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THE LAW FIRM OF PUCKETT AND FARAJ, PC

October 13, 2011

Via FEDEX

Mr. Charlie Steele
Associate Director
Office of Foreign Asset Control
1500 Pennsylvania Ave. NW
Annex Building
Washington, DC 20220

Re: Matter FNK-881; FNK-511732; SDNT 1338; LMT Auto Export; Jeany Chedid Trading Est.; Saab and Awkal; Daher Motors of Kingston Inc.; Naya and Kamal El Khawand; A and Z Auto Sales; B and J Auto LLC; Abes Global Auto Wholesaling Inc.; SABIMEX; Itani Autohandel Und Shipping; M.G. Enterprise U.S.A. LLC; Ahmad Kassem; Madi Auto Sales and Shipping, Inc.

Dear Mr. Steele:

I am writing to request your assistance in resolving the subject matters. The matters involve the wrongful seizure of hundreds of vehicles belonging to my clients. The vehicles were seized on January 26, 2011. My clients waited for resolution believing that your investigators would be able to determine that true facts of the matter and to release the vehicles to their rightful owners. As winter turned to Spring and Spring to Summer, my clients realized that their vehicles were not going to be released in a timely fashion and that they were going to incur substantial losses regardless of when your office resolved the issue. I was then hired to assist in securing release the vehicles.

I sent a petition requesting release of the vehicles on June 23, 2011. Shortly after sending my petition, I was notified by OFAC licensing division that the matter would be investigated and that we would be notified of a decision. Since June 23, I have been in regular contact with licensing division to inquire into when we can expect to hear a decision. I have been told "soon;" "give us to the end of the month;" another week or so." Yet, we have no decision.

On September 12 of this year, I sent another letter to OFAC to bring to their attention AGAIN that among the vehicles seized that listed "Ellissa" as a consignee.¹ Numerous other

¹ The initial seizure of the vehicles was based on the listing of "Ellissa" as a consignee on dock receipts for vehicles waiting to ship to Cotonou, Benin. On January 26, 2011, OFAC designated Elissa a Specially Designated Narcotics Trafficker. All the vehicles that were seized listed Ellissa as consignee **before** Ellissa became a SDNT. Ellissa is one of two or three lessees of car parks in the Port of Cotonou in the country of Benin that engage in the legitimate activity of receiving and staging vehicles at the Port of Cotonou.

vehicles waiting to ship did not list “Ellissa” as a consignee and were wrongfully seized without any reason or justification.

On September 30, Ms. Rachel Vaughn called my office and notified my assistant that vehicles that did not list Ellissa as a consignee would be released. On October 3, I called Ms. Vaughn to confirm the call to my office. She confirmed it. I thanked her and notified my clients. My clients immediately went about recovering their vehicles. CBP at the ports in Baltimore and Jacksonville, where the vehicles are located, refused to release the vehicles. On October 4, I called Ms. Vaughn again and requested a letter indicating that the vehicles had been released. She stated that she would not provide a letter or anything in writing but that the vehicles were in fact released. My clients contacted the ports again. We were again told that as far as they know the vehicles remained under a blocking order. I contacted Ms. Vaughn to inquire as to the confusion. She stated that the vehicles had been unblocked without a license and that the ports would be notified shortly. My clients were eager to retrieve their vehicles because a vessel to ship the vehicles was expected within a week. Loading their vehicles on that vessel would avoid additional storage fees.

On October 12, I placed a call to Ms. Vaughn again. She recommended that I call CBP at the ports directly, which I did. At Baltimore, CBP enforcement officers stated that they had no information on the unblocking of the vehicles and would check with Ms. Vaughn and get back to me. At Jacksonville, I spoke to CBP enforcement officer Boado. He confirmed what Ms. Vaughn told me but also said that the vehicles are not released until CBP higher headquarters at the port releases the vehicles.

I and my clients are frustrated by the lack of movement on a case that is ten months old and the conflation of agencies in this matter. Must we file a lawsuit to get a decision in this matter? The administrative process is a grand failure because it is unresponsive. That lack of responsiveness is costing my clients money, a loss of business and a level of stress and angst that cannot be measured. We are entitled to a decision, one way or the other. Conflation of responsibility and inaction is leading to people losing their businesses and jobs, to losing substantial amount of money and to a loss of trust in the system.

As you may have gathered at this point, none of my thirteen clients concede the allegation that Ellissa had any interest in the vehicles. On the contrary, all of them adamantly reject such an accusation. Their election of Ellissa as a consignee was based on Ellissa’ role in performing a legitimate function at the Port of Cotonou that they were necessarily required to participate in. Since the listing of Ellissa as a SDNT, they now elect other consignees to perform that function. They care not about Ellissa nor Ellissa’ interests. They are engaged in a legitimate business activity and found themselves unwitting victims based on Ellissa’ other alleged activities. Their early patience with the process should be attributed to their initial lack of knowledge about their rights and my later admonitions to them that the administrative process is far more responsive and less costly than the judicial process and not to a silent concession of culpability. Based on the speed with which your agency has acted however, I have come to doubt my own advice to them. I have drafted a legal complaint that I intend to file to recover my clients’ rights including damages that resulted from your agency’s actions in wrongfully seizing

the vehicles and subsequent inaction in expeditiously investigating and resolving the matter. I have been reluctant to file because while I know we will prevail, I also recognize that it will slow the process of recovery of the vehicles even further.

I request that you look into this matter to assist me in saving, time, resources, money and to obtaining a just resolution. Please understand that this letter is being sent with the utmost desire to amicably resolve these matters and in no way intended as a threat. It merely lays out the options available to us and demonstrates to you my clients' desire to simply obtain timely resolution so that they may recover their vehicles. I also request that you immediately release all vehicles that were seized which did not list "Ellissa" as a consignee. Those vehicles were clearly wrongfully seized without any reason or justification. They were merely caught up in the zealous action of the mass seizure.

You may reach me by email at haytham@puckettfaraj.com. I look forward to your response.

Sincerely,

Haytham Faraj, Esq.

Copy to:
Secretary, Department of Homeland Security
Secretary of Treasury
Senator Lieberman, Chairman of the Senate Committee on Homeland Security
Commissioner of Customs and Border Protection, Mr. Alan D. Bersin
Editor Washington Post
Editor Washington Times