



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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

E.H. Wachs Company, Inc.  
100 Shepard Street  
Wheeling, Ill. 60090

**DRAFT**

Attn: *Edward Wachs*  
*President*

Dear Mr. Wachs:

The Bureau of Industry and Security, United States Department of Commerce (“BIS”)<sup>1</sup> has reason to believe that E.H. Wachs Company, Inc. (“Wachs”) violated the Export Administration Regulations (the “Regulations”),<sup>2</sup> which are issued under the authority of the Export Administration Act of 1979 (the “Act”),<sup>3</sup> on 15 occasions. Specifically, BIS charges that Wachs committed the following violations:

**Charge 1      (15 C.F.R. §764.2(d) - Conspiracy to Violate the Export Administration Regulations)**

Beginning on or about March 5, 1996 and continuing through in or about February 1997, Wachs conspired and acted in concert with others, known and unknown, to violate the former Regulations and

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<sup>1</sup> Effective April 18, 2002, the Bureau of Export Administration changed its name to the Bureau of Industry and Security. This name change does not affect any substantive issues in this case.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2002). The violations charged occurred from 1996 through 1997. The Regulations governing the violations at issue are found in the 1996 and 1997 versions of the Code of Federal Regulations (15 C.F.R. 15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed. Reg.* 12714, March 25, 1996)) (former Regulations), and 15 C.F.R. Parts 730-774 (1997)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. In addition, the March 25, 1996 *Federal Register* publication 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 define the various violations that BIS alleges occurred through December 31, 1996. The Regulations define the various violations that BIS alleges occurred on or after January 1, 1997 and establish the procedures that apply to this matter.

<sup>3</sup> 50 U.S.C. app. §§ 2401- 2420 (1994 & Supp. V 1999). 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. The Act and Regulations are available on the Government Printing Office website at: <http://w3.access.gpo.gov/bis/>.



Regulations. The purpose of the conspiracy was to export pipe cutting machines and spare parts, items subject to the former Regulations and Regulations, from the United States to Iran without U.S. Government authorization as required by Section 785.4(b) of the former Regulations and Section 746.7 of the Regulations. To accomplish the conspiracy, the conspirators, including Wachs, participated in a scheme in which various companies, on behalf of the National Iranian Gas Company, ordered the pipe cutting machine and spare parts from Wachs, and Wachs then divided the orders into small shipments and directed the shipments to conceal the fact that they were going to Iran. In doing so, Wachs committed one violation of Section 764.2(d) of the Regulations.

**Charges 2-8 (15 C.F.R. §§ 787A.2 and 764.2(a) - Exporting or Causing Exports Without the Required U.S. Government Authorization)**

In connection with the conspiracy referenced in Charge 1 and as described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, on seven occasions from on or about June 12, 1996 through on or about February 10, 1997, Wachs exported or caused the export of pipe cutting machines and spare parts, items subject to the former Regulations, the Regulations, and the Iranian Transaction Regulations, from the United States to Iran without prior authorization from the Office of Foreign Assets Control of the U.S. Department of the Treasury as required by Section 785.4(b) of the former Regulations and Section 746.7 of the Regulations. By exporting or causing exports that violated the former Regulations and Regulations, Wachs committed five violations of Section 787A.2 of the former Regulations and two violations of Section 764.2(a) of the Regulations, for a total of seven violations.

**Charges 9-15 (15 C.F.R. §§ 787A.4 and 764.2(e) - Selling Items Knowing that a Violation of the Regulations was to Occur)**

In connection with the conspiracy referenced in Charge 1 and as described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, Wachs sold pipe cutting machines and spare parts knowing that they were to be exported from the United States to Iran in violation of the former Regulations and Regulations. At all times relevant hereto, Wachs knew that the pipe cutting machines and spare parts would be exported without the required U.S. Government authorization. Therefore, Wachs committed five violations of Section 787A.4 of the former Regulations and two violations of Section 764.2(e) of the Regulations, for a total of seven violations.

Accordingly, Wachs 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:

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The maximum civil penalty allowed by law;<sup>4</sup>

Denial of export privileges; and/or

Exclusion from practice before BIS.

If Wachs 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. (Regulations, Sections 766.6 and 766.7). If Wachs defaults, the Administrative Law Judge may find the charges alleged in this letter are true without hearing or further notice to Wachs. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty on each charge in this letter.

Wachs 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. (Regulations, Section 766.6). Wachs is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. (Regulations, Sections 766.3(a) and 766.4).

The Regulations provide for settlement without a hearing. (Regulations, Section 766.18). Should Wachs have a proposal to settle this case, Wachs or its representative should transmit the offer to me through 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, Wachs's answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

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

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<sup>4</sup> The maximum civil penalty for violations committed on or before October 23, 1996 is \$10,000. For violations committed from October 24, 1996 to November 1, 2000, the maximum civil penalty is \$11,000. See 15 C.F.R. §6.4(a)(2).

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

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

Melissa B. Mannino is the attorney representing BIS in this case; any communications that you may wish to have concerning this matter should occur through her. She may be contacted by telephone at (202) 482-5301.

Sincerely,

Mark D. Menefee  
Director  
Office of Export Enforcement

Enclosure

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

In the Matter of: )  
E.H. WACHS COMPANY, INC. )  
100 Shepard Street )  
Wheeling, Ill. 60090, )  
Respondent. )

## **SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made by and between Respondent, E.H. Wachs Company, Inc. (“Wachs”), and the Bureau of Industry and Security, United States Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(a) of the Export Administration Regulations (15 C.F.R. Parts 730-774 (2003)) (the “Regulations”), issued pursuant to the Export Administration Act of 1979, as amended (50

<sup>1</sup> The violations charged occurred from 1996 through 1997. The Regulations governing the violations at issue are found in the 1996 and 1997 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed Reg.* 12714, March 25, 1996)) (the “former Regulations”), and 15 C.F.R. Parts 730-774 (1997)). 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 part of the transition to the newly restructured and reorganized Regulations, the March 25, 1996 *Federal Register* publication 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 define the various violations that BIS alleges occurred through December 31, 1996. The Regulations define the various violations that BIS alleges occurred on or after January 1, 1997 and establish the procedures that apply to this matter.

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U.S.C. app. §§ 2401-2420 (2000)) (the “Act”),<sup>2</sup> and which are currently maintained in force under the International Emergency Economic Powers Act (50 U.S.C. §§1701 - 1706 (2000)).

WHEREAS, BIS has notified Wachs of its intention to initiate an administrative proceeding against Wachs, pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a proposed charging letter to Wachs that alleged that Wachs committed 15 violations of the former Regulations and Regulations, specifically:

1. *One Violation of 15 C.F.R. §764.2(d)- Conspiracy:* Beginning in or about April 1996 and continuing through February 1997, Wachs conspired and acted in concert with others, known and unknown, to export pipe cutting machines and spare parts, items subject to the former Regulations, Regulations and the Iranian Transaction Regulations, from the United States to Iran without U.S. Government authorization as required by Section 785A.4(b) of the former Regulations and Section 746.7 of the Regulations. To accomplish the conspiracy, the conspirators, including Wachs, participated in a scheme in which various companies, on behalf of the National Iranian Gas Company, ordered the pipe cutting machines and spare parts from Wachs, and Wachs then divided the order into small shipments and

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<sup>2</sup> 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 by Pub. L. No. 106-508 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, which has been extended by a Presidential Notice of August 14, 2002 (67 Fed. Reg. 159 (August 16, 2002)), has continued the Regulations in effect under IEEPA.

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directed the shipments to conceal the fact that they were going to Iran and give the appearance that they were destined for permissible countries.

2. *Seven Violations of 15 C.F.R. §§ 787A.2 and 764.2(a): Exporting without the Required Authorization:* On seven occasions, from on or about June 12, 1996 through on or about February 10, 1997, Wachs exported or caused the export of pipe cutting machines and spare parts, items subject to the former Regulations, the Regulations and the Iranian Transaction Regulations, from the United States to Iran without prior authorization from the Office of Foreign Assets Control of the U.S. Department of the Treasury as required by Section 785A.4(b) of the former Regulations and Section 746.7 of the Regulations.
3. *Seven Violations of 15 C.F.R. §§787A.4 and 764.2(e): Selling Items Knowing that a Violation of the Regulations was to Occur:* On seven occasions from on or about June 12, 1996 through on or about February 10, 1997, Wachs sold pipe cutting machines and spare parts knowing that they were to be exported from the United States to Iran in violation of the former Regulations and Regulations.

WHEREAS, Wachs has reviewed the proposed 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, Wachs fully understands the terms of this Agreement and the Order of the Assistant Secretary of Commerce for Export Enforcement that will implement this Agreement (the "Order");

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WHEREAS, Wachs enters into this Agreement voluntarily and with full knowledge of its rights;

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

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

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

WHEREAS, Wachs agrees to be bound by the Order, when entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Wachs, under the former Regulations and Regulations, in connection with the matters alleged in the proposed charging letter.

2. BIS and Wachs agree that the following sanctions shall be imposed against Wachs in complete settlement of the violations of the former Regulations and Regulations set forth in the proposed charging letter:

- a. Wachs shall be assessed a civil penalty in the amount of \$159,000 which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order.
- 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, permission, or privilege granted, or to be granted, to Wachs. Failure to

make timely payment of the civil penalty set forth above shall result in the denial of all of Wachs's export privileges for a period of one year from the date of imposition of the penalty.

- c. Wachs, its successors or assigns, and, when acting for or on behalf of Wachs, its officers, representatives, agents or employees ("denied persons") may not, for a period of three years from the date of entry of the Order, 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. 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.

d. BIS agrees that, as authorized by Section 766.18(c) of the Regulations, the three year denial period set forth in paragraph 2.c. shall be suspended for a period of three years from the entry of the appropriate Order, and shall thereafter be waived, provided that during the period of suspension, Wachs has committed no violation of the Act or any regulation, order or license issued thereunder, and, provided further that Wachs has made timely payment of the \$159,000 civil penalty assessed pursuant to this Agreement and the Order.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Wachs hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Agreement or the Order, when entered), including, without limitation, any right to: (a) an administrative hearing regarding the allegations in the proposed charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, when entered; and (c) seek judicial review or otherwise contest the validity of this Agreement or the Order, when entered.

4. Upon entry of the Order, BIS will not initiate any further administrative proceeding against Wachs in connection with any violation of the Act, former Regulations, or the Regulations arising out the transactions identified in the proposed charging letter.

5. Wachs understands that BIS will make the proposed charging letter, this Agreement, and the Order, when entered, 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

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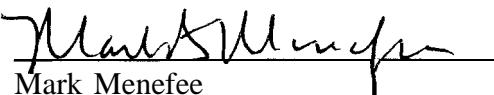
Enforcement pursuant to Section 766.18(a) of the Regulations, no Party may use this Agreement in any administrative or judicial proceeding and the Parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.

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, when 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.

8. This Agreement shall become binding on BIS only when 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 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

  
Mark Menefee  
Director  
Office of Export Enforcement

Date: 5/21/03

  
Nate Drucker  
Chief Financial Officer

Date: 4/25/03

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

In the Matter of:    )  
  )  
E.H. WACHS COMPANY, INC.                                    )  
100 Shepard Street    )  
Wheeling, Ill. 60090,    )  
  )  
Respondent.    )  
  )

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”), having notified E.H. Wachs Company, Inc. (“Wachs”) of its intention to initiate an administrative proceeding against it pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (“Regulations”),<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),<sup>2</sup> and the based on allegations in a proposed charging letter issued to Wachs

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<sup>1</sup> The violations charged occurred from 1996 through 1997. The Regulations governing the violations at issue are found in the 1996 and 1997 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed Reg.* 12714, March 25, 1996)) (“former Regulations”), and 15 C.F.R. Parts 730-774 (1997)). 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 part of the transition to the newly restructured and reorganized Regulations, the March 25, 1996 *Federal Register* publication 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 define the various violations that BIS alleges occurred through December 31, 1996. The Regulations define the various violations that BIS alleges occurred on or after January 1, 1997 and establish the procedures that apply to this matter.

<sup>2</sup> 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 by Pub. L. No. 106-508 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, which has been

that alleged that Wachs committed 15 violations of the Regulations. Specifically, the charges are:

1. *One Violation of 15 C.F.R. §764.2(d)- Conspiracy:* Beginning in or about April 1996 and continuing through February 1997, Wachs conspired and acted in concert with others, known and unknown, to export pipe cutting machines and spare parts, items subject to the former Regulations, Regulations and the Iranian Transaction Regulations, from the United States to Iran without U.S. Government authorization as required by Section 785A.4(b) of the former Regulations and Section 746.7 of the Regulations. To accomplish the conspiracy, the conspirators, including Wachs, participated in a scheme in which various companies, on behalf of the National Iranian Gas Company, ordered the pipe cutting machine and spare parts from Wachs, and Wachs then divided the order into small shipments and directed the shipments to conceal the fact that they were going to Iran and give the appearance that they were destined for permissible countries.
2. *Seven Violations of 15 C.F.R. §§ 787A.2 and 764.2(a): Exporting or Causing Exports without the Required Authorization:* On seven occasions, from on or about June 12, 1996 through on or about February 10, 1997, Wachs exported or caused the export of pipe cutting machines and spare parts, items subject to the former Regulations, the Regulations and the Iranian Transaction Regulations,

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extended by a Presidential Notice of August 14, 2002 (67 Fed. Reg. 159 (August 16, 2002)), has continued the Regulations in effect under IEEPA.

from the United States to Iran without prior authorization from the Office of Foreign Assets Control of the U.S. Department of the Treasury as required by Section 785A.4(b) of the former Regulations and Section 746.7 of the Regulations.

3. *Seven Violations of 15 C.F.R. §§787A.4 and 764.2(e): Selling Items Knowing that a Violation of the Regulations was to Occur:* On seven occasions from on or about June 12, 1996 through on or about February 10, 1997, Wachs sold pipe cutting machines and spare parts knowing that they were to be exported from the United States to Iran in violation of the former Regulations and Regulations.

BIS and Wachs having entered into a Settlement Agreement pursuant to Section 766.1 S(a) 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 Wachs shall pay a civil penalty of \$159,000 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 (1983 and Supp. 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, Wachs 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, that 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 Wachs. Accordingly, if Wachs should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Wachs's export privileges for a period of one year from the date of entry of this Order.

FOURTH, that for a period of three years from the date of this Order, E.H. Wachs Company, Inc., 100 Shepard Street, Wheeling, Ill. 60090, its successors or assigns, and when acting for or on behalf of Wachs, its officers, representatives, agents or employees ("denied person") 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. **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.
- FIFTH, 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.

SIXTH, 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 Wachs 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.

SEVENTH, 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.

EIGHTH, that, as authorized by Section 766.18(c) of the Regulations, the denial period set forth above shall be suspended in its entirety for three years from the date of this Order, and shall thereafter be waived, provided that during the period of suspension, Wachs has committed no violation of the Act or any regulation, order or license issued thereunder, and, provided further, that Wachs has made timely payment of the civil penalty as provided herein.

NINTH, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

E.H. Wachs Company, Inc.

Order

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



Lisa A. Prager

Acting Assistant Secretary of Commerce  
for Export Enforcement

Entered this 30<sup>th</sup> day of June 2003