



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

JUN - 3 2005

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Trans-Media Services Ltd.  
B/5 Auberge San Anton  
Old Railway Road  
Balzan, BZN, 07 Malta

Attention: *Mohammed Saleh Sweidan*  
*Chairman/Managing Director*

Dear Mr. Sweidan:

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has reason to believe that Trans-Media Services Ltd. of Balzan, Malta ("Trans-Media"), has committed five violations of the Export Administration Regulations (the "Regulations"),<sup>1</sup> which are issued under the authority of the Export Administration Act of 1979 (the "Act").<sup>2</sup> Specifically, BIS charges that Trans-Media committed the following violations:

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<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2005). The violations charged occurred in 2000 and 2001. The Regulations governing the violations at issue are found in the 2000 and 2001 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2000) and (2001)). The 2005 Regulations govern the procedural aspects of this case.

<sup>2</sup> 50 U.S.C. app. §§ 2401- 2420 (2000). From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which was 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 (114 Stat. 2360 (2000)) and it remained in effect through August 20, 2001. 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 August 6, 2004 (69 *Fed. Reg.* 48763, August 10, 2004), continues the Regulations in effect under IEEPA. The Act and the Regulations are available on the Government Printing Office website at: <http://www.access.gpo.gov/bis/>.



**Charge 1 15 C.F.R. § 764.2(a) – Reexporting Items Subject to the Regulations Without the Required License**

Between on or about June 12, 2000 and on or about March 6, 2001, Trans-Media engaged in conduct prohibited by the Regulations by reexporting or causing to be reexported satellite communications equipment, designated as EAR99 equipment,<sup>3</sup> from Malta to Libya without the required BIS license. Specifically, Trans-Media reexported to Libya approximately 59 Demand Assigned Multiple Access (“DAMA”) terminals and other satellite communications equipment (hereinafter “satellite equipment”) that it had imported into Malta from the United States without the BIS license required by Section 746.4 of the Regulations. In so doing, Trans-Media committed one violation of Section 764.2(a) of the Regulations.

**Charge 2 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation**

Between on or about June 12, 2000 and on or about March 6, 2001, in connection with the reexport described in Charge 1, above, Trans-Media sold satellite equipment, which is designated as EAR99 equipment, to Libya with knowledge that a violation of the Regulations would occur. Trans-Media knew that a BIS license was required to reexport this equipment and that the required license would not be obtained. In so doing, Trans-Media committed one violation of Section 764.2(e) of the Regulations.

**Charge 3 15 C.F.R. § 764.2(h) – Acting to Evade the Regulations**

Between on or about June 4, 2000 and March 6, 2001, in connection with the reexport described in Charge 1, above, Trans-Media took action with the intent to evade the Regulations by misleading a U.S. company to believe that the final destination for satellite equipment that Trans-Media was to purchase from the U.S. company was Malta. By creating this erroneous belief, Trans-Media intended to evade the licensing requirement under the Regulations for the export or reexport of the satellite equipment to Libya. In so doing, Trans-Media committed one violation of Section 764.2(h) of the Regulations.

**Charges 4-5 15 C.F.R. § 764.2(g) – Misrepresentation and Concealment of Facts**

On or about July 18, 2003, in the course of a BIS investigation, the Chairman and Managing Director of Trans-Media, Mohammed Saleh Sweidan, acting on behalf of Trans-Media, made two false representations to officials of BIS. Specifically, in a conversation with BIS, Sweidan stated that Trans-Media had attempted to source items from the United States but had never entered into any contracts. Separately, Sweidan also stated that Trans-Media had never imported any items from the United States. However, on or about March 14, 2000, Trans-Media contracted with a U.S. company to purchase satellite equipment, and on or about June 4, 2000, Trans-Media purchased satellite equipment from the U.S. company. These items were exported

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<sup>3</sup> EAR99 is a designation for items subject to the Regulations but not listed on the Commerce Control List. 15 C.F.R. § 734.3(c) (2000-2001).

to Trans-Media in Malta on or about June 12, 2000. In making these statements, Trans-Media committed two violations of Section 764.2(g) of the Regulations.

\* \* \* \* \*

Accordingly, Trans-Media 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 \$11,000 per violation;<sup>4</sup>
- Denial of export privileges; and/or
- Exclusion from practice before BIS.

If Trans-Media 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. 15 C.F.R. §§ 766.6 and 766.7. If Trans-Media defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to Trans-Media. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty on each of the charges in this letter.

Trans-Media is further notified that it is entitled to an agency hearing on the record if Trans-Media files a written demand for one with its answer. 15 C.F.R. § 766.6. Trans-Media is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. 15 C.F.R. §§ 766.3(a) and 766.4.

The Regulations provide for settlement without a hearing. 15 C.F.R. § 766.18. Should Trans-Media have a proposal to settle this case, Trans-Media or its representative should transmit it 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, Trans-Media'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> See 15 C.F.R. § 6.4(a)(1) (2005).

Trans-Media Services Ltd.  
Charging Letter  
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In addition, a copy of Trans-Media'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 Trans-Media may wish to have concerning this matter should occur through her. Ms. Kendler may be contacted by telephone at (202) 482-5301.

Sincerely,



Michael D. Turner  
Director  
Office of Export Enforcement

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

In the Matter of:	)	
	)	
Trans-Media Services Ltd.	)	Docket No. 05-BIS-04
B/5 Auberge San Anton	)	
Old Railway Road	)	
Balzan, BZN, 07 Malta	)	
	)	
Respondent	)	

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Trans-Media Services Ltd. (“Trans-Media”) 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 (2005)) (the “Regulations”),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the “Act”),<sup>2</sup>

<sup>1</sup> The violations charged occurred during 2000, 2001, and 2003. The Regulations governing the violations at issue are found in the 2000, 2001, and 2003 versions of the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2000-2001; 2003). The 2005 Regulations govern 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 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 2, 2005 (70 Fed. Reg. 45,273, Aug. 5, 2005), has continued the Regulations in effect under IEEPA.

WHEREAS, BIS has initiated an administrative proceeding against Trans-Media, U.S. Coast Guard Administrative Law Judge Docket No. 05-BIS-04, pursuant to the Act and the Regulations by issuing a charging letter to Trans-Media;

WHEREAS, BIS and Trans-Media have agreed to settle administrative action 05-BIS-04 on the basis of the following two violations of the Regulations, specifically:

1. *Two Violations of 15 C.F.R. § 764.2(g) – Misrepresentation of Facts through False Statements to BIS Officials:* On two occasions on or about July 18, 2003, the Chairman and Managing Director of Trans-Media, Mohammed Saleh Sweidan, made false representations to officials of BIS. Specifically Sweidan stated that Trans-Media had attempted to source items from the United States but had never entered into any contracts. Separately, Sweidan also stated that Trans-Media had never imported any items from the United States. However, on or about March 13, 2000, Trans-Media contracted with a U.S. company to purchase satellite communications equipment, and on or about June 4, 2000, Trans-Media purchased satellite communications equipment from the U.S. company. On or about June 12, 2000, these items were exported to Trans-Media in Malta.

WHEREAS, Trans-Media 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, Trans-Media 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, Trans-Media enters into this Agreement voluntarily and with full knowledge of its rights;

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

WHEREAS, Trans-Media neither admits nor denies the allegations contained in the charging letter;

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

WHEREAS, Trans-Media agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Trans-Media, under the Regulations, in connection with the matters alleged in the charging letter.
2. The following sanction shall be imposed against Trans-Media for the two violations of the Regulations described above in complete settlement of administrative action 05-BIS-04:
  - a. Trans-Media shall be assessed a civil penalty in the amount of \$19,800, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the 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 Trans-Media. Failure to make timely payment of the civil penalty set forth above may

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.

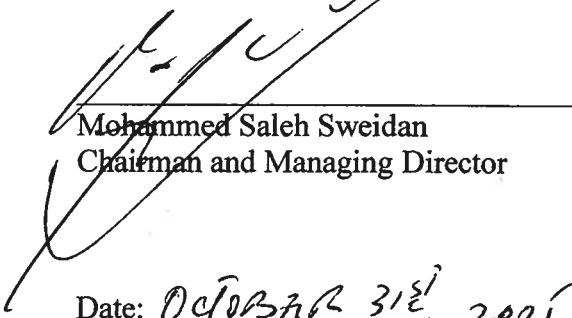
BUREAU OF INDUSTRY AND SECURITY  
U.S. DEPARTMENT OF COMMERCE



Craig S. Burkhardt  
Acting Chief Counsel  
Office of Chief Counsel for Industry and Security  
U.S. Department of Commerce

Date: Nov 4, 2005

TRANS-MEDIA SERVICES LTD.



Mohammed Saleh Sweidan  
Chairman and Managing Director

Date: OCTOBER 31<sup>st</sup>, 2005



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

In the Matter of:	)	
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Trans-Media Services Ltd.	)	Docket No. 05-BIS-04
B/5 Auberge San Anton	)	
Old Railway Road	)	
Balzan, BZN, 07 Malta	)	
	)	
Respondent	)	

ORDER RELATING TO TRANS-MEDIA SERVICES LTD.

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has initiated an administrative proceeding against Trans-Media Services Ltd. (“Trans-Media”) pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2005)) (“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> through issuance of a charging letter to Trans-Media.

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<sup>1</sup> The violations charged occurred between 2000-2001 and during 2003. The Regulations governing the violations at issue are found in the 2000, 2001, and 2003 versions of the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2000-2001; 2003). The 2005 Regulations govern 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 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 2, 2005 (70 Fed. Reg. 45,273, Aug. 5, 2005), has continued the Regulations in effect under IEEPA.

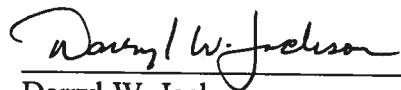
Trans-Media will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

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 Trans-Media. Accordingly, if Trans-Media should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Trans-Media's export privileges for a period of one year from the date of entry of this Order.

FOURTH, that the charging letter, the Settlement Agreement, this Order, and the record of this case as defined by Section 766.20 of the Regulations shall be made available to the public.

FIFTH, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

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

  
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Darryl W. Jackson  
Assistant Secretary of Commerce  
for Export Enforcement

Entered this 14<sup>th</sup> day of November, 2005.