

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SEALED

Holding a Criminal Term

Grand Jury Sworn in on May 15, 2009

UNITED STATES OF AMERICA

v.

MOHAMMED EL-GAMAL,
also known as
MOE ZAYED EL-GAMAL
Defendant.

CRIMINAL NO. **CR-10-129**

GRAND JURY ORIGINAL

VIOLATIONS:

50 U.S.C. § 1705
(International Emergency Economic
Powers Act)

15 C.F.R. § 764.2, Supplement 1 to
Part 774 and Supplement 1 to Part 738
(Export Administration Regulations)

Executive Order 13222

18 U.S.C. § 2
(Aiding and Abetting and Causing an Act
to Be Done)

18 U.S.C. § 1001
(Material False Statement)

KOLLAR-KOTELLY, J. CKK

INDICTMENT

FILED IN OPEN COURT

B

The Grand Jury charges that:

MAY 13 2010

COUNT ONE

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

At all times material to this Indictment:

1. Defendant **MOHAMMED EL-GAMAL**, also known as **MOE ZAYED EL-GAMAL**, did business as Applied Technology Inc. ("ATI") located in Kenansville, North Carolina. He held himself out to be ATI's President and CEO. ATI provided computer-related services such

as network design, computer security, and infrastructure development.

2. The United States Department of Commerce, located in the District of Columbia, was responsible for reviewing and controlling the export of certain goods and technologies from the United States to foreign countries. The Export Administration Act ("EAA"), 50 U.S.C. App. §§ 2101-2420, authorized the Department of Commerce to prohibit or curtail the export of any goods and technology as necessary, to protect, among other things, the national security and foreign policy of the United States. The Department of Commerce implemented that authority through the Export Administration Regulations ("EAR"), 15 C.F.R. §§ 730-774. Although the EAA lapsed in 2001, the EAR continued to be in effect under the provisions of the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. §§ 1701-1706, by virtue of Executive Order 13222 (August 17, 2001), as extended by successive Presidential Notices.

3. In accordance with this authority, the Department of Commerce established a Commerce Control List ("CCL"), 15 C.F.R. Supplement 1 to Part 774, specifying those commodities that were subject to export control. Each entry on the list was assigned an Export Control Classification Number ("ECCN") which identified the reason for the control and the countries for which validated export licenses from the Department of Commerce were required prior to export of the commodity.

4. Dell Inc. manufactured computer equipment, including the Dell Power Vault Model 132T and the Dell Power Edge Model 1855. The Dell Power Vault Model 132T (a storage device) and the Dell Power Edge Model 1855 (a computer) were on the CCL and were controlled for anti-terrorism reasons. The Department of Commerce required a license for the export of the Dell Power Vault Model 132T and the Dell Power Edge Model 1855 to Libya in June 2006.

5. On or about June 8, 2006, within the District of Columbia and elsewhere, defendant **MOHAMMED EL-GAMAL**, also known as **MOE ZAYED EL-GAMAL**, willfully exported computer equipment, consisting of the Dell Power Vault Model 132T and the Dell Power Edge Model 1855, to Libya without having first obtained a license from the Department of Commerce.

(**Illegal Export**, in violation of Title 50, United States Code, Section 1705; Executive Order 13222; Title 15, Code of Federal Regulations, Section 764.2, Supplement 1 to Part 774, and Supplement 1 to Part 738; **Aiding and Abetting and Causing an Act to Be Done**, in violation of Title 18, United States Code, Section 2.)

COUNT TWO

6. Paragraphs 1, 2 and 3 of Count One of this Indictment are re-alleged as if fully set forth herein.

7. Cisco, Inc. manufactured computer equipment, including Cisco part number AIM-ATM-4E1, which was defined as "Inverse Multiplexing for ATM Cards," known also as "IMA Cards." Cisco part number AIM-ATM-4E1 was on the CCL and was controlled for anti-terrorism reasons. The Department of Commerce required a license for the export of Cisco part number AIM-ATM-4E1 to Libya in July 2006.

8. On or about July 9, 2006, within the District of Columbia and elsewhere, defendant **MOHAMMED EL-GAMAL**, also known as **MOE ZAYED EL-GAMAL**, willfully exported computer equipment, consisting of Cisco part number AIM-ATM-4E1, to Libya without having first obtained a license from the Department of Commerce.

(**Illegal Export**, in violation of Title 50, United States Code, Section 1705; Executive Order 13222; Title 15, Code of Federal Regulations, Section 764.2, Supplement 1 to Part 774, and Supplement 1 to Part 738; **Aiding and Abetting and Causing an Act to Be Done**, in violation of Title 18, United States Code, Section 2.)

COUNT THREE

9. Paragraphs 1, 2, and 3 of Count One of this Indictment are re-alleged as if fully set forth herein.

10. Cisco, Inc. manufactured computer equipment, including Cisco part number ATUC-8-DMT-1/8, which was defined as "Digital Subscriber Line Access Multiplexer Cards," known also as "DSLAM Cards." Cisco part number ATUC-8-DMT-1/8 was on the CCL and was controlled for national security and anti-terrorism reasons. The Department of Commerce required a license for the export of Cisco part number ATUC-8-DMT-1/8 to Libya in July 2006.

11. On or about July 25, 2006, within the District of Columbia and elsewhere, defendant **MOHAMMED EL-GAMAL**, also known as **MOE ZAYED EL-GAMAL**, willfully attempted to export computer equipment consisting of Cisco part number ATUC-8-DMT-1/8, to Libya without having first obtained a license from the Department of Commerce.

(Attempt to Illegally Export, in violation of Title 50, United States Code, Section 1705; Executive Order 13222; Title 15, Code of Federal Regulations, Section 764.2, Supplement 1 to Part 774, and Supplement 1 to Part 738; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2.)

COUNT FOUR

12. On or about July 26, 2006, within the District of Columbia and elsewhere, defendant **MOHAMMED EL-GAMAL**, also known as **MOE ZAYED EL-GAMAL**, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the United States Department of Commerce, Office of Export Enforcement, an agency within the executive branch of the United States, in that the defendant stated to agents of the Department of Commerce that apart from the attempted export of Cisco part number ATUC-8-

DMT-1/8 to Libya, as described in Count Three of this Indictment, he had never asked anyone to hand carry computer equipment from the United States to Libya, when in truth and in fact the defendant knew at the time he made the statement to the agents that it was false.

(Material False Statement, in violation of Title 18, United States Code, Section 1001.)

A TRUE BILL



FOREPERSON

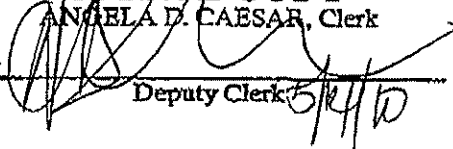
Ronald C. Mackon Jr. (by SM)
Attorney of the United States in
and for the District of Columbia

U.S. District and Bankruptcy Courts
for the District of Columbia

A TRUE COPY

ANGELA D. CAESAR, Clerk

By



Deputy Clerk

5/14/10