



DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of:

Siddharth Bhatt

170 West Polk Street, #1402
Chicago, IL 60605

and

201 Mamta Building
Jain Derasar Marg
Santa-Cruz (West)
Mumbai
Maharashtra (India) 400054

Order Denying Export Privileges

On September 16, 2020, in the U.S. District Court for the District of Columbia, Bhatt (“Bhatt”), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C 1701, et seq.) (“IEEPA”). Specifically, Bhatt was convicted of willfully exporting, and attempting to export and causing to be exported a U.S.-origin thermal imaging camera from the United States to the UAE, without having first obtained the required license from the U. S. Department of Commerce. Bhatt was sentenced to probation for a term of 48 months, a \$100 assessment, and a fine of \$2,500.

Pursuant to Section 1760(e) of the Export Control Reform Act (“ECRA”),¹ the export privileges of any person who has been convicted of certain offenses, including, but not limited to, IEEPA, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of

¹ ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended, is codified at 50 U.S.C. 4801-4852. Bhatt’s conviction post-dates ECRA’s enactment on August 13, 2018.

Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Bhatt's conviction for violating IEEPA, and has provided notice and opportunity for Bhatt to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"). 15 CFR 766.25.² BIS has not received a written submission from Bhatt.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Bhatt's export privileges under the Regulations for a period of 10 years from the date of Bhatt's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Bhatt had an interest at the time of his conviction.³

Accordingly, it is hereby **ORDERED**:
First, from the date of this Order until September 16, 2030, Siddharth Bhatt, with last known addresses of 170 West Polk Street, #1402, Chicago, IL 60605 and 201 Mamta Building, Jain Derasar Marg, Santa-Cruz (West), Mumbai, Maharashtra (India) 400054, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives ("the Denied Person"), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter

² The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730-774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601-4623 (Supp. III 2015) ("EAA"), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR., 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. § 1701, et seq. (2012) ("IEEPA"). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1 above.

³ The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

collectively referred to as “item”) exported or to be exported from the United States that is 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 engaging 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 from any other activity subject to the Regulations.

Second, 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, pursuant to Section 1760(e) of ECRA (50 U.S.C. § 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Bhatt by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Bhatt may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Bhatt and shall be published in the *Federal Register*.

Sixth, this Order is effective immediately and shall remain in effect until September 16, 2030.

John Sonderman,
Director,

Office of Export Enforcement.

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