

However, the requirements set forth in paragraph (f) of this section as to oral communication by the representative must first be fulfilled. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent will not be required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the time limit specified in paragraph (a) of this section for written response to the prepenalty notice will remain in effect unless additional time is granted by the Office of Foreign Assets Control.

(f) *Representation.* A representative of the respondent may act on behalf of the respondent, but any oral communication with the Office of Foreign Assets Control prior to a written submission regarding the specific allegations contained in the prepenalty notice must be preceded by a written letter of representation, unless the prepenalty notice was served upon the respondent in care of the representative.

§ 541.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director shall notify the respondent in writing of that determination and of the cancellation of the proposed monetary penalty.

(b) *Violation.* (1) If, after considering any written response to the prepenalty notice, or default in the submission of a written response, and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director is authorized to issue a written penalty notice to the respondent of the

determination of the violation and the imposition of the monetary penalty.

(2) The penalty notice shall inform the respondent that payment or arrangement for installment payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice by the Office of Foreign Assets Control.

(3) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

(4) The issuance of the penalty notice finding a violation and imposing a monetary penalty shall constitute final agency action. The respondent has the right to seek judicial review of that final agency action in federal district court.

§ 541.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of the penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a federal district court.

Subpart H—Procedures

§ 541.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart D, of this chapter.

§ 541.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 13288 of March

§ 541.901

6, 2003 (68 FR 11457, March 10, 2003), and any further Executive orders relating to the national emergency declared therein, may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 541.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to record keeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

PART 542—SYRIAN SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.

- 542.101 Relation of this part to other laws and regulations.
- 542.102 Relation of this part to part 596 of this chapter.

Subpart B—Prohibitions

- 542.201 Prohibited transactions involving blocked property.
- 542.202 Effect of transfers violating the provisions of this part.
- 542.203 Holding of funds in interest-bearing accounts; investment and reinvestment.
- 542.204 Expenses of maintaining blocked property; liquidation of blocked property.
- 542.205 Evasions; attempts; conspiracies.
- 542.206 Exempt transactions.

Subpart C—General Definitions

- 542.301 Blocked account; blocked property.
- 542.302 Effective date.
- 542.303 Entity.
- 542.304 Information or informational materials.
- 542.305 Interest.

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- 542.306 Licenses; general and specific.
- 542.307 Person.
- 542.308 Property; property interest.
- 542.309 Transfer.
- 542.310 United States.
- 542.311 U.S. financial institution.
- 542.312 United States person; U.S. person.

Subpart D—Interpretations

- 542.401 Reference to amended sections.
- 542.402 Effect of amendment.
- 542.403 Termination and acquisition of an interest in blocked property.
- 542.404 Transactions incidental to a licensed transaction.
- 542.405 Provision of services.
- 542.406 Offshore transactions.
- 542.407 Payments from blocked accounts to satisfy obligations prohibited.
- 542.408 Charitable contributions.
- 542.409 Credit extended and cards issued by U.S. financial institutions.
- 542.410 Setoffs prohibited.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

- 542.501 General and specific licensing procedures.
- 542.502 Effect of license or authorization.
- 542.503 Exclusion from licenses.
- 542.504 Payments and transfers to blocked accounts in U.S. financial institutions.
- 542.505 Entries in certain accounts for normal service charges authorized.
- 542.506 Investment and reinvestment of certain funds.
- 542.507 Provision of certain legal services authorized.
- 542.508 Authorization of emergency medical services.

Subpart F—Reports

- 542.601 Records and reports.

Subpart G—Penalties

- 542.701 Penalties.
- 542.702 Prepenalty notice.
- 542.703 Response to prepenalty notice; informal settlement.
- 542.704 Penalty imposition or withdrawal.
- 542.705 Administrative collection; referral to United States Department of Justice.

Subpart H—Procedures

- 542.801 Procedures.
- 542.802 Delegation by the Secretary of the Treasury.

Subpart I—Paperwork Reduction Act

- 542.901 Paperwork Reduction Act notice.