

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

Ribway Airlines Company Limited)
54 Kairaba Avenue)
Kanifing Municipality.)
WRC, The Gambia)
)
AF-Aviation Limited)
Sebring House)
4 Newbridge Drive)
Wolverhampton)
WV6 ODF, United Kingdom)
)
Andy Farmer)
Sebring House)
4 Newbridge Drive)
Wolverhampton)
WV6 ODF, United Kingdom)
)
John Edward Meadows)
50 St. Leonards Road)
Bexhill on Sea)
East Sussex, TN40 1JB)
United Kingdom)
)
Jeffrey John James Ashfield)
50 St. Leonards Road)
Bexhill on Sea)
East Sussex, TN40 1JB)
United Kingdom)
)
Respondents)

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

Pursuant to Section 766.24 of the Export Administration Regulations (the “Regulations” or “EAR”),¹ the Bureau of Industry and Security (“BIS”), U.S. Department of Commerce, through its Office of Export Enforcement (“OEE”), has requested that I issue an Order temporarily denying, for a period of 180 days, the export privileges under the Regulations of: Ribway Airlines Company Limited, Af-Aviation Limited, Andy Farmer, John Edward Meadows, and Jeffrey John James Ashfield.

Pursuant to Section 766.24, BIS may issue an order temporarily denying a respondent’s export privileges upon a showing that the order is necessary in the public interest to prevent an “imminent violation” of the Regulations. 15 C.F.R. §§ 766.24(b)(1) and 776.24(d). “A violation may be ‘imminent’ either in time or degree of likelihood.” 15 C.F.R. § 766.24(b)(3). BIS may show “either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.” Id. As to the likelihood of future violations, BIS may show that the violation under investigation or charge “is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent [.]” Id. A “lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.” Id.

¹ The EAR are currently codified at 15 C.F.R. Parts 730-774 (2015). The EAR issued under the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“EAA”). 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 7, 2015 (80 Fed. Reg. 48,223 (Aug. 11, 2015)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.*) (2006 & Supp. IV 2010).

In its request, BIS has presented evidence that on or about December 30, 2015, Af-Aviation Limited, a United Kingdom company which holds itself out as providing aircraft ferry flight and trip planning services, intends to ferry/reexport two Boeing 737 aircraft, with manufacturer serial numbers 26458 and 26444, respectively, from Romania to Iran.² Moreover, publically available aviation databases corroborate that MSNs 26458 and 26444 are destined to Iran, and specifically to Caspian Airlines.³ The reexport of these aircraft requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations. No U.S. Government authorization has been applied for or authorized for the reexport of these two aircraft to Iran. United Kingdom corporate registration documents list Andy Farmer as the director of Af-Aviation Limited. Both aircraft are currently registered in Gambia bearing tail numbers C5-AMH (MSN 26458) and C5-AND (MSN 26444) and according to the registration documents are currently owned by Ribway Airlines Company Limited.

Finally, both aircraft were insured under a policy issued by a United Kingdom insurance company. On December 30, 2015, those insurance contracts were cancelled and the insurance company notified John Edward Meadows and Jeffrey John James Ashfield, both United Kingdom citizens, of the cancellation. OEE's evidence indicates that John Meadows and Jeffrey Ashfield were both involved in brokering the sale of MSNs 26458 and 26444 to Caspian Airlines. OEE's investigation also reveals prior business dealings between Meadows and Ashfield and Caspian Airlines.

² Both Boeing 737s are subject to the EAR and are classified under Export Control Classification Number ("ECCN") 9A991.b and are controlled for anti-terrorism reasons.

³ Pursuant to Executive Order 13324, Caspian Airlines was designated a Specially Designated Global Terrorist ("SDGT") by the U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC") on August 29, 2014. See 79 Fed. Reg. 55,072 (Sep. 15, 2014).

I find that the evidence presented by BIS demonstrates that a violation of the Regulations is imminent in both time and degree of likelihood. As such, a temporary denial order (“TDO”) is needed to give notice to persons and companies in the United States and abroad that they should cease dealing with Ribway Airlines Company Limited, Af-Aviation Limited, Andy Farmer, John Edward Meadows, and Jeffrey John James Ashfield in export or reexport transactions involving items subject to the EAR. Such a TDO is consistent with the public interest to preclude future violations of the EAR.

Accordingly, I find that an Order denying the export privileges of Ribway Airlines Company Limited, Af-Aviation Limited, Andy Farmer, John Edward Meadows, and Jeffrey John James Ashfield is necessary, in the public interest, to prevent an imminent violation of the EAR.

This Order is being issued on an ex parte basis without a hearing based upon BIS’s showing of an imminent violation in accordance with Section 766.24 of the Regulations.

IT IS THEREFORE ORDERED:

FIRST, that RIBWAY AIRLINES COMPANY LIMITED, 54 Kairaba Avenue, Kanifing Municipality, WCR, The Gambia; AF-AVIATION LIMITED, Sebring House, 4 Newbridge Drive, Wolverhampton, WV6 ODF, United Kingdom; ANDY FARMER, Sebring House, 4 Newbridge Drive, Wolverhampton, WV6 ODF, United Kingdom, JOHN EDWARD MEADOWS, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom; and JEFFREY JOHN JAMES ASHFIELD, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a “Denied Person” and collectively the “Denied Persons”) 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 Export Administration Regulations ("EAR"), or in any other activity subject to the EAR 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 EAR, or in any other activity subject to the EAR; 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 EAR, or in any other activity subject to the EAR.

SECOND, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a 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 a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR 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 EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR 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 EAR, any other person, firm, corporation, or business organization related to a 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 this Order.

In accordance with the provisions of Section 766.24(e) of the EAR, Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Respondents may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on Respondents and shall be published in the *Federal Register*.

This Order is effective upon issuance and shall remain in effect for 180 days.



DAVID W. MILLS
Assistant Secretary of Commerce
for Export Enforcement

Dated: January 19, 2016