

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

In the Matter of:

Orville L. Parker, Jr.  
2647 W. Walton Street  
Chicago, IL 60622

Respondent

ORDER RELATING TO  
ORVILLE L. PARKER, JR.

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), has notified Orville L. Parker, Jr., of Chicago, Illinois (“Parker”), of its intention to initiate an administrative proceeding against Parker pursuant to Section 766.3 of the Export Administration Regulations (the “Regulations”),<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (the “Act”),<sup>2</sup> through the issuance of a Proposed Charging Letter to Parker that alleges that Parker committed two violations of the Regulations. Specifically, the charges are:

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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 (2013). The charged violations occurred in 2008. The Regulations governing the violations at issue are found in the 2008 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774). The 2013 Regulations set forth the procedures that apply to this matter.

<sup>2</sup> 50 U.S.C. app. §§ 2401-2420 (2000). 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)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 Fed. Reg. 49699 (Aug. 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.*) (2006 & Supp. IV 2010).

**Charge 1**                    **15 C.F.R. § 764.2(a): Engaging in Prohibited Conduct by Exporting a Thermal Imaging Camera Without the Required License**

On or about February 29, 2008, Parker engaged in conduct prohibited by the Regulations by exporting a thermal imaging camera, an item subject to the Regulations, classified under Export Control Classification Number ("ECCN") 6A003.b.4, controlled for Regional Stability reasons, and valued at approximately \$4,050, from the United States to Germany without the Department of Commerce license required by Section 742.6(a)(1) of the Regulations. Parker stole the thermal imaging camera from his then-employer and subsequently advertised and then sold the item on eBay. In order to avoid detection by law enforcement, Parker intentionally used someone else's email address when he listed the item for sale on eBay while also falsely listing that the thermal imaging camera was physically located in Orlando, Florida. To further conceal his activities, Parker intentionally undervalued the thermal imaging camera at the time of export to avoid filing a Shipper's Export Declaration with the United States Government. In so doing, Parker committed one violation of Section 764.2(a) of the Regulations.

**Charge 2**                    **15 C.F.R. § 764.2(a): Engaging in Prohibited Conduct by Failing to File a Shipper's Export Declaration or Automated Export Systems Record**

On or about February 29, 2008, in connection with the unlicensed export transaction described in Charge 1 above, Parker engaged in conduct prohibited by the Regulations when he failed to file a Shipper's Export Declaration ("SED") or Automated Export System ("AES") record with the U.S. Government. Pursuant to Section 758.1(b)(3) of the Regulations, an SED or AES record must be filed with the U.S. Government for all exports of commodities subject to the Regulations when the value of the commodity is over \$2,500. Additionally, Section 758.1(b)(2) requires the filing of a SED or AES record for all exports subject to the Regulations that require submission of a license application, regardless of value or destination. Based on his experience filling out shipping air waybills Parker was aware that an SED or AES record was required for exports valued at over \$2,500. Parker also knew the thermal imaging camera, which he had previously stolen from his then-employer, was valued at approximately \$4,050. In order to avoid detection by law enforcement Parker intentionally undervalued the item to \$2,400 in an attempt to avoid the SED/AES record filing requirement.

By failing to file the required SED or AES record, Parker committed one violation of Section 764.2(a) of the Regulations.

WHEREAS, BIS and Parker have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

WHEREAS, I have approved of the terms of such Settlement Agreement;

IT IS THEREFORE ORDERED:

FIRST, that for a period of ten (10) years from the date of this Order, Orville L. Parker, Jr., with a last known address of 2647 W. Walton Street, Chicago, IL 60622, and when acting for or on his behalf, his successors, assigns, representatives, agents, or employees (hereinafter collectively referred to as "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.

SECOND, 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.

THIRD, 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 the 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.

FOURTH, that the Proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

FIFTH, that this Order shall be served on Parker, and shall be published in the *Federal Register*.

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



David W. Mills  
Assistant Secretary of Commerce  
for Export Enforcement

Issued this 9<sup>th</sup> day of January, 2013.

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

In the Matter of:

Orville L. Parker, Jr.  
2647 W. Walton Street  
Chicago, IL 60622

Respondent

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Orville L. Parker, Jr., of Chicago, Illinois (“Parker”), and the Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) (collectively, the “Parties”), pursuant to Section 766.18(a) of the Export Administration Regulations (the “Regulations”),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (the “Act”).<sup>2</sup>

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

WHEREAS, BIS has issued a Proposed Charging Letter to Parker that alleges that Parker committed two violations of the Regulations, specifically:

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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 (2013). The charged violations occurred in 2008. The Regulations governing the violations at issue are found in the 2008 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774). The 2013 Regulations set forth the procedures that apply to this matter.

<sup>2</sup> 50 U.S.C. app. §§ 2401-2420 (2000). 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)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 Fed. Reg. 49699 (Aug. 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.*) (2006 & Supp. IV 2010).

**Charge 1**                    **15 C.F.R. § 764.2(a): Engaging in Prohibited Conduct by Exporting a Thermal Imaging Camera Without the Required License**

On or about February 29, 2008, Parker engaged in conduct prohibited by the Regulations by exporting a thermal imaging camera, an item subject to the Regulations, classified under Export Control Classification Number (“ECCN”) 6A003.b.4, controlled for Regional Stability reasons, and valued at approximately \$4,050, from the United States to Germany without the Department of Commerce license required by Section 742.6(a)(1) of the Regulations. Parker stole the thermal imaging camera from his then-employer and subsequently advertised and then sold the item on eBay. In order to avoid detection by law enforcement, Parker intentionally used someone else’s email address when he listed the item for sale on eBay while also falsely listing that the thermal imaging camera was physically located in Orlando, Florida. To further conceal his activities, Parker intentionally undervalued the thermal imaging camera at the time of export to avoid filing a Shipper’s Export Declaration with the United States Government. In so doing, Parker committed one violation of Section 764.2(a) of the Regulations.

**Charge 2**                    **15 C.F.R. § 764.2(a): Engaging in Prohibited Conduct by Failing to File a Shipper’s Export Declaration or Automated Export Systems Record**

On or about February 29, 2008, in connection with the unlicensed export transaction described in Charge 1 above, Parker engaged in conduct prohibited by the Regulations when he failed to file a Shipper’s Export Declaration (“SED”) or Automated Export System (“AES”) record with the U.S. Government. Pursuant to Section 758.1(b)(3) of the Regulations, an SED or AES record must be filed with the U.S. Government for all exports of commodities subject to the Regulations when the value of the commodity is over \$2,500. Additionally, Section 758.1(b)(2) requires the filing of a SED or AES record for all exports subject to the Regulations that require submission of a license application, regardless of value or destination. Based on his experience filling out shipping air waybills Parker was aware that an SED or AES record was required for exports valued at over \$2,500. Parker also knew the thermal imaging camera, which he had previously stolen from his then-employer, was valued at approximately \$4,050. In order to avoid detection by law enforcement Parker intentionally undervalued the item to \$2,400 in an attempt to avoid the SED/AES record filing requirement.

By failing to file the required SED or AES record, Parker committed one violation of Section 764.2(a) of the Regulations.

WHEREAS, Parker has reviewed the Proposed Charging Letter and is aware of the allegations made against him and the administrative sanctions that could be imposed against him if the allegations are found to be true;

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

WHEREAS, the Parties enter into this Agreement having taken into consideration a plea agreement entered between Parker and the U.S. Attorney’s Office for the Northern District of Illinois;

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

WHEREAS, Parker neither admits nor denies the allegations contained in the Proposed Charging Letter; and

WHEREAS, Parker agrees to be bound by the Order, if issued;

NOW THEREFORE, the Parties hereby agree, for purposes of this Settlement Agreement, as follows:

1. BIS has jurisdiction over Parker, under the Regulations, in connection with the matters alleged in the Proposed Charging Letter.
2. The following sanction shall be imposed against Parker in complete settlement of the alleged violations of the Regulations relating to the transactions specifically detailed in the Proposed Charging Letter:



a. For a period of ten (10) years from the date of the Order, Orville L. Parker, Jr., with a last known address of 2647 W. Walton Street, Chicago, IL 60622, and when acting for or on his behalf, his successors, assigns, representatives, agents, or employees (hereinafter collectively referred to as "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:

- 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, Parker 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 issued), including, without limitation, any right to: (a) an administrative hearing regarding the allegations in any charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if issued; and (c) seek judicial review or otherwise contest the validity of this Agreement or the Order, if issued.

4. Upon issuance of the Order, BIS will not initiate any further administrative proceeding against Parker in connection with any violation of the Act or the Regulations arising out of the transactions specifically detailed in the Proposed Charging Letter.

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(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.

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 issued; 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.

7. This Agreement shall become binding on the Parties only if the Assistant Secretary of Commerce for Export Enforcement approves it by issuing the Order, which

Orville L. Parker, Jr.  
Settlement Agreement  
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will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

8. BIS will make the Proposed Charging Letter, this Agreement, and the Order, if issued, available to the public.


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



Douglas R. Hassebrock  
Director of Export Enforcement

ORVILLE L. PARKER, JR.



Orville L. Parker, Jr.

Date: 7/2/13

Date: 6/18/13

PROPOSED CHARGING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Orville L. Parker, Jr.  
2647 W. Walton Street  
Chicago, IL 60622

Dear Mr. Parker:

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), has reason to believe that you, Orville L. Parker, Jr. (“Parker”), of Chicago, Illinois, committed two violations of the Export Administration Regulations (the “Regulations”),<sup>1</sup> which issued under the authority of the Export Administration Act of 1979, as amended (the “Act”).<sup>2</sup> Specifically, BIS alleges that Parker committed the following violations:

**Charge 1                    15 C.F.R. § 764.2(a): Engaging in Prohibited Conduct by Exporting a Thermal Imaging Camera Without the Required License**

On or about February 29, 2008, Parker engaged in conduct prohibited by the Regulations by exporting a thermal imaging camera, an item subject to the Regulations, classified under Export Control Classification Number (“ECCN”) 6A003.b.4, controlled for Regional Stability reasons, and valued at approximately \$4,050, from the United States to Germany without the Department of Commerce license required by Section 742.6(a)(1) of the Regulations. Parker stole the thermal imaging camera from his then-employer and subsequently advertised and then sold the item on eBay. In order to avoid detection by law enforcement, Parker intentionally used someone else’s email address when he listed the item for sale on eBay while also falsely listing that the thermal imaging camera was physically located in Orlando, Florida. To further conceal his activities, Parker intentionally undervalued the thermal imaging camera at the time of export to avoid filing a Shipper’s Export Declaration with the United States Government. In so doing, Parker committed one violation of Section 764.2(a) of the Regulations.

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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 (2013). The violations alleged occurred in 2008. The Regulations governing the violations at issue are found in the 2008 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2008)). The 2013 Regulations govern the procedural aspects of this case.

<sup>2</sup> 50 U.S.C. app. §§ 2401-2420 (2000). 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)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 Fed. Reg. 49,699 (Aug. 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.*) (2006 and Supp. IV 2010).

**Charge 2                    15 C.F.R. § 764.2(a): Engaging in Prohibited Conduct by  
Failing to File a Shipper's Export Declaration or Automated  
Export Systems Record**

On or about February 29, 2008, in connection with the unlicensed export transaction described in Charge 1 above, Parker engaged in conduct prohibited by the Regulations when he failed to file a Shipper's Export Declaration ("SED") or Automated Export System ("AES") record with the U.S. Government. Pursuant to Section 758.1(b)(3) of the Regulations, an SED or AES record must be filed with the U.S. Government for all exports of commodities subject to the Regulations when the value of the commodity is over \$2,500. Additionally, Section 758.1(b)(2) requires the filing of a SED or AES record for all exports subject to the Regulations that require submission of a license application, regardless of value or destination. Based on his experience filling out shipping air waybills Parker was aware that an SED or AES record was required for exports valued at over \$2,500. Parker also knew the thermal imaging camera, which he had previously stolen from his then-employer, was valued at approximately \$4,050. In order to avoid detection by law enforcement Parker intentionally undervalued the item to \$2,400 in an attempt to avoid the SED/AES record filing requirement.

By failing to file the required SED or AES record, Parker committed one violation of Section 764.2(a) of the Regulations.

\* \* \* \* \*

Accordingly, Parker is hereby notified that an administrative proceeding is instituted against him 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 the greater of \$250,000 per violation, or twice the value of the transaction that is the basis of the violation;<sup>3</sup>
- Denial of export privileges; and/or
- Exclusion from practice before BIS.

If Parker 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. See 15 C.F.R. §§ 766.6 and 766.7. If Parker defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to Parker.

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<sup>3</sup> See International Emergency Economic Powers Enhancement Act of 2007, Pub. L. No. 110-96, 121 Stat. 1011 (2007).

Orville L. Parker, Jr.  
Proposed Charging Letter  
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The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty for the charges in this letter.

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

The Regulations provide for settlement without a hearing. *See* 15 C.F.R. § 766.18. Should Parker have a proposal to settle this case, Parker should transmit it to the attorney representing BIS named below.

Parker is further notified that under the Small Business Regulatory Enforcement Flexibility Act, Parker may be eligible for assistance from the Office of the National Ombudsman of the Small Business Administration in this matter. To determine eligibility and get more information, please see: <http://www.sba.gov/ombudsman/>.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, Parker'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

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

Chief Counsel for Industry and Security  
Attention: Gregory Michelsen, Esq.  
Room H-3839  
14th Street and Constitution Avenue, N.W.  
Washington, D.C. 20230

Gregory Michelsen is the attorney representing BIS in this case; any communications that Parker may wish to have concerning this matter should occur through him. Mr. Michelsen may be contacted by telephone at (202) 482-5301.

Sincerely,

Douglas R. Hassebrock  
Director  
Office of Export Enforcement