



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

WARNING LETTER

23 August 2019

Ekman & Co Inc.
8750 NW 36th Street – Suite 400
Miami, FL 33178

Attention: Adam Bonner,
Vice-President

Case No 19.04

Dear Mr. Bonner,

We, the Office of Antiboycott Compliance, Bureau of Industry and Security, United States Department of Commerce, following our examination of records of certain export transactions of Ekman & Co Inc. (Miami) (“Ekman”), have reason to believe that you, Ekman, have violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2019)) (the “Regulations”)¹ in that, on three occasions you failed to report to the Department of Commerce your receipt of a request to engage in a restrictive trade practice or boycott, as required by the Regulations.

¹ The transactions and violations alleged occurred during the years 2016 through 2018. The Regulations governing the violations at issue are found in the 2016, 2017 and 2018 versions of the Code of Federal Regulations (15 C.F.R. Parts 730 – 774 (2016, 2017 and 2018)). The 2019 Regulations currently govern the procedural aspects of this matter.

The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. §§ 4601-4623 (Supp. III 2015) (“the EAA”), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent of which was August 8, 2018 (83 Fed. Reg. 39,871 (Aug. 13, 2018)), continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. § 1701, *et seq.* (2012) (“IEEPA”).

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, Title XVII, Subtitle B of Pub. L. 115-232 (“ECRA”). The Anti-Boycott Act of 2018, Title XVII, Subtitle B, Part II of Pub. L. 115-232, is a subpart of ECRA. ECRA provides permanent authority for the Regulations. While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA 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.



Specifically, on or about 14 June 2016, 24 July 2017 and 28 February 2018, in connection with the sale and/or transfer of goods or services (including information) from the United States to Libya, you received a request, as described in Table A, which is attached and incorporated herein by this reference, to take an action which would have the effect of furthering or supporting a restrictive trade practice or unsanctioned foreign boycott.

Section 760.5 of the Regulations requires United States persons to report to the Department of Commerce their receipts of such requests. You failed to report to the Department of Commerce your receipts of these requests.

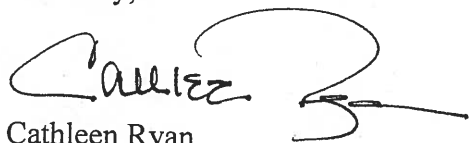
All United States persons are required to comply with the Regulations. However, having considered all the facts and circumstances known to us at this time, including the results of our examination of Ekman's export transactions, we are closing this investigation with the issuance of this Warning Letter.

This Warning Letter applies only to the transactions referred to herein. Other violations of the Regulations not expressly referred to in this Warning Letter may result in the institution of administrative proceedings against you which could result in the imposition of civil penalties and/or any of the other sanctions set forth in Section 764.3 of the Regulations. You should, therefore, ensure that Ekman strictly adheres to the Regulations in all future transactions.

Warning Letters are made available for public inspection in the Freedom of Information Reading Room section displayed on the Bureau of Industry and Security website at <http://efoia.bis.doc.gov>.

Should you have any questions or comments relating to this Warning Letter, please contact me at (202) 482.2381.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathleen Ryan", followed by a stylized flourish.

Cathleen Ryan
Director
Office of Antiboycott Compliance

TABLE A

Schedule of Alleged Violations of Section 760.5
Failure to Report Receipts of Boycott Requests

Ekman & Co Inc. (Miami)
Case No. 19.04

Ekman Reference/ Letter of Credit	Date Request Received	Date Reporting Violation*	Boycotting Country	Boycott Request
Invoice # 101106758/ 16LILC000303	06.14.16	07.31.16	Libya	DECLARATION OF SHIPPING COMPANY OR ITS AGENT STATING THAT THE CARRYING VESSEL IS ALLOWED TO ENTER LIBYAN PORTS.....
Invoice # 101119894/ 17LILC000275	07.24.17	10.31.17	Libya	DECLARATION OF SHIPPING COMPANY OR ITS AGENT STATING THAT THE VESSEL CARRYING THE GOODS IS ALLOWED TO ENTER LIBYAN PORTS.....
Invoice # 101125276/ 16169/B43/653/18	02.28.18	04.30.18	Libya	DECLARATION OF SHIPPING COMPANY OR ITS AGENT THAT THE CARRYING VESSEL IS ALLOWED TO ENTER PORTS OF LIBYA

* When the person receiving the request is a United States person located in the United States, each report of requests must be postmarked by the last day of the month following the calendar quarter in which the request was received (§ 760.5(b)(4)(i)).



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

WARNING LETTER

October 9, 2019

Patterson Pump Company
2129 Ayersville Road
Toccoa, GA 30577

Attention: Melissa Lynch,
Vice President
Contract Compliance

Case No. 19-03

Gentlemen/Ladies:

We, the Office of Antiboycott Compliance, Bureau of Industry and Security, United States Department of Commerce, following our examination of records of certain export transactions of Patterson Pump Company ("Patterson"), have reason to believe that you, Patterson, have violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2019)) (the "Regulations")¹, in that, on three occasions, you failed to report to the Department of Commerce your receipt of a request to engage in a restrictive trade practice or boycott, as required by the Regulations.

¹ The transactions and violations alleged occurred during the years 2014 and 2015. The Regulations governing the violations at issue are found in the 2014 and 2015 versions of the Code of Federal Regulations (15 C.F.R. Parts 730 – 774 (2014 and 2015)). The 2019 Regulations currently govern the procedural aspects of this matter.

The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. §§ 4601-4623 (Supp. III 2015) ("the EAA"), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent of which was August 14, 2019 (84 Fed. Reg. 41,881 (Aug. 15, 2019)), continued the Regulations in full force and effect under the International Emergency Economic Powers Act, (50 U.S.C. § 1701, *et seq.* (2012)) ("IEEPA").

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, Title XVII, Subtitle B of Pub. L. 115-232 ("ECRA"). The Anti-Boycott Act of 2018, Title XVII, Subtitle B, Part II of Pub. L. 115-232, is a subpart of ECRA. ECRA provides permanent authority for the Regulations. While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA 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.



Specifically, on three occasions, on or about October 29, 2014, February 27, 2015 and June 09, 2015, in connection with the sale and/or transfer of goods or services (including information) from the United States to Qatar, you received a request, as described in Table A, which is attached and incorporated herein by this reference, to take an action which would have the effect of furthering or supporting a restrictive trade practice or unsanctioned foreign boycott.

Section 760.5 of the Regulations requires United States persons to report to the Department of Commerce their receipts of such requests. You failed to report to the Department of Commerce your receipts of these requests.

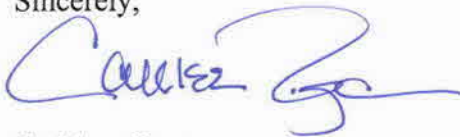
All United States persons are required to comply with the Regulations. However, having considered all the facts and circumstances known to us at this time, including the results of our examination of Patterson's export transactions, we are closing this investigation with the issuance of this Warning Letter.

This Warning Letter applies only to the transactions referred to herein. Other violations of the Regulations not expressly referred to in this Warning Letter may result in the institution of administrative proceedings against you which could result in the imposition of civil penalties and/or any of the other sanctions set forth in Section 764.3 of the Regulations. You should, therefore, ensure that Patterson strictly adheres to the Regulations in all future transactions.

Warning Letters are made available for public inspection in the Freedom of Information Reading Room section displayed on the Bureau of Industry and Security web site at <http://efoia.bis.doc.gov>

Should you have any questions or comments relating to this Warning Letter, please contact me at (202) 482-2381.

Sincerely,



Cathleen Ryan
Director
Office of Antiboycott Compliance

TABLE A

Schedule of Alleged Violations of Section 760.5
FAILURE TO REPORT RECEIPTS OF BOYCOTT REQUESTS

PATTERSON PUMP COMPANY
Case No. 19-03

Item #	File Reference #	Letter of Credit #	Date Request Received	Date Reporting Violation*	Boycotting Country	Boycott Request
1	110 & 111	#022221/14/002566	10/29/14	01/31/15	QATAR	46A: DOCUMENTS REQUIRED 6. CERTIFICATE...FROM THE SHIPPING CO./OWNER/AGENT/CAPTAIN OF THE CARRYING VESSEL...CONFIRMING THAT IT IS PERMITTED TO ENTER ARAB PORTS.
2	124	#DPCDOH150349	02/27/15	04/30/15	QATAR	46A: DOCUMENTS REQUIRED 5. CERTIFICATE FROM THE SHIPPING CO OR THEIR AGENT STATING THAT THE GOODS ARE SHIPPED ON CONFERENCE/REGULAR LINE VESSELS...THAT ARE ALLOWED BY THE ARAB AUTHORITIES TO CALL AT ARABIAN PORTS.
3	131	#DLC1502634-17	06/09/15	07/31/15	QATAR	46A: DOCUMENTS REQUIRED 5. A CERTIFICATE FROM THE SHIPPING COMPANY OR THEIR AGENT SHOWING VESSEL NAME AND BILL OF LADING NUMBER AND STATING THAT (A) THE CARRYING VESSEL IS ALLOWED TO ENTER ARAB PORTS.

* As provided in Section 760.5(b)(4)(i) of the Regulations, where the person receiving the request is a United States person located in the United States, each report of requests must be postmarked by the last day of the month following the calendar quarter in which the request was received.