

interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Sobrado's conviction for violating 18 U.S.C. 371, and has provided notice and opportunity for Sobrado 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.<sup>2</sup> BIS has not received a written submission from Sobrado.

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 Sobrado's export privileges under the Regulations for a period of 10 years from the date of Sobrado's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Sobrado had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until September 5, 2029, Roger Sobrado, with a last known address of Inmate Number: 71907-050, USP Lewisburg, U.S. Penitentiary, P.O. Box 1000, Lewisburg, PA 17837, 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 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 the Export Control Reform Act (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 Sobrado 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, Sobrado 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 Sobrado and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until September 5, 2029.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2021-17455 Filed 8-13-21; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**In the Matter of: Oben Cabalceta, Inmate Number: 72454-050, FCI Oakdale, Federal Correctional Institution, P.O. Box 5010, Oakdale, LA 71463; Order Denying Export Privileges**

On September 18, 2019, in the U.S. District Court for the District of New Jersey, Oben Cabalceta ("Cabalceta"), was convicted of violating 18 U.S.C. 371. Specifically, Cabalceta was convicted of knowingly and intentionally conspiring and agreeing with others to export and causing to be exported ITAR-controlled technical data, designated as defense articles on the United States Munitions List, to one or more foreign nationals, without having first obtained from the United States Department of State, a license or other written approval for such export. Cabalceta was sentenced to 42 months in prison, two years of supervised release, \$200 special assessment and restitution of \$1,890,939.

Pursuant to Section 1760(e) of the Export Control Reform Act ("ECRA"),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371, 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 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 Cabalceta's conviction for violating 18 U.S.C. 371, and has provided notice and opportunity for Cabalceta to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"). 15 CFR 66.25.<sup>2</sup> BIS

<sup>1</sup> 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. Cabalceta's conviction post-dates ECRA's enactment on August 13, 2018.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2021).

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2021).

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

has not received a written submission from Cabalceta.

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 Cabalceta's export privileges under the Regulations for a period of 10 years from the date of Cabalceta's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Cabalceta had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until September 18, 2029, Oben Cabalceta, with a last known address of Inmate Number: 72454-050, FCI Oakdale II, Federal Correctional Institution, P.O. Box 5010, Oakdale, LA 71463, 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 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 the Export Control Reform Act (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 Cabalceta 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, Cabalceta 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 Cabalceta and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until September 18, 2029.

**John Sonderman**,

*Director, Office of Export Enforcement.*

[FR Doc. 2021-17457 Filed 8-13-21; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**In the Matter of: Armando Antonio Perez Cepeda, Jr., 1861 NW South River Drive, Apt 2501, Miami, FL 33128; Order Denying Export Privileges**

On January 10, 2019, in the U.S. District Court for the Middle District of Florida, Armando Antonio Perez Cepeda, Jr. ("Cepeda"), was convicted of violating 18 U.S.C. 554. Specifically, Cepeda was convicted of fraudulently and knowingly buying, selling, and facilitating the transportation and sale of a defense article without a license contrary to 22 U.S.C. 2278 and 22 CFR 127.1(a)(1), knowing the same to be intended for exportation, in violation of 18 U.S.C. 554. Cepeda was sentenced to 48 months on probation and a \$100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act ("ECRA"),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, 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 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 Cepeda's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Cepeda 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.<sup>2</sup> BIS has not received a written submission from Cepeda.

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 Cepeda's export privileges under the Regulations for a period of three years from the date of Cepeda's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which

<sup>1</sup> 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. Cepeda's conviction post-dates ECRA's enactment on August 13, 2018.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2021).

<sup>3</sup> 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).