

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

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In the Matter of: )  
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Erika P. Jardine, aka Eriklynn Pattie Jardine, aka )  
Erika Pattie Jardine )  
P.O. Box 3633 )  
Vista, CA 92085 )  
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ORDER DENYING EXPORT PRIVILEGES

A. Denial of Export Privileges of Erika P. Jardine

On February 22, 2006, in the U.S. District Court in the Eastern District of Pennsylvania, following a plea of guilty, Erika P. Jardine ("Jardine") was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. §§ 2778 (2000)) ("AECA"). Jardine pled guilty of willfully exporting and attempting to export and causing to export, from the United States to European Countries, defense articles, that is small arm protective inserts (SAPIs), which were designated as defense articles on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export.

In addition to the violation of the AECA, Jardine was convicted of theft and selling of U.S. property, in violation of 18 U.S.C. 641 (2000). Jardine was sentenced to six months imprisonment followed by three years of supervised release and fined \$6,500. Her scheduled release date is February 28, 2007.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401-2420 (2000)) ("Act")<sup>1</sup> and Section 766.25 of the Export

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<sup>1</sup> 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)), as extended by the Notice

Administration Regulations<sup>2</sup> (“Regulations”) provide, in pertinent part, that “[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny export privileges of any person who has been convicted of a violation of . . . Section 38 of the Arms Export Control Act,” for a period not to exceed 10 years from the date of conviction. 15 C.F.R. §§ 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that BIS’s Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Jardine’s conviction for violating the AECA, and have provided notice and an opportunity for Jardine to make a written submission to the Bureau of Industry and Security as provided in Section 766.25 of the Regulations. I have also received a written submission from Jardine explaining why she does not believe a 10 year denial is appropriate and have decided, following consideration of her submission and consultations with the Office of Export Enforcement, including the Director, Office of Export Enforcement, to deny Jardine’s export privileges under the Regulations for a period of seven years from the date of Jardine’s conviction.

Accordingly, it is hereby

ORDERED

I. Until February 22, 2013, Erika Jardine, aka Eriklynn Pattie Jardine, aka Erika

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of August 3, 2006 (71 Fed. Reg. 44551, Aug. 7, 2006), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”).

<sup>2</sup> The Regulations are currently codified at 15 C.F.R. Parts 730-774 (2006).

Pattie Jardine, P.O. Box 3633, Vista, CA 92085, and when acting for or on behalf of Jardine, her representatives, assigns, agents, or employees, (collectively referred to hereinafter as 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, 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 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 in any other activity subject to the Regulations.
- II. 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.

III. After notice and opportunity for comment as provided in section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Erika Jardine 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.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until February 22, 2013.

VI. In accordance with Part 756 of the Regulations, Jardine 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.

VII. A copy of this Order shall be delivered to Jardine. This Order shall be published in the Federal Register.

Date: February 9, 2007

  
Eileen M. Albanese  
Director  
Office of Exporter Services