munitions List intended for exportation to Iraq

via Jordan, specifically, ITT Aviator Night Vision GEN III AN/AVS 6 systems, and engaging and attempting to engage in activity intended to promote such dealing, without first having obtained the authorization of the United States Department of Treasury, in violation of the embargo against Iraq contained in the Office of Foreign Assets Control's Iraqi Sanctions Regulations.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1999)) (the Act),¹ provides that, at the discretion of the Secretary of Commerce,² no person convicted of violating the AECA or IEEPA, or certain other provisions of the United States Code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1999)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to Sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating the AECA or IEEPA, the Director, Office of Exporter

¹The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), August 13, 1997 (3 C.F.R., 1997 Comp. 306 (1998)), and August 13, 1998 (3 C.F.R., 1998 Comp. 294 (1999)), continued the Export Administration Regulations in effect under IEEPA.

² Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.

Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Boutros's conviction for violating the AECA and IEEPA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Boutros permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on April 29, 2009. I have also decided to revoke all licenses issued pursuant to the Act in which Boutros had an interest at the time of his conviction.

Accordingly, it is hereby

ORDERED

I. Until April 29, 2009, Fadi Boutros, also known as Fadi E. Sitto, Fadi Jirjis, and Fred Boutros, currently incarcerated at: Federal Correction Institute, P.O. Box 9999, Milan, Michigan 48160, and with an address at: 1491 Fueta Heights Lane, El Cajon, California 92019, may not, directly or indirectly, participate 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. 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, or in any other activity subject to the Regulations.
- II. 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.

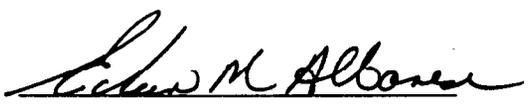
III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Boutros by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. 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.

V. This Order is effective immediately and shall remain in effect until April 29, 2009.

VI. A copy of this Order shall be delivered to Boutros. This Order shall be published in the Federal Register.

Date: August 3, 1999


 Eileen M. Albanese
 Director
 Office of Exporter Services