



[Billing Code: 4710-25]

DEPARTMENT OF STATE

[Public Notice 8540]

Bureau of Political-Military Affairs; Administrative Debarment of LeAnne Lesmeister under the Arms Export Control Act and the International Traffic in Arms Regulations

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has imposed administrative debarment pursuant to section 127.7(a) of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 to 130) on LeAnne Lesmeister.

EFFECTIVE DATE: November 25, 2013. (*Date of signature of the Order*)

FOR FURTHER INFORMATION CONTACT:

Sue Gainor, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 632-2798.

SUPPLEMENTARY INFORMATION: The International Traffic in Arms Regulations ("ITAR"), the implementing regulations of Section 38 of the Arms Export Control Act, as amended, ("AECA") (22 U.S.C. 2778), regulate the export and temporary import of defense articles and defense services. Section 127.7(a) of the ITAR authorizes the Assistant Secretary of State for Political-Military Affairs to debar any person who has been found, pursuant to part 128 of the ITAR, to have committed a violation of the AECA or the ITAR of such character as to provide a reasonable basis for the Directorate of Defense Trade Controls to believe that the violator cannot be relied upon to comply with the AECA or ITAR in the future. Such debarment prohibits the subject from participating directly or indirectly in any activities that are subject to the ITAR.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (see e.g., sections 120.1(c) and (d), 126.7, 127.1(d), and 127.11(a)). The Department of State applies a presumption of denial for licenses or other approvals involving such persons as described in ITAR section 127.11.

Pursuant to section 38 of the AECA and section 128.3 of the ITAR, on July 15, 2013, the Department of State initiated administrative proceedings, by means of a charging letter, against LeAnne Lesmeister to impose debarment in accordance with section 127.7 of the ITAR. (The United States Department of State, Docket # 13-DOS-0001). Ms. Lesmeister was charged with twenty-one violations in connection with the creation and use of export control documents containing false statements or omitting and misrepresenting material facts for the purpose of exporting, retransferring, or furnishing defense articles, technical data, or defense services, and causing the unauthorized export of technical data and provision of defense services, all in violation of section 38 of the AECA and section 127 of the ITAR.

Ms. Lesmeister, by and through her position of authority as an export compliance officer and empowered official at Honeywell International, Inc., created export control documents purporting to be authorized by the Department of State and presented those fabrications to her employer as valid Department of State authorizations. In this manner, Ms. Lesmeister caused her employer to rely on the falsified authorizations in the export of defense articles, including technical data, and provision of defense services without the requisite authorizations, all in violation of the AECA and ITAR.

Due to Ms. Lesmeister's failure to answer the charges as provided in section 128.5(a) of the ITAR, the Department referred the case to an Administrative Law Judge for consideration, in accordance with section 128.4 of the ITAR. Pursuant to section 128.3 of the ITAR and the

Default Order of the Administrative Law Judge, dated October 29, 2013, Ms. Lesmeister's failure to answer the charges constituted an admission of the truth of the charges.

Section 128.4 of the ITAR provides for a respondent's ability to petition to set aside defaults upon showing good cause; however, the filing of such a petition does not in any manner affect an order entered upon default and such order continues in full force and effect unless a further order is made modifying or terminating it.

On November 25, 2013, as the result of the established violations and pursuant to section 127.7 of the ITAR, LeAnne Lesmeister was administratively debarred by the Assistant Secretary of State for Political-Military Affairs for a period of three years, until November 25, 2016; Reinstatement after November 25, 2016 is not automatic. At the end of the debarment period, Ms. Lesmeister may apply for reinstatement. Until licensing privileges are reinstated, Ms. Lesmeister will remain debarred. No civil penalties have been imposed at this time.

This notice is provided to make the public aware that the person listed above is prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR.

Further, pursuant to section 120.1(d) of the ITAR, persons with knowledge that another person is ineligible must obtain authorization from the Directorate of Defense Trade Controls prior to, directly or indirectly and in any manner or capacity, applying for, obtaining, or using any export control document for such ineligible person, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing or participating in any manner in any transaction that may involve any defense article,

which includes technical data, defense services, or brokering activities, where such ineligible person may obtain any benefit therefrom or have any direct or indirect interest therein.

Exceptions may be made to this denial policy on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and law enforcement concerns.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedures Act. Because the exercise of this foreign affairs function is highly discretionary, it is excluded from review under the Administrative Procedures Act.

November 25, 2013

Dated

Tom Kelly
Acting Assistant Secretary
Bureau of Political-Military Affairs
Department of State

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