

answered or otherwise responded to the charging letters.

On April 17, 1995, I issued an Order finding that Znamierowski was in default for failing to file an answer to the charging letter and directing the Department to make the submission required by Section 788.8 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768-799 (1995)) (the Regulations), by May 17, 1995. On April 18, 1995, I issued separate Orders against Prandecki and Beta Computer, finding both of them in default for failing to answer the charging letters issued against them and directing the Department to make the submission required by Section 788.8 of the Regulations by May 18, 1995. On April 19, 1995, I issued Corrected Orders in Prandecki and Beta Computer directing the Department to make its submissions by May 19, 1995.

On May 5, 1995, the Department filed a motion to consolidate these matters and requested that it be provided to May 19, 1995 to file a single default submission addressing the allegations against all three respondents in a single pleading. On May 8, 1995, I granted the Department's motion. In accordance with that Order, on May 19, 1995, the Department submitted its Default Submission, together with supporting evidence.

Background

In the December 9, 1993 charging letters, the Department alleged that Prandecki and Znamierowski caused, aided, and abetted the export of three U.S.-origin Apollo computer workstations from the United States through Singapore to Poland without obtaining from the Department the validated export license required by Section 772.1(b) of the Regulations. The Department charged that, by causing, aiding, and abetting the doing of an act prohibited by the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1994)) (the Act),¹ or any regulation, order, or license issued under the Act, Prandecki and Znamierowski each committed one violation of Section 787.2 of the Regulations, involving commodities controlled for reasons of national security under Section 5 of the Act.

In the December 9, 1993 charging letter issued against Beta Computer, the Department alleged that Beta Computer reexported three U.S.-origin Apollo

computer workstations from Singapore to Poland without obtaining from the Department the reexport authorization required by Section 774.1 of the Regulations. The Department charged that, by reexporting commodities to any person or destination in violation of or contrary to the terms of the Act, or any regulation, order, or license issued under the Act, Beta Computer committed one violation of Section 787.6 of the Regulations, involving commodities controlled for reasons of national security under Section 5 of the Act.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Prandecki, Znamierowski, and Beta Computer committed the violations alleged in the separate charging letters issued against them.

For those violations, the Department urged as a sanction that the export privileges of Prandecki, Znamierowski, and Beta Computer be denied for 10 years. In light of the nature of the violations, I concur in the Department's recommendation.

Accordingly, *it is Therefore Ordered*, First, that all outstanding individual validated licenses in which Waldemar Znamierowski, Krzwinska Str., 16.1, 03-32, Warsaw, Poland; Paul A. Prandecki, a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121; and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06-67, Singapore 0718, appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of the privileges of Prandecki, Znamierowski, and Beta Computer to participate, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, that Waldemar Znamierowski, Krzwinska Str., 16/1, 03-32, Warsaw, Poland; Paul A. Prandecki, a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121; and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06-67, Singapore 0718 (collectively referred to as respondents), and all of their successors, assigns, officers, representatives, agents, and employees, shall for a period of 10 years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported

or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to any of the respondents by affiliation, ownership, control, or position of responsibility in the conduct of trade related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

¹ The Act expired on August 20, 1994. Executive Order No. 12924 (59 FR 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).