

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

In the Matter of:

M&M Wireless, Inc.
1230 Broadway
New York, NY 10001

Moheed Latif
1230 Broadway
New York, NY 10001

Hamza Latif
1230 Broadway
New York, NY 10001

Abdu Latif Chaudhry
1230 Broadway
New York, NY 10001

ORDER RELATING TO
M&M WIRELESS, INC, MOHEED LATIF, HAMZA LATIF, AND ABDU LATIF
CHAUDHRY

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), has notified Moheed Latif, Hamza Latif, and Abdu Latif Chaudhry, and their company M&M Wireless Communications, Inc. (“M&M”), of New York, New York, (collectively, “Respondents”), of its intention to initiate an administrative proceeding against Respondents pursuant to Section 766.3 of the Export Administration Regulations (the “Regulations”),¹ through the issuance of a Proposed Charging Letter to Respondents that

¹ The Regulations are issued under the authority of the Export Control Reform Act of 2018, Title XVII, Subtitle B of Pub. L. 115-232, 132 Stat. 2208 (“ECRA,” 50 U.S.C. §§ 4801-4852).

alleges that Respondents jointly and severally committed 94 violations of the Regulations.² Specifically:

Charges 1-4 15 C.F.R. § 764.2(g) – Misrepresentation and Concealment of Facts

1. On 4 occasions between on or about November 24, 2020 and on or about November 17, 2021, M&M, and Moheed Latif, Hamza Latif, and Abdu Latif Chaudhry who at all times pertinent hereto were the owners of M&M Wireless Communications, Inc., made false and misleading statements and falsified material facts to a U.S. based freight forwarding company in preparing and submitting “export control documents” as defined in Section 772.1 of the Regulations, in connection with the export of 4 shipments of consumer electronics from the United States destined to Dubai, United Arab Emirates.
2. The Regulations require exporters to file Electronic Export Information (EEI) for certain exports, including when the value of the exported commodities is over \$2,500. 15 C.F.R. § 758.1(b)(5). The EEI is an “export control document,” as defined in Section 772.1 of the Regulations, and furthermore, “is a statement to the United States Government that the transaction occurred as described.” *Id.* § 758.1(a).
3. M&M provided false or misleading information regarding the value and/or quantity of items contained in 4 exports between on or about November 24, 2020 and on or about November 17, 2021 in the relevant Shipper’s Export Declaration, Air Waybill, or other Export Control Documents prepared in connection with the exports.
4. On November 24, 2020, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 134 items with a value of \$28,000. M&M provided Commercial Invoice Number 12348 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS detained and inspected the shipment and determined that it contained approximately 600 items, meaning that only 22% of the items were declared.
5. On December 3, 2020, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 232 items with a value of \$35,850. M&M provided Commercial Invoice Number 12351 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS detained and inspected

² The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2023). The charged violations alleged occurred in 2019-2021. The Regulations governing the violations at issue are found in the 2019-2021 versions of the Code of Federal Regulations, 15 C.F.R. Parts 730-774. The 2024 Regulations govern the procedural aspects of this case.

the shipment and determined that it contained approximately 474 items, meaning that only 49% of the items were declared.

6. On March 29, 2021, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 146 items with a value of \$27,850. BIS detained and inspected the shipment and determined that it contained approximately 386 items. The shipment was appraised by Customs and Border Protection (CBP) at \$247,014, meaning that only 19% of the actual shipment value and 38% of the quantity of items were declared.
7. On November 17, 2021, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 402 items with a value of \$65,700. M&M provided Commercial Invoice Number 12468 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS subsequently detained and inspected the shipment and determined that it contained approximately 519 items. The shipment was appraised by CBP at \$462,669.69, meaning that only 14% of the actual shipment value and 77% of the quantity was declared.
8. At all times during the relevant period, M&M had a responsibility as the exporter and United States Principal Party in Interest (USPPI) of the transaction to ensure the accuracy of information provided to the freight forwarder for the purpose of effecting the export of items subject to the EAR. M&M was not absolved of its responsibility to ensure the accuracy of such information because of its use of a freight forwarder to effectuate its exports. *See* 15 C.F.R. § 758.3(a).
9. By submitting false and misleading information in connection with the export of shipments of consumer electronics on 4 occasions, M&M committed 4 violations of Section 764.2(g) of the Regulations.

Charges 5-94 15 C.F.R. § 764.2(i) – Failure to Comply with Recordkeeping Requirements

1. On 90 occasions between on or about July 3, 2019, through on or about December 14, 2021, M&M failed to comply with the recordkeeping requirements set forth in part 762 of the Regulations, in connection with 90 exports from the United States.
2. At all relevant times, the Regulations required retention of certain records for a period of five years. Specifically, Section 762.2(a) of the Regulations lists records to be retained, including “export control documents” such as bills of lading; correspondence; and financial records. Section 762.6(a) of the Regulations provides, in relevant part, that such records must be retained for five years from the latest of the time of export or any other termination of the transaction.
3. On May 10, 2022, the Office of Export Enforcement New York Field Office (“OEE NYFO”) served M&M with a BIS Administrative Subpoena requesting the records, including but not limited to, invoices, correspondence with foreign

purchasers, air waybills, and bills of lading, for the exports detailed in the Schedule of Violations below. On June 10, 2022, OEE NYFO received a response from legal counsel for M&M stating that no such records existed and therefore could not be provided.

4. By failing to comply with the recordkeeping requirements of Section 762 of the Regulations on 90 occasions, including the failure to retain all export control documents as defined in Section 772.1 of the Regulations, M&M committed 90 violations of Section 764.2(i) of the Regulations.

WHEREAS, I have taken into consideration the imposition of an approximately \$5.4 million penalty and \$462,669 civil forfeiture action by U.S. Customs and Border Protection against M&M;

WHEREAS, BIS and Respondents 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;

WHEREAS, Respondents admit committing the alleged conduct described in the Proposed Charging Letter; and

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

IT IS THEREFORE ORDERED:

FIRST, for a period of three (3) years from the date of the Order, Respondents, with a last known address of 1230 Broadway, New York, NY 10001, shall be made subject to a three-year denial of its export privileges under the Regulations (“denial”). As authorized by Section 766.18(c) of the Regulations, such denial shall be suspended for a three-year probationary period and shall thereafter be waived, provided that Respondents have not committed another violation of ECRA, the Regulations, or any order, license or authorization issued under ECRA or the Regulations, and have completed export controls compliance training as described below. If Respondents commit another violation of

ECRA, the Regulations, or any order, license or authorization issued under ECRA or the Regulations during the three-year suspension period under the Order, or fail to complete the export controls compliance training, the suspension of the denial may be modified or revoked by BIS pursuant to Section 766.17(c) of the Regulations and a denial order (including a three-year denial period) activated against Respondents. If the suspension of the denial is modified or revoked, the activation order may also revoke any BIS licenses in which Respondents have an interest at the time of the activation order.

SECOND, Respondents shall complete export compliance training on the Regulations within twelve (12) months from the date of the Order. Before Respondents attend a compliance training course or program, Respondents shall notify the Office of Export Enforcement, Special Agent in Charge of the New York Field Office, of the course or program Respondents have selected to attend. No later than one month after attending the compliance training course or program, Respondents shall submit a certification of attendance from the training provider to the Office of Export Enforcement, New York Field Office, 1200 South Avenue, Suite 104, Staten Island, NY 10314.

THIRD, the timely completion and submission of verification of attendance at an export compliance training as set forth above, are hereby made conditions to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Respondents.

FOURTH, should the suspension of the denial be modified or revoked pursuant to Section 766.17(c) of the Regulations, and a denial order (including a three-year denial period) be activated against Respondents, for the duration of such denial order, Respondents, and when acting for or on their behalf, its successors, assigns, directors,

officers, employees, representatives, or agents (hereinafter collectively referred to as “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 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 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.

FIFTH, should the suspension of the denial be modified or revoked, and a denial order be activated against Respondents, for the duration of the denial order, no person may, directly or indirectly, do any of the following:

- A. Export or reexport to or on behalf of the Denied Persons any item subject to the Regulations;
- B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Persons 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 Persons 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 Persons of any item subject to the Regulations that has been exported from the United States;
- D. Obtain from the Denied Persons 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 Persons, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Persons 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.

SIXTH, 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 Persons 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.

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

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



Matthew S. Axelrod
Assistant Secretary of Commerce
for Export Enforcement

Issued this 15th day of November, 2024.

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

In the Matter of:

M&M Wireless, Inc.
1230 Broadway
New York, NY 10001

Moheed Latif
1230 Broadway
New York, NY 10001

Hamza Latif
1230 Broadway
New York, NY 10001

Abdu Latif Chaudhry
1230 Broadway
New York, NY 10001

Respondents

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Moheed Latif, Hamza Latif, and Abdu Latif Chaudhry, and their company M&M Wireless Communications, Inc. (“M&M”) of New York, New York (collectively, “Respondents”), 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”).¹

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2023). The charged violations alleged occurred in 2019-2021. The Regulations governing the violations at issue are found in the 2019-2021 versions of the Code of Federal Regulations, 15 C.F.R. Parts 730-774. The 2024 Regulations govern the procedural aspects of this case.

WHEREAS, BIS has notified Respondents of its intentions to initiate an administrative proceeding against Respondents pursuant to the Regulations;²

WHEREAS, BIS has issued a Proposed Charging Letter to Respondents that alleges that Respondents jointly and severally committed 94 violations of the Regulations, specifically:

Charges 1-4 15 C.F.R. § 764.2(g) – Misrepresentation and Concealment of Facts

1. On 4 occasions between on or about November 24, 2020 and on or about November 17, 2021, M&M, and Moheed Latif, Hamza Latif, and Abdu Latif Chaudhry who at all times pertinent hereto were the owners of M&M Wireless Communications, Inc., made false and misleading statements and falsified material facts to a U.S. based freight forwarding company in preparing and submitting “export control documents” as defined in Section 772.1 of the Regulations, in connection with the export of 4 shipments of consumer electronics from the United States destined to Dubai, United Arab Emirates.
2. The Regulations require exporters to file Electronic Export Information (EEI) for certain exports, including when the value of the exported commodities is over \$2,500. 15 C.F.R. § 758.1(b)(5). The EEI is an “export control document,” as defined in Section 772.1 of the Regulations, and furthermore, “is a statement to the United States Government that the transaction occurred as described.” *Id.* § 758.1(a).
3. M&M provided false or misleading information regarding the value and/or quantity of items contained in 4 exports between on or about November 24, 2020 and on or about November 17, 2021 in the relevant Shipper’s Export Declaration, Air Waybill, or other Export Control Documents prepared in connection with the exports.
4. On November 24, 2020, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 134 items with a value of \$28,000. M&M provided Commercial Invoice Number 12348 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS detained and inspected the shipment and determined that it contained approximately 600 items, meaning that only 22% of the items were declared.

² The Regulations are issued under the authority of the Export Control Reform Act of 2018, Title XVII, Subtitle B of Pub. L. 115-232, 132 Stat. 2208 (“ECRA,” 50 U.S.C. §§ 4801-4852).

5. On December 3, 2020, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 232 items with a value of \$35,850. M&M provided Commercial Invoice Number 12351 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS detained and inspected the shipment and determined that it contained approximately 474 items, meaning that only 49% of the items were declared.
6. On March 29, 2021, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 146 items with a value of \$27,850. BIS detained and inspected the shipment and determined that it contained approximately 386 items. The shipment was appraised by Customs and Border Protection (CBP) at \$247,014, meaning that only 19% of the actual shipment value and 38% of the quantity of items were declared.
7. On November 17, 2021, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 402 items with a value of \$65,700. M&M provided Commercial Invoice Number 12468 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS subsequently detained and inspected the shipment and determined that it contained approximately 519 items. The shipment was appraised by CBP at \$462,669.69, meaning that only 14% of the actual shipment value and 77% of the quantity was declared.
8. At all times during the relevant period, M&M had a responsibility as the exporter and United States Principal Party in Interest (USPPI) of the transaction to ensure the accuracy of information provided to the freight forwarder for the purpose of effecting the export of items subject to the EAR. M&M was not absolved of its responsibility to ensure the accuracy of such information because of its use of a freight forwarder to effectuate its exports. *See* 15 C.F.R. § 758.3(a).
9. By submitting false and misleading information in connection with the export of shipments of consumer electronics on 4 occasions, M&M committed 4 violations of Section 764.2(g) of the Regulations.

Charges 5-94 15 C.F.R. § 764.2(i) – Failure to Comply with Recordkeeping Requirements

1. On 90 occasions between on or about July 3, 2019, through on or about December 14, 2021, M&M failed to comply with the recordkeeping requirements set forth in part 762 of the Regulations, in connection with 90 exports from the United States.
2. At all relevant times, the Regulations required retention of certain records for a period of five years. Specifically, Section 762.2(a) lists records to be retained, including “export control documents” such as bills of lading; correspondence; and financial records. Section 762.6(a) provides, in relevant part, that such records

must be retained for five years from the latest of the time of export or any other termination of the transaction.

3. On May 10, 2022, the Office of Export Enforcement New York Field Office (“OEE NYFO”) served M&M with a BIS Administrative Subpoena requesting the records, including but not limited to, invoices, correspondence with foreign purchasers, air waybills, and bills of lading, for the exports detailed in the Schedule of Violations below. On June 10, 2022, OEE NYFO received a response from legal counsel for M&M stating that no such records existed and therefore could not be provided.
4. By failing to comply with the recordkeeping requirements of Section 762 of the Regulations on 90 occasions, including the failure to retain all “export control documents” as defined in Section 772.1 of the Regulations, M&M committed 90 violations of Section 764.2(i) of the Regulations.

WHEREAS, Respondents have reviewed the Proposed Charging Letter and are aware of the allegations made against them and the administrative sanctions that could be imposed against them if the allegations are found to be true;

WHEREAS, Respondents have reviewed, with the assistance of counsel, the terms of this Agreement, 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, and the Proposed Charging Letter, and understand the terms of all three documents;

WHEREAS, Respondents enter into this Agreement voluntarily and with full knowledge of their rights, after having consulted with counsel;

WHEREAS, the Parties enter into this Agreement having taken into consideration the imposition of an approximately \$5.4 million penalty and \$462,669 civil forfeiture action by U.S. Customs and Border Protection against M&M;

WHEREAS, Respondents state that no promises or representations have been made to them other than the agreements and considerations herein expressed;

WHEREAS, Respondents admit committing the alleged conduct described in the Proposed Charging Letter; and

WHEREAS, Respondent agree to be bound by the Order, if issued;

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

1. BIS has jurisdiction over Respondents, under the Regulations, in connection with the matters alleged in the Proposed Charging Letter.
2. The following sanctions shall be imposed against Respondents:
 - a. For a period of three (3) years from the date of the Order, Respondents shall be made subject to a three-year denial of their export privileges under the Regulations (“denial”). As authorized by Section 766.18(c) of the Regulations, such denial shall be suspended during this three-year probationary period and shall thereafter be waived, provided that Respondents have not committed another violation of ECRA, the Regulations, or any order, license or authorization issued under ECRA or the Regulations, and have completed export controls compliance training as described below. If Respondents commit another violation of ECRA, the Regulations, or any order, license or authorization issued under ECRA or the Regulations during the three-year suspension period under the Order, or fail to complete the export controls compliance training, the suspension of the denial may be modified or revoked by BIS pursuant to Section 766.17(c) of the Regulations and a denial order (including a three-year denial period) activated

against Respondents. If the suspension of the denial is modified or revoked, the activation order may also revoke any BIS licenses in which Respondents have an interest at the time of the activation order.³

b. Should the suspension of the denial be modified or revoked pursuant to Section 766.17(c) of the Regulations, and a denial order (including a three-year denial period) be activated against Respondents, for the duration of such denial order, the Respondents, and when acting for or on their behalf, their successors, assigns, directors, officers, employees, representatives, or agents 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 engaging 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

³ Such a revocation would include licenses existing at the time of the activation order.

is subject to the Regulations, or from any other activity subject to the Regulations.

c. Respondents shall complete export compliance training on the Regulations within twelve (12) months from the date of the Order. Before Respondents attend a compliance training course or program, Respondents shall notify the Office of Export Enforcement, Special Agent in Charge of the New York Field Office, of the course or program they have selected to attend. No later than one month after attending the compliance training course or program, Respondents shall submit a certification of attendance from the training provider to the Office of Export Enforcement, New York Field Office, 1200 South Avenue, Suite 104, Staten Island, NY 10314-3420.

d. Compliance with the terms of this Agreement and the Order, including the timely completion and submission of verification of attendance at an export compliance training course or program in Paragraph 2.c, are hereby made conditions to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Respondents.

3. Subject to the approval of this Agreement pursuant to Paragraph 7 hereof, Respondents hereby waive all rights to further procedural steps in this matter including, without limitation, any right to: (a) an administrative hearing regarding the allegations in any charging letter; and (b) seek judicial review or otherwise contest the validity of this Agreement or the Order, if issued. Respondents recognize that they may not appeal or otherwise seek judicial review of a decision by the Assistant Secretary of Commerce for

Export Enforcement to modify or revoke the suspension of the denial of export privileges under Paragraph 2(a) hereof.⁴ Respondents also waive and will not assert any Statute of Limitations defense, and the Statute of Limitations will be tolled, in connection with any violation of the Act or the Regulations arising out of the transactions identified in the Proposed Charging Letter or enforcement of this Agreement and the Order, if issued, from the date of the Order until the later of the date between Respondents' completion and submission of verification of attendance at the export compliance training course or program in Paragraph 2.c., or the three-year suspension period under the Order has successfully run.

4. BIS agrees that upon successful compliance in full with the terms of this Agreement and the Order, if issued, BIS will not initiate any further administrative proceeding against Respondents in connection with any violation of 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

⁴ See Parts 766.18(e) and 756.2(a)(2) of the Regulations.

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 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/she has authority to enter into this Agreement and to bind his/her respective party to the terms and conditions set forth herein.

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

Digitally signed by JOHN
SONDERMAN
Date: 2024.11.15 09:09:49
-05'00'

John Sonderman
Director of Export Enforcement

Date: _____

M&M WIRELESS, INC.



Moheed Latif
Owner

Date: 11/14/24

MOHEED LATIF



Moheed Latif

Date: 11/14/24

HAMZA LATIF

Hamza

Hamza Latif

Date: 11/14/24

ABDU LATIF CHAUDHRY

Abdu Latif Chaudhry

Abdu Latif Chaudhry

Date: 11/14/24

Reviewed and Approved By:

Glenn Ripa

Glenn Ripa, Esq.
Counsel for Respondents

Date: 11/14/24

PROPOSED CHARGING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

M&M Wireless, Inc., a.k.a. M&M Wireless Communications, Inc.
Moheed Latif
Hamza Latif
Abdu Latif Chaudhry
1230 Broadway
New York, NY 10001

Attention: M&M Wireless, Inc and Messrs. M. Latif, H. Latif, and A. Latif Chaudhry:

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), has reason to believe that Moheed Latif, Hamza Latif, and Abdu Latif Chaudhry, and their company M&M Wireless Communications, Inc. of New York, New (collectively, “M&M”) have jointly and severally violated the Export Administration Regulations (“the Regulations” or “the EAR”).¹ Specifically, BIS alleges that M&M committed the following violations:

Charges 1-4 15 C.F.R. § 764.2(g) – Misrepresentation and Concealment of Facts

1. On 4 occasions between on or about November 24, 2020 and on or about November 17, 2021, M&M, and Moheed Latif, Hamza Latif, and Abdu Latif Chaudhry who at all times pertinent hereto were the owners of M&M Wireless Communications, Inc., made false and misleading statements and falsified material facts to a U.S. based freight forwarding company in preparing and submitting “export control documents” as defined in Section 772.1 of the Regulations, in connection with the export of 4 shipments of consumer electronics from the United States destined to Dubai, United Arab Emirates.
2. The Regulations require exporters to file Electronic Export Information (EEI) for certain exports, including when the value of the exported commodities is over \$2,500. 15 C.F.R. § 758.1(b)(5). The EEI is an “export control document,” as defined in Section 772.1 of the Regulations, and furthermore, “is a statement to the United States Government that the transaction occurred as described.” *Id.* § 758.1(a).
3. As detailed in the Schedule of Violations, M&M provided false or misleading information regarding the value and/or quantity of items contained in 4 exports between on or about November 24, 2020 and on or about November 17, 2021 in

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- the relevant Shipper's Export Declaration, Air Waybill, or other Export Control Documents prepared in connection with the exports.
4. On November 24, 2020, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 134 items with a value of \$28,000. M&M provided Commercial Invoice Number 12348 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS detained and inspected the shipment and determined that it contained approximately 600 items, meaning that only 22% of the items were declared.
 5. On December 3, 2020, EEI was filed at the direction of M&M. The shipment was declared to contain a quantity of 232 items with a value of \$35,850. M&M provided Commercial Invoice Number 12351 to the freight forwarder along with the shipment, declaring the same quantity and value. BIS detained and inspected the shipment and determined that it contained approximately 474 items, meaning that only 49% of the items were declared.
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 8. At all times during the relevant period, M&M had a responsibility as the exporter and United States Principal Party in Interest (USPPI) of the transaction to ensure the accuracy of information provided to the freight forwarder for the purpose of effecting the export of items subject to the EAR. M&M was not absolved of its responsibility to ensure the accuracy of such information because of its use of a freight forwarder to effectuate its exports. *See* 15 C.F.R. § 758.3(a).
 9. By submitting false and misleading information in connection with the export of shipments of consumer electronics on 4 occasions, M&M committed 4 violations of Section 764.2(g) of the Regulations.

Charges 5-94

15 C.F.R. § 764.2(i) – Failure to Comply with Recordkeeping Requirements

1. On 90 occasions between on or about July 3, 2019, through on or about December 14, 2021, M&M failed to comply with the recordkeeping requirements set forth in part 762 of the Regulations, in connection with 90 exports from the United States.
2. At all relevant times, the Regulations required retention of certain records for a period of five years. Specifically, Section 762.2(a) of the Regulations lists records to be retained, including “export control documents” such as bills of lading; correspondence; and financial records. Section 762.6(a) of the Regulations provides, in relevant part, that such records must be retained for five years from the latest of the time of export or any other termination of the transaction.
3. On May 10, 2022, the Office of Export Enforcement New York Field Office (“OEE NYFO”) served M&M with a BIS Administrative Subpoena requesting the records, including but not limited to, invoices, correspondence with foreign purchasers, air waybills, and bills of lading, for the exports detailed in the Schedule of Violations below. On June 10, 2022, OEE NYFO received a response from legal counsel for M&M stating that no such records existed and therefore could not be provided.
4. By failing to comply with the recordkeeping requirements of Section 762 of the Regulations on 90 occasions, including the failure to retain all “export control documents” as defined in Section 772.1 of the Regulations, M&M committed 90 violations of Section 764.2(i) of the Regulations.

* * * * *

Accordingly, M&M is hereby notified that an administrative proceeding is instituted against it pursuant to Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, potentially including, but not limited to, any or all of the following:

- The maximum civil penalty allowed by law of up to the greater of \$364,992 per violation,² or twice the value of the transaction that is the basis of the violation;³
- Denial of export privileges;
- Exclusion from practice before BIS; and/or
- Any other liability, sanction, or penalty available under law.

² See 15 C.F.R. § 6.3(c)(6). This amount is subject to annual increases pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Sec. 701 of Public Law 114-74, enacted on November 2, 2015. See 88 Fed. Reg. 89,300 (Dec. 27, 2023) (adjusting for inflation the maximum civil monetary penalty under ECRA from \$353,534 to \$364,992, effective January 15, 2024).

³ See Export Control Reform Act of 2018, 50 U.S.C. § 4819(c)(1)(A) (2019).

If M&M 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 M&M defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to M&M. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty for the charges in this letter.

M&M is further notified that it is entitled to an agency hearing on the record if it files a written demand for one with its answer. *See* 15 C.F.R. § 766.6. M&M is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. *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 M&M have a proposal to settle this case, M&M should transmit it to the attorney representing BIS named below.

M&M is further notified that under the Small Business Regulatory Enforcement Fairness Act, M&M 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, M&M'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 M&M's answer must be served on BIS at the following address:

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

Michael Goldstein is the attorney representing BIS in this case; any communications that M&M may wish to have concerning this matter should occur through him. Mr. Goldstein may be contacted by phone at (202) 482-6424.

Sincerely,

John D. Sonderman
Director
Office of Export Enforcement

| Schedule of Violations | | | |
|------------------------|-------------|----------------|-------------------|
| Charge No. | Export Date | Declared Value | Violation Type |
| 1 | 11/24/2020 | \$28,000.00 | Misrepresentation |
| 2 | 12/7/2020 | \$35,850.00 | Misrepresentation |
| 3 | 3/30/2021 | \$27,850.00 | Misrepresentation |
| 4 | 11/17/2021 | \$65,700.00 | Misrepresentation |
| 5 | 7/2/2019 | \$73,600.00 | Recordkeeping |
| 6 | 7/8/2019 | \$61,650.00 | Recordkeeping |
| 7 | 7/15/2019 | \$54,900.00 | Recordkeeping |
| 8 | 7/20/2019 | \$56,100.00 | Recordkeeping |
| 9 | 7/30/2019 | \$50,900.00 | Recordkeeping |
| 10 | 8/5/2019 | \$52,400.00 | Recordkeeping |
| 11 | 8/19/2019 | \$55,000.00 | Recordkeeping |
| 12 | 8/30/2019 | \$51,200.00 | Recordkeeping |
| 13 | 9/7/2019 | \$47,750.00 | Recordkeeping |
| 14 | 9/13/2019 | \$53,900.00 | Recordkeeping |
| 15 | 9/20/2019 | \$54,250.00 | Recordkeeping |
| 16 | 9/24/2019 | \$53,400.00 | Recordkeeping |
| 17 | 9/28/2019 | \$50,800.00 | Recordkeeping |
| 18 | 10/2/2019 | \$44,000.00 | Recordkeeping |
| 19 | 10/11/2019 | \$42,050.00 | Recordkeeping |
| 20 | 10/16/2019 | \$43,000.00 | Recordkeeping |

| | | | |
|----|------------|--------------|---------------|
| 21 | 10/22/2019 | \$39,880.00 | Recordkeeping |
| 22 | 10/28/2019 | \$36,710.00 | Recordkeeping |
| 23 | 11/2/2019 | \$34,675.00 | Recordkeeping |
| 24 | 11/9/2019 | \$39,785.00 | Recordkeeping |
| 25 | 11/16/2019 | \$47,130.00 | Recordkeeping |
| 26 | 11/21/2019 | \$36,710.00 | Recordkeeping |
| 27 | 11/26/2019 | \$23,675.00 | Recordkeeping |
| 28 | 12/6/2019 | \$36,360.00 | Recordkeeping |
| 29 | 12/14/2019 | \$41,350.00 | Recordkeeping |
| 30 | 12/23/2019 | \$47,425.00 | Recordkeeping |
| 31 | 12/28/2019 | \$43,400.00 | Recordkeeping |
| 32 | 1/4/2020 | \$37,250.00 | Recordkeeping |
| 33 | 1/14/2020 | \$30,385.00 | Recordkeeping |
| 34 | 1/21/2020 | \$27,625.00 | Recordkeeping |
| 35 | 1/28/2020 | \$26,790.00 | Recordkeeping |
| 36 | 2/4/2020 | \$34,375.00 | Recordkeeping |
| 37 | 2/16/2020 | \$34,375.00 | Recordkeeping |
| 38 | 2/26/2020 | \$34,475.00 | Recordkeeping |
| 39 | 3/10/2020 | \$38,800.00 | Recordkeeping |
| 40 | 5/17/2020 | \$44,550.00 | Recordkeeping |
| 41 | 5/27/2020 | \$44,550.00 | Recordkeeping |
| 42 | 6/10/2020 | \$21,550.00 | Recordkeeping |
| 43 | 7/2/2020 | \$113,490.00 | Recordkeeping |
| 44 | 7/13/2020 | \$68,190.00 | Recordkeeping |
| 45 | 7/21/2020 | \$68,190.00 | Recordkeeping |
| 46 | 7/27/2020 | \$76,900.00 | Recordkeeping |
| 47 | 8/6/2020 | \$86,000.00 | Recordkeeping |
| 48 | 8/10/2020 | \$81,125.00 | Recordkeeping |
| 49 | 8/18/2020 | \$91,225.00 | Recordkeeping |
| 50 | 8/21/2020 | \$71,450.00 | Recordkeeping |
| 51 | 8/29/2020 | \$45,250.00 | Recordkeeping |
| 52 | 9/8/2020 | \$47,025.00 | Recordkeeping |
| 53 | 9/22/2020 | \$49,125.00 | Recordkeeping |

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|----|------------|-------------|---------------|
| 54 | 10/5/2020 | \$73,450.00 | Recordkeeping |
| 55 | 10/11/2020 | \$26,100.00 | Recordkeeping |
| 56 | 10/26/2020 | \$43,125.00 | Recordkeeping |
| 57 | 10/30/2020 | \$20,250.00 | Recordkeeping |
| 58 | 11/10/2020 | \$24,550.00 | Recordkeeping |
| 59 | 11/16/2020 | \$42,200.00 | Recordkeeping |
| 60 | 12/8/2020 | \$26,700.00 | Recordkeeping |
| 61 | 12/20/2020 | \$25,800.00 | Recordkeeping |
| 62 | 12/29/2020 | \$56,925.00 | Recordkeeping |
| 63 | 1/12/2021 | \$32,850.00 | Recordkeeping |
| 64 | 1/25/2021 | \$63,250.00 | Recordkeeping |
| 65 | 2/6/2021 | \$63,950.00 | Recordkeeping |
| 66 | 2/6/2021 | \$63,950.00 | Recordkeeping |
| 67 | 2/15/2021 | \$63,500.00 | Recordkeeping |
| 68 | 2/22/2021 | \$46,450.00 | Recordkeeping |
| 69 | 3/5/2021 | \$50,350.00 | Recordkeeping |
| 70 | 3/17/2021 | \$56,550.00 | Recordkeeping |
| 71 | 3/22/2021 | \$44,750.00 | Recordkeeping |
| 72 | 4/13/2021 | \$50,900.00 | Recordkeeping |
| 73 | 4/30/2021 | \$70,100.00 | Recordkeeping |
| 74 | 5/8/2021 | \$51,800.00 | Recordkeeping |
| 75 | 5/17/2021 | \$49,350.00 | Recordkeeping |
| 76 | 5/28/2021 | \$62,350.00 | Recordkeeping |
| 77 | 6/8/2021 | \$53,600.00 | Recordkeeping |
| 78 | 6/26/2021 | \$42,450.00 | Recordkeeping |
| 79 | 7/3/2021 | \$45,200.00 | Recordkeeping |
| 80 | 7/13/2021 | \$63,550.00 | Recordkeeping |
| 81 | 7/20/2021 | \$78,250.00 | Recordkeeping |
| 82 | 7/28/2021 | \$67,600.00 | Recordkeeping |
| 83 | 8/9/2021 | \$49,800.00 | Recordkeeping |
| 84 | 8/23/2021 | \$58,650.00 | Recordkeeping |
| 85 | 9/2/2021 | \$64,150.00 | Recordkeeping |
| 86 | 9/10/2021 | \$55,540.00 | Recordkeeping |

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|----|------------|-------------|---------------|
| 87 | 9/16/2021 | \$45,700.00 | Recordkeeping |
| 88 | 9/28/2021 | \$61,800.00 | Recordkeeping |
| 89 | 10/5/2021 | \$59,820.00 | Recordkeeping |
| 90 | 10/14/2021 | \$65,200.00 | Recordkeeping |
| 91 | 10/23/2021 | \$59,675.00 | Recordkeeping |
| 92 | 10/29/2021 | \$73,400.00 | Recordkeeping |
| 93 | 11/3/2021 | \$40,750.00 | Recordkeeping |
| 94 | 11/8/2021 | \$48,560.00 | Recordkeeping |