

WHAT HAPPENS IF I VIOLATE EXPORT CONTROLS IN THE USA - 2016?

Posted on October 27, 2016

Justice: "Two Men Sentenced In Scam To Illegally Export Goods To Syria"

(Source: [Justice](#)) [Excerpts.]

The United States Attorney's Office for the Middle District of Pennsylvania announced on 26th October 2016 that Harold Rinko, of Hallstead, Pennsylvania and Ahmad Feras Diri, of London, UK, had been sentenced by United States District Court Judge Malachy E. Mannion in Scranton for their involvement in a conspiracy to illegally export goods to Syria.

According to United States Attorney Bruce D. Brandler, Diri, of London, UK, was sentenced to a 37-month term of imprisonment, a US\$100 special assessment, and ordered to forfeit US\$45,698 to the US Government. Diri was arrested by the Metropolitan Police in London on March 14, 2013, and extradited to the United States on charges in the Middle District of Pennsylvania.

On October 13, 2016, Rinko was sentenced to a term of time served, 12 months of home confinement, a fine of US\$2,600, a term of supervised release of 2 years, and was ordered to forfeit US\$45,698 to the US Government. A third defendant, Moawea Deri, a citizen of Syria, remains a fugitive from justice.

Rinko operated an export business in Hallstead, Pennsylvania and conspired with Diri to ship items purchased by customers in Syria in violation of United States law. The three men conspired to export various items from the United States, through third party countries to customers in Syria. The conspirators prepared false invoices which undervalued and mislabelled the goods being purchased and also listed false information as to the identity and geographic location of the purchasers of the goods. The items would be shipped from the United States to Jordan, the United Arab Emirates, and the UK, and thereafter trans-shipped to Syria. One such item is described in communications between the conspirators as "*it is a portable multi-gas scanner for the detection of chemical warfare agents. Nerve, blood and lung warfare agents are detected using a highly sensitive ion mobility spectrometer.*"

Commerce/BIS: Technoline SAL of Sin El Fil, Beirut, Lebanon to Pay \$450,000 to Settle Alleged Export Violations

(Source: [Commerce/BIS](#)) [Excerpts.]

* Respondent: Technoline SAL, Sin El Fil, Beirut, Lebanon

* Charges: 7 Charges of 15 C.F.R. § 764.2(b): Causing, Aiding, or Abetting a Violation of the Regulations:

Technoline SAL ("Technoline") caused, aided, and/or abetted violations of the Regulations on seven occasions between on or about August 20, 2009, and on or about October 21, 2010, when it caused, aided, and/or abetted exports or reexports to Syria of items subject to the Regulations without the required BIS licenses. The items involved were U.S.-origin mass spectrometers, gas chromatographs and consumables, liquid chromatograph-mass spectrometer systems, and liquid chromatograph modules subject to the Regulations, classified under Export Control Classification Number ("ECCN") 3A999, controlled for anti-terrorism reasons, and valued in total at \$583,109.56.

* Penalty: Civil penalty of \$450,000

* Debarred: Not if penalty is paid as agreed and Technoline has committed no other violation of the Act or the Regulations or any order, license or authorization issued there under, otherwise 2 years.

* Date of Order: 29 September 2016

Commerce/BIS: Walter Anders and Terand, Inc., both of Huntersville, NC, Denied Export Privileges for Eight Years to Settle Alleged Export Violations

* Respondents: Walter Anders and Terand, Inc. both of Huntersville NC

* Charges: 15 CFR 764.2(b), Causing, Aiding, and/or Abetting Unlicensed Exports of Controlled Carbon Fiber. On at least eight occasions between on or about April 5, 2012, and on or about December 1, 2012, Terand/Anders caused, aided, and/or abetted the export of approximately 6,557 kg of U.S.-origin T300 carbon fiber to Singapore without the required BIS licenses.

* Debarred: Both respondents are denied export privileges for eight years

* Date of Order: 12 August 2015

Commerce/BIS: Alcon Pharmaceuticals Ltd. of Fribourg CH and Alcon Laboratories, Inc. of Forth Worth TX, to Pay \$8,100,000 to Settle Alleged Export Violations

* Respondents: Alcon Pharmaceuticals Ltd., Fribourg, Switzerland and Alcon Laboratories, Inc. of Forth Worth, TX

* Charges:

– Alcon Pharmaceuticals Ltd.: 100 Charges of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation; and 45 Charges of 15 C.F.R. § 764.2(a)- Unlicensed Reexports to Syria

– Alcon Laboratories, Inc.: 43 Charges of 15 C.F.R. § 764.2(a) – Unlicensed Exports to Iran

* Penalty: Civil penalty of \$8,100,000. Alcon Pharmaceuticals and Alcon Labs are jointly and severally liable for the payment of this civil penalty.

* Debarred: Not if penalty is paid as agreed, and both companies also comply with the OFAC settlement agreement

* Date of Order: 30 June 2016

Commerce/BIS: Alcon Pharmaceuticals Ltd. of Fribourg CH and Alcon Laboratories, Inc. of Forth Worth TX, to Pay \$8,100,000 to Settle Alleged Export Violations

(Source: [Commerce/BIS](#))

* Respondents: Alcon Pharmaceuticals Ltd., Fribourg, Switzerland and Alcon Laboratories, Inc. of Forth Worth, TX

* Charges:

– Alcon Pharmaceuticals Ltd.: 100 Charges of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation; and 45 Charges of 15 C.F.R. § 764.2(a)- Unlicensed Reexports to Syria

– Alcon Laboratories, Inc.: 43 Charges of 15 C.F.R. § 764.2(a) – Unlicensed Exports to Iran

* Penalty: Civil penalty of \$8,100,000. Alcon Pharmaceuticals and Alcon Labs are jointly and severally liable for the payment of this civil penalty.

* Debarred: Not if penalty is paid as agreed, and both companies also comply with the OFAC settlement agreement

* Date of Order: 30 June 2016

Alcon Laboratories, Inc., Fort Worth, Texas, Alcon Pharmaceuticals Ltd., Fribourg, Switzerland, and Alcon Management, SA, Genève, Switzerland (collectively, “Alcon”), have agreed to settle potential civil liability with the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) in the amount of \$7,617,150 for apparent violations of the Iranian Transactions and Sanctions Regulations, 31 C.F.R. part 560 (ITSR) and the Sudanese Sanctions Regulations, 31 C.F.R. part 538 (SSR). Alcon’s settlement with OFAC is concurrent with its settlement agreement with the Department of Commerce’s Bureau of Industry and Security (BIS). Alcon’s obligation to pay the settlement amount with OFAC will be satisfied by: (a) Alcon’s payment of \$1,317,150 to the U.S Department of the Treasury, (b) its payment to BIS as set forth in the concurrent settlement agreement with BIS, and (c) its compliance with all other terms set forth in the settlement agreement with BIS.

In the course of BIS’s and OFAC’s investigations, Alcon produced documents and information from which it appeared that from August 2008 to December 2011, Alcon violated section 560.204 of the ITSR on 452 occasions and section 538.205 of the SSR on 61 occasions when it engaged in the sale and exportation of medical end-use surgical and pharmaceutical products from the United States to distributors located in Iran and Sudan without OFAC authorization (the “Apparent Violations”). OFAC determined that Alcon did not make a voluntary self-disclosure and that the Apparent Violations were not egregious. The statutory maximum civil monetary penalty amount for the Apparent Violations was \$138,982,584 and the base penalty amount for the Apparent Violations was \$16,927,000.

The settlement amount reflects OFAC’s consideration of the following facts and circumstances, pursuant to the General Factors under OFAC’s Economic Sanctions Enforcement Guidelines, 31 C.F.R. part 501, app. A: OFAC considered the following to be aggravating factors in this case:

- (1) Alcon demonstrated reckless disregard for U.S. sanctions requirements by having virtually no compliance program, despite significant business involving the exportation of goods from the United States to Iran and Sudan, and by failing to take adequate steps to investigate a third-party freight forwarder's cessation of shipments to Iran on behalf of Alcon;
- (2) Alcon and its then-senior management knew of the conduct giving rise to the Apparent Violations; and
- (3) Alcon is a sophisticated multinational corporation with extensive experience in international trade. OFAC considered the following to be mitigating factors in this case:
 - (1) harm to U.S. sanctions program objectives was limited because the exports involved medical end-use products that were licensable under the Trade Sanctions Reform and Export Enhancement Act of 2000, and in fact had been previously and subsequently licensed by OFAC for Alcon;
 - (2) Alcon has no prior OFAC sanctions history, including receipt of a Penalty Notice or Finding of Violation in the five years preceding the date of the earliest transaction giving rise to the Apparent Violations, making it eligible for "first violation" mitigation of up to 25 percent;
 - (3) Alcon took remedial action by ceasing the unlicensed exports to sanctioned countries, initiating an internal investigation of the Apparent Violations, and instituting a robust compliance program that now includes:
 - (a) updated or newly-created corporate export and trade sanctions compliance documents,
 - (b) enhanced trade compliance training, and
 - (c) enhanced compliance procedures for requesting OFAC licenses; and
 - (4) Alcon substantially cooperated with OFAC's investigation, including by providing detailed and well-organized information and entering into several statute of limitations tolling agreements with OFAC.For more information regarding OFAC regulations, please go to: www.treasury.gov/ofac.

Union County, New Jersey, Man Sentenced To 6 Years In Prison and \$65 Million Fine for Illegal Exports (Source: [Justice](#))

A Mountainside, New Jersey, man was sentenced today to 70 months in prison for his role in an international procurement network that obtained and smuggled more than \$65 million worth of electronics from the United States to Russia in violation of export control laws, U.S. Attorney Paul J. Fishman announced.

Alexander Brazhnikov Jr., a naturalized United States citizen, previously pleaded guilty before U.S. District Judge William J. Martini to an information charging him with one count of conspiracy to commit money laundering, one count of conspiracy to smuggle electronics from the United States, and one count of conspiracy to violate the International Emergency Economic Powers Act (IEEPA). Brazhnikov also agreed to the entry of a forfeiture money judgment against him in the amount of \$65 million. Judge Martini imposed the sentence today in Newark federal court.

"Brazhnikov was responsible for nearly 2,000 illegal shipments of regulated, sensitive electronics components, many of which wound up in the hands of Russian military and security forces," U.S. Attorney Fishman said. "He also admitted going to extraordinary lengths to conceal the nature and destination of the shipments, as well to hide the tens of millions of dollars in illegal proceeds generated by the scheme. The sentence imposed on him today reflects the seriousness of his crimes." Brazhnikov Jr. was arrested at his home on June 26, 2014, following a joint investigation by the FBI, the U.S. Department of Commerce (DOC), and the U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI). From January 2008 through June 2014, he was the owner, chief executive officer, and principal operator of four New Jersey microelectronics export companies, each of which were used in the various conspiracies uncovered by the investigation. Following his arrest, special agents seized \$4,075,237 in proceeds related to the charged offenses, as well as real property and other assets valued at more than \$600,000. ...

According to documents filed in this case and statements made in court:

Brazhnikov Jr. and his companies are part of a sophisticated procurement network that has surreptitiously acquired large quantities of license-controlled electronic components from American manufacturers and vendors and exported those items to Russia on behalf of Russian business entities

that were authorized to supply them to the Ministry of Defense of the Russian Federation, the Federal Security Service of the Russian Federation (the FSB), and Russian entities involved in the design of nuclear warheads, weapons, and tactical platforms.

The defendant conspired with his father, Alexander Brazhnikov Sr., owner of a Moscow-based procurement firm whose agents helped initiate the purchase of electronics components from United States vendors and manufacturers on behalf of the conspirators' clients in Russia. Brazhnikov Jr. finalized the purchase and acquisition of the requested components from the various distributors, then repackaged and shipped them to Moscow. He routinely falsified the true identity of the end-user of the components and the true value of the components in order to avoid filling out required export control forms. Brazhnikov Jr. purposefully concealed the true destination of the parts that were exported by directing that the shipments be sent to various "shell" addresses in Russia – some of which have been identified as vacant storefronts and apartments – which were established and controlled by the Moscow-based network. All shipments initially directed to the shell addresses were redirected to a central warehouse controlled by the conspirators' Moscow-based network. The funds for the network's illicit transactions were obtained from the various Russian purchases and initially deposited into one of the conspirators' primary Russia-based accounts. Disbursements for purchases were made from that primary Russian account through one or more foreign accounts held by shell corporations in the British Virgin Islands, Latvia, Marshall Islands, Panama, Ireland, England, United Arab Emirates, and Belize, and ultimately into one of the defendant's U.S.-based accounts. The network's creation and use of dozens of bank accounts and shell companies abroad was intended to conceal the true sources of funds in Russia, as well as the identities of the various Russian defense contracting firms receiving U.S. electronics components.

State/DDTC: Microwave Engineering Corporation, North Andover, MA To Pay \$100,000 To Settle Alleged Violation of the AECA and ITAR

(Source: [State/DDTC](#)) [Excerpts.]

* Respondent: Microwave Engineering Corporation, 1551 Osgood St., North Andover, MA

* Charges: 1 charge of violation of the Arms Export Control Act ("AECA") and International Traffic in Arms Regulation ("ITAR"), an unauthorized export of a defense article, specifically controlled technical data, to a foreign person (as defined by ITAR §120.16) from a proscribed destination between 11 May 2010 and 17 June 2010. The foreign person was employed by Respondent as a Research Scientist and the export occurred as a consequence of employment.

* Civil Settlement: \$100,000

* Debarred or Suspended from Export Transactions: Not if penalty is paid and corrective actions are completed as agreed. (See below mitigating factors justifying non-debarment.)

* Result of Voluntary Self-Disclosure: Yes

* Date of Order: 20 June 2016

* Available documents:

– [Proposed Charging Letter](#)

– [Consent Agreement](#)

– [Order](#)

* Mitigating Factors:

– Voluntary disclosure of violations;

– The exceptional cooperation of the company during the Department's review of the disclosed conduct; and

– The reduced likelihood of future violations due to demonstrated improvements in Respondent's internal compliance program.

* Aggravating Factors:

– Deficiencies in Respondent's export compliance program prior to the charged violation;

– The involvement of a foreign person from the People's Republic of China;

– The amount of time between discovery of the issues and notification of the Department; and

– The potential harm to national security.

Commerce/BIS: Fulfill Your Packages Inc. of Portland, OR, to Pay \$250,000 to Settle Alleged Export Violation

(Source: [Commerce/BIS](#)) [Excerpts.]

* Respondent: Fulfill Your Packages Inc. ("FYP"), Portland, OR

* Charges: 1 charge of 15 CFR 764.2(h), Evasion:

In or about June 2014, FYP engaged in a transaction or took other actions with intent to evade the Regulations in connection with the intended export of a FLIR thermal imaging camera, an item subject to the Regulations, classified as Export Control Classification Number ("ECCN") 6A003.b.4, controlled for national security and regional stability reasons, and valued at approximately \$2,617. ...

* Penalty: Civil penalty of \$250,000

* Debarred: Not if penalty is paid as agreed.

* Date of Order: 17 June 2016

Commerce/BIS: Worthington Products Inc. of Canton, OH, and Paul Meeks of Canton, OH and Massillon, OH to Pay \$250,000 to Settle Alleged Export Violations

(Source: [Commerce/BIS](#)) [Excerpts.]

* Respondent: Worthington Products Inc. ("WPI"), Canton, OH, and Paul Meeks ("Meeks"), Canton, OH and Massillon, OH

* Charges: 1 charge of 15 CFR 764.2(d), Conspiracy to Export Items from the United States to the Government of Iran without the Required License:

Beginning no later than in or around May 2009, and continuing through in or around November 2011, WPI and its president, Meeks, conspired and acted in concert with others, known and unknown, to bring about or do an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to export a waterway barrier debris system, an item subject to the Regulations, designated as EAR99 and valued at \$420,256, from the United States to Iran, and specifically to Mahab Ghodss, an Iranian Government entity, via the United Arab Emirates ("UAE"), without the required U.S. Government authorization. ...

* Penalty: Civil penalty of \$250,000, assessed jointly and severally to WPI and Meeks. In addition, WPI and Meeks shall complete export controls compliance training on the EAR annually for five years from the date of this Order.

* Debarred: Both WPI and Meeks are debarred for 5 years from the date of the Order. However, this debarment shall be suspended during a probationary period of five years under this Order, and shall thereafter be waived, provided that WPI and Meeks have made full and timely payment of the civil penalty, have fully and timely completed and submitted verification of attendance at export controls compliance training, and have committed no other violation of the Act or the Regulations or any order, license or authorization issued thereunder.

* Date of Order: 17 June 2016

Commerce/BIS: Fokker Services B.V. of Hoofddorp, the Netherlands to Pay US\$10.5m to Settle Alleged Export Violations

(Source: [Commerce/BIS](#))

* Respondent: Fokker Services B.V., Hoofddorp, the Netherlands

* Charges: Fokker Services B.V. allegedly committed 253 violations of the EAR. Specifically, the charges are:

– Charges 1 – 88: Acting with Knowledge of a Violation of the Regulations in Connection with Exports or Reexports to Iran of Items Controlled on National Security and Missile Technology Grounds, in Violation of 15 C.F.R. § 764.2(e)

– Charges 89 – 99: Acting with Knowledge of a Violation of the Regulations in Connection with Exports to Iranian Military End Users, in Violation of 15 C.F.R. § 764.2(e)

– Charges 99 – 144: Acting with Knowledge of a Violation of the Regulations in Connection with

Exports or Reexports to Iran of Items Controlled on Anti-Terrorism Grounds, in Violation of 15 C.F.R. § 764.2(e)

– Charges 145 – 240: Acting Contrary to the Terms of a Denial Order, In Violation of 15 C.F.R. § 764.2(k)

– Charges 241 – 253: Exporting and Reexporting Items Controlled on National Security and Anti-Terrorism Grounds to Sudan Without the Required Licenses, in Violation of 15 C.F.R. § 764.2(a)

* Penalty: Civil penalty of \$10,500,000, to be paid pursuant to the respective terms of this Agreement and the OFAC Settlement Agreement.

* Debarred: Not if penalty is paid as agreed and Fokker Services B.V. is in compliance with the DPA and the OFAC Settlement Agreement it is under.

* Date of Order: 2 June 2016

Commerce/BIS: Weiss Envirotronics, Inc. of Grand Rapids, MI, to Pay US\$575,000 to Settle Alleged Export Violations

(Source: [Commerce/BIS](#))

* Respondent: Weiss Envirotronics, Inc., Grand Rapids, MI

* Charges: Weiss Envirotronics, Inc. allegedly committed 20 violations of the EAR. Specifically, the charges are:

– Charges 1 to 20: 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting Without the Required License

* Penalty: Civil penalty of \$575,000 and complete two audits of its export control compliance program.

* Debarred: Not if penalty is paid as agreed and the two audits are completed on time.

* Date of Order: 3 June 2016

Cincinnati Business Courier: “Former Cincinnati CEO Sentenced to 7 Years in Prison”

The former CEO of Covington-based Valley Forge Composite Technologies has been sentenced to serve 93 months in prison for selling military-grade microchips to Hong Kong in violation of the U.S. Arms Export Control Act to boost the business’ finances. Louis Brothers entered guilty pleas in July 2015 to seven of 31 counts he faced in U.S. District Court in Covington, including conspiracy, aiding and abetting illegal export of defense articles, and conspiracy to launder money. Brothers and his wife were arrested in August 2014 and released on \$500,000 bond related to the charges. At the time, they pleaded not guilty to charges that they sold \$37 million worth of semiconductors to China. The couple also denied similar allegations in a class-action lawsuit pending in California that was brought by shareholders. Brothers could have faced 125 years in prison for the charges. As part of his plea arrangement, he will also forfeit \$1.1 million in net proceeds from the transactions.

Founded in 1996, Valley Forge manufactured momentum wheels for use in spacecraft. When revenues declined between 2004 and 2008, the company began working on new projects that included weapon detection systems for airports and photonuclear detection systems to find bio-chemical weapons and explosives on cargo ships. U.S. Securities and Exchange Commission filings show the company’s revenue grew from \$132,000 in 2008 to \$3.2 million in 2009, then reached \$18.6 million in 2010 and \$14.9 million in 2011. The company reportedly explained that the jump in funds came from the sale of aerospace products and other mechanical devices, including two orders worth a gross profit of \$2 million. There was no mention of sales to China. The U.S. Attorney’s Office seized \$1.5 million in the company’s bank accounts in 2013 and told stockholders about the investigation into Valley Forge two weeks later. At the time, the company didn’t deny sales to Hong Kong but said the transactions weren’t illegal. Valley Forge filed for bankruptcy in October 2013, claiming assets of \$500,000 to \$1 million and liabilities between \$1 million and \$10 million.

Commerce/BIS: GLS Solutions, Inc. of Aventura, FL, to Pay \$50,000 to Settle Alleged Export Violations

(Source: [Commerce/BIS](#))

- * Respondent: GLS Solutions, Inc., Aventura, FL
- * Charges: 1 Charge of 15 CFR 764.2(e), Acting with Knowledge of a Violation
- * Penalty: Civil penalty of \$50,000
- * Debarred: Not if penalty is paid as agreed.
- * Date of Order: 10 December 2015

Commerce/BIS: Gregorio L. Salazar of Aventura, FL, to Pay \$50,000 to Settle Alleged Export Violations
(Source: [Commerce/BIS](#))

- * Respondent: Gregorio L. Salazar, Aventura, FL
- * Charges: 1 Charge of 15 CFR 764.2(g), False or Misleading Statement in a Disclosure to BIS
- * Penalty: Civil penalty of \$50,000
- * Debarred: Not if penalty is paid as agreed.
- * Date of Order: 10 December 2015

Commerce/BIS: EGYPTAIR Airlines Company of Cairo, Egypt, to Pay \$140,000 to Settle Alleged Export Violations

(Source: [Commerce/BIS](#))

- * Respondent: EGYPTAIR Airlines Company, Cairo, Egypt
- * Charges: 2 Charges of 15 CFR 764.2(a), Re-export of Aircraft to Sudan Without the Required Licenses
- * Voluntarily Self-Disclosed: No.
- * Penalty: Civil Penalty of \$140,000, to be paid in four instalments.
- * Debarred: Not if penalty is paid as agreed.
- * Date of Order: 23 November 2015

Commerce/BIS: Barracuda Networks, Inc. of Campbell, CA, and Barracuda Networks, Ltd. of Basingstoke, UK to Pay \$1,500,000 to Settle Alleged Export Violations

(Source: [Commerce/BIS](#))

- * Respondent: Barracuda Networks, Inc., Campbell, CA, and Barracuda Networks, Ltd., Basingstoke, UK
- * Charges:
 - 26 Charges against Barracuda Networks, Inc.:*
 - 5 Charges of 15 CFR 764.2(e) – Acting with Knowledge of a Violation by Selling Encryption-Controlled Devices or Software to Syria
 - 5 Charges of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation by Selling Subscriptions for Energizer Updates to, and Servicing Encryption-Controlled Devices in, Syria
 - 5 Charges of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation by Servicing Encryption-Controlled Devices in Syria
 - 1 Charge of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation by Selling Subscriptions for Energizer Updates to, and Servicing Encryption-Controlled Devices in, Iran
 - 7 Charges of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation by Servicing Encryption-Controlled Devices in Iran
 - 3 Charges of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation by Servicing Encryption-Controlled Devices in Sudan
 - 11 Charges against Barracuda Networks, Ltd.:*
 - 5 Charges of 15 CFR 764.2(e) – Acting with Knowledge of a Violation by Selling Encryption-Controlled Devices or Software to Syria
 - 5 Charges of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation by Selling Subscriptions for Energizer Updates to, and Servicing Encryption-Controlled Devices in, Syria
 - 1 Charge of 15 C.F.R. § 764.2(e) – Acting with Knowledge of a Violation by Selling Subscriptions for

Energizer Updates to, and Servicing Encryption-Controlled Devices in, Iran

* Voluntarily Self-Disclosed: Yes

* Penalty: Civil Penalty of \$1,500,000

* Debarred: Not if penalty is paid as agreed.

* Date of Order: 23 November 2015