

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

In the Matter of:

Michael Justin Huynh
8529 Ardennes Way
Elk Grove, CA 95758

ORDER DENYING EXPORT PRIVILEGES

On September 3, 2019, in the U.S. District Court for the District of Arizona, Michael Justin Huynh (“Huynh”) was convicted of violating 18 U.S.C. § 554(a). Specifically, Huynh was convicted of knowingly exporting and attempting to export from the United States to Mexico, sixteen (16) AK-type semiautomatic rifles and three (3) .50 caliber semiautomatic rifles, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, in violation of 18 U.S.C. § 554.

As a result of his conviction, the Court sentenced Huynh to 63 months in prison with credit for time served, three years of supervised release, and a \$100 court assessment.

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, 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

¹ ECRA was enacted on August 13, 2018, 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.

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 Huynh's conviction for violating 18 U.S.C. § 554 and, as provided in Section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"), has provided notice and opportunity for Huynh to make a written submission to BIS. 15 C.F.R. § 766.25.² BIS has not received a submission from Huynh.

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

Accordingly, it is hereby **ORDERED**:

First, from the date of this Order until September 3, 2029, Michael Justin Huynh, with a last known address of 8529 Ardennes Way, Elk Grove, CA 95758, 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

² The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2022).

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

“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, reexport, or transfer (in-country) 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 the Denied Person 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, the Denied Person 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 the Denied Person and shall be published in the *Federal Register*.

Sixth, this Order is effective immediately and shall remain in effect until September 3, 2029.

John Sonderman

John Sonderman

Director

Office of Export Enforcement

Issued this 29 day of August, 2022.