



Professional Association of Exporters and Importers

“Leaders and Partners in Worldwide Regulatory Compliance”

November 2008

Volume 22, Number

PAEI Board of Directors:

Call for Nominations and Letters of Intent

By Jo-Anne Daniels, PAEI President & Director

It is time to elect new Directors for the Board of PAEI.

This year we have three PAEI Board of Director positions open for the term which begins 2009 and ends 2011. We want to welcome new members to sit on the Board for the next three years.

PAEI was formed over 20 years ago in response to the changes in export controls with the mission to offer quality educational programs, and networking opportunities to those professionals involved in import and export activities. The board is looking for new ideas and opportunities to make an investment in the education of our members.

Holding a PAEI board position is your door to opportunity. Many members have shared with us that they learned about their current position through PAEI and others related that they found opportunities through networking that led to career advancement.

I would like to thank each and every member who would consider running for a Director position. The door is open at PAEI and we value new talent and energy. Please give me a call on 650 438-1411 or e-mail me at jo@trade-resources.com and I will answer your questions about the Director position and re-

sponsibilities. I look forward to hearing from you and hope to receive your nomination and completed [letter of intent](#).

Sincerely,

Jo-Anne Daniels

PAEI President & Board Member

Trade Resources & Associates, President

650 438-1411 jo@trade-resources.com

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**ZERO IN ON THE
RIGHT EMPLOYEE!**

We'll advertise them free of charge!

**Advertise your job
openings with P.A.E.I.!**

Detailed instructions on how to post jobs are
available at <http://www.paei.org/>

Visit our web site for meeting
details, membership information, and
valuable trade resources.

<http://www.paei.org/>

P.A.E.I. NEWSLETTER

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Iwafuchi; Membership, Open; Programs, Open; Publica-
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Publisher; Karen Hebert, Direct Mail Services

*Articles for publication, letters to the editor, and requests for cop-
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2008 P.A.E.I. Board of Directors/Officers

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tra3332003@yahoo.com

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Director

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Director

Tansie Iwafuchi
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dan.kromat@varian.com

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MK Data Services
cindy@mkdenial.com

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Laura Putnam
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Laura.Putnam@symantec.com

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Export Compliance Careers and Compensation

Frequently Asked Questions

What’s the market for Export Compliance Professionals?

It’s not a good time to be an Export Compliance professional...it’s a GREAT time!

Export compliance professionals are in hot demand. Companies have designated Compliance vacancies and positions as ‘High Priority’ status. There are many opportunities available nationwide. Firms are conducting a very focused and lengthy selection process to find the right fit.

What are the Compensation ranges?

Middle Management		Executive (in charge of program) Usually Director Title
80K-150K	Northeast	120K-200K
85K-140K	Southeast	105K-158K
80K-130K	Midwest	112K-200K
83K-146K	West	110K-200K

Why the wide spread in Salary Range?

Several determinants will effect Compensation.

Where the position is placed on the organizational chart, size of firm, value of exports, current status of the Compliance program, reason position is open and how long it has been vacant, headcount and budget responsibility, reporting structure, and the ever popular ‘in trouble’ quotient.

Your current base salary is always factored into the equation – HR professionals still consider a 15%

bump in Salary an ‘attractive’ offer.

What are typical titles?

Director Manager Analyst Specialist

Some Corporate Compliance professionals have been awarded VP titles...very few, but that is starting to change.

What are the reporting structures?

Reporting structures vary with each company and business model – but usually report into one of three groups....Supply Chain/Logistics – Legal – Finance. The growing trend is Legal.

What type of Export Compliance career scenarios exist right now?

Unification -- Transition -- Status Quo

Unification- Many companies are facing up to the realization their current compliance structure is inadequate. Across the board, including surprisingly old and large industry leaders- even well entrenched Fortune 100 companies- are adding or strengthening corporate compliance departments. This means higher level (read Vice President) positions usually staffed from outside the company. Compensation is usually wide open!

Transition- When forced to replace a compliance leader, companies soon learn how crucial these roles are. Whether through retirement, resignation or a forced departure, it is no longer acceptable to leave these positions open for too long. Short of a penalty action, these transition periods usually result in the hiring of a higher level or more experienced trade compliance professional. Compensation range is usually higher for the replacement than for the departing.

Status Quo- While not as traumatic to the organization, the rest of the company may not realize it, the addition or replacement of a trade compliance staffer is stressful on the hiring manager. Running a depart-

(Continued on page 4)

(Continued from page 3)

ment without a vital contributor means more work for the other team players. These positions are great opportunities for career advancement, too. The compensation range is usually predetermined, but still offers a huge opportunity for someone ready to make a move. A strong candidate can exceed that.

What is the long term outlook for a career in Export Compliance?

Compliance issues, departments and initiatives are here to stay. We may see a shifting or consolidation of responsibilities in the Governmental agencies as administrations change.

This change will lead to new legislation and regulations...and the continued need for Compliance professionals to help a Company manage the relationships with the many Governmental Agencies...and the subject matter expertise to navigate through these complex changes.

Rick Miller is a Licensed Customs Broker, Director, Trade Compliance Recruitment with Tyler Search Consultants (803)278-1009 rmiller@tylersearch.com
www.tylersearch.com

PAEI Members Share Your Insights!

The P.A.E.I. Newsletter is a publication that is written by its many members. If you have an article you have written, or have any web site that you would like to share with your fellow PAEI members in the next newsletter, please contact:

Karen Hebert at khebertdms@aol.com

Upcoming Events

Mark Your Calendars!

- **December 3, 2008**
PAEI Annual Membership Mtg.
- **January 13 - 14, 2009**
BIS "Complying with U.S. Export Controls"
- **January 15, 2009**
BIS "Encryption Controls"
- **January 20, 2009**
"ITAR Compliance Regulations"
- **May 19 - 20, 2009**
BIS "Complying with U.S. Export Controls"
- **May 21, 2009**
BIS "Technology Controls"
- **September 23 - 24 , 2009**
BIS "Complying with U.S. Export Controls"

**Watch the PAEI Web site for these
and other events,**

<http://www.paei.org>

Commerce/BIS to Post Commodity Classification Information

(Source: <http://www.bis.doc.gov/news/2008/commodityclassification.htm>)

September 25, 2008. As a service to our exporters, the Bureau of Industry and Security (BIS) is providing companies the opportunity to have their Commodity Classification information made accessible via the BIS website. We are taking this action to enhance procedural transparency in the licensing process and to help exporters comply with U.S. export and reexport control laws.

If your company currently has, or plans to have, Commodity Classification information or an export control point of contact available on your company's website, and you would like this information to be accessible via the BIS website, please contact CommodityClassification@bis.doc.gov. Provide the following information in your email which will then be posted on the BIS website:

- 1) Company name
- 2) General description of the products/services
- 3) Commodity classification information website address
- 4) Export control point of contact

Commerce/BIS Amends EAR to Simplify Encryption Rules

(Source: <http://edocket.access.gpo.gov/2008/E8-23201.htm>)

Reprinted from the October 3, 2008 NGC Ex/Im Daily Update

73 FR 57495-57512: 15 CFR Parts 732, 734, 738, 740, 742, 744, 746, 748, 750, 762, 770, 772, and 774; Encryption Simplification

* **AGENCY:** Bureau of Industry and Security, Commerce.

* **ACTION:** Interim final rule

* **SUMMARY:** This interim final rule amends the Export Administration Regulations (EAR) to make the treatment of encryption items more consistent with the treatment of other items subject to the EAR,

as well as to simplify and clarify regulations pertaining to encryption items. The restrictions pertaining to technical assistance by U.S. persons with respect to encryption items are removed, because the current export and reexport restrictions set forth in the EAR for technology already include technical assistance. This rule also removes License Exception KMI as it has become obsolete because of developments in uses of encryption. In addition, this rule removes notification requirements for items classified as 5A992, 5D992, and 5E992. This rule also increases certain parameters under License Exception ENC, which is intended to reflect advances in technology. This rule adds two new review and reporting requirement exclusion paragraphs under License Exception ENC for wireless "personal area network" items and for "ancillary cryptography" items. This rule also adds Bulgaria, Canada, Iceland, Romania, and Turkey to the list of countries that receive favorable treatment under License Exception ENC. Commodities and software pending mass market review may no longer be exported under ECCNs 5A992 and 5D992 using No License Required (NLR). However, once the mass market review has been received by BIS, then such commodities and software may be exported using License Exception ENC under ECCNs 5A002 and 5D002. This rule will reduce the paperwork burden on the public by 9% (annual dollar amount savings of approximately \$14,000 to the public and \$5,000 to the U.S. Government), because of the removal of certain notification requirements, addition of countries to the list of those receiving favorable treatment under License Exception ENC, and the increase of reporting and review requirement exclusions. The Departments of Commerce, State and Defense will continue to review export control, license review policies, and license exceptions for encryption items in the EAR.* **DATES:** Effective Date: This rule is effective October 3, 2008. [Remainder of item deleted by Update editor.]
Christopher R. Wall, Assistant Secretary for Export Administration.

The Northrop Grumman Corporation Law Department sends the NGC Export/Import Daily Update ("The Daily Bugle") every business day to nearly 2,000 subscribers to help NGC employees, customers, and others comply with U.S. defense and high-tech trade restrictions and Federal business ethics regulations.

It's Not A Game: Testing Required for More than Just Toys

By Emilia L. Sweeney

In the wake of multiple highly publicized toy recalls last year, the 110th Congress passed, and President Bush signed, a comprehensive and complex act known as the Consumer Product Safety Improvement Act of 2008. Although children's products were the impetus for the Act, the Act affects all consumer products, not just children's. It addresses a multitude of various and diverse matters, such as mandatory toy safety standards, expedited rulemaking and enhanced penalties, all of which have different effective dates. Importantly, one of the more far-reaching aspects of the Act is about to become effective: Beginning November 12, 2008, every manufacturer, importer and private labeler of a regulated consumer product will be required to supply a certificate showing that the product has been tested, and that it complies with the applicable regulation(s).

Do the products I sell require a certification?

A certificate is required only for those consumer products whose manufacture is guided in some way by a rule, ban, standard or regulation under any act enforced by the Consumer Product Safety Commission. A consumer product is any product produced or distributed for sale to a consumer for use in the home, at school, or for recreation, and governed by the Consumer Product Safety Commission (CPSC). Products governed by other federal agencies, such as tobacco and cosmetics, are not "consumer products". There are more than 15,000 consumer products over which the CPSC has jurisdiction, but only about 280 categories of regulated products. Those range from antennas, to wearing apparel, to products containing xylene.

What are the requirements for a certificate of compliance?

The certificate must certify that the consumer product complies with the applicable regulation(s) based upon a test of the product, or upon a reasonable testing pro-

gram. Each certificate must specifically identify the particular rule, ban, standard or regulation that applies to that product as well as the manufacturer, importer or private labeler issuing the certification. It must include the date and place where the product was tested and the name, address and telephone number of the individual responsible for maintaining records of the test results. Finally, the certificate must be in English, though it may also include the same content in another language.

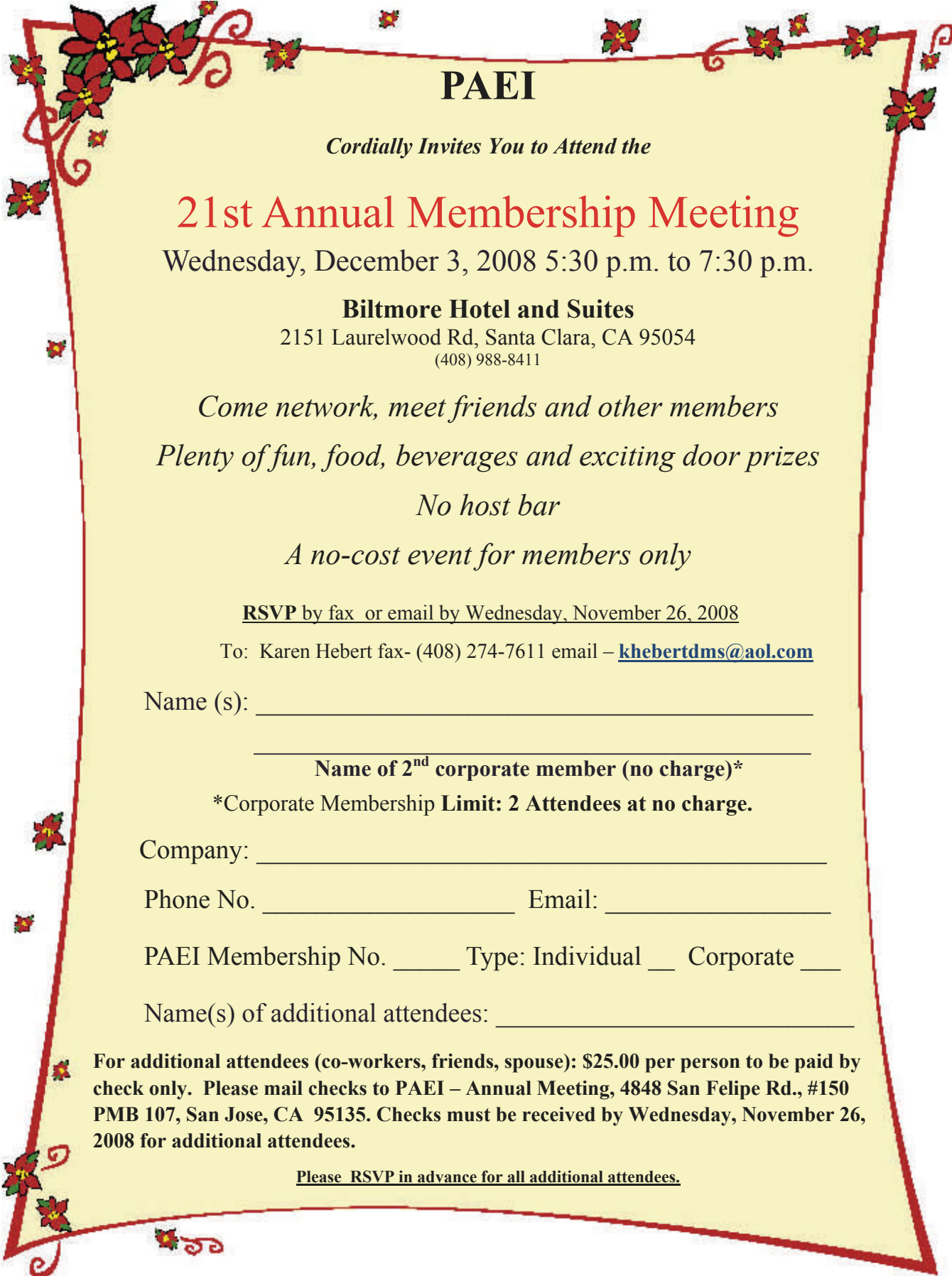
Who gets the certificate and when?

The certificate must accompany the product or shipment, and be furnished to the distributor or retailer. However, it is currently unclear how this is to be accomplished. Industry has expressed concern about the difficulty of supplying paper certificates, among other things, and the Commission staff has therefore requested comments and specific recommendations for alternative means of delivering the certificates, while yet meeting the demands of the Act. All comments are to be supplied to the Office of Secretary by October 29, 2008.

What happens if I don't supply or furnish a certificate?

The Act allows the imposition of a penalty of up to \$100,000 for each failure to furnish or supply a certificate of compliance, and up to a dizzying \$15,000,000 for a related series of violations. However, in this economy, the real penalty may be that a failure to supply a certificate will give retailers who find themselves in an overstocked position an opportunity to reject a delivery.

Emilia L. Sweeney is a principal at Carney Badley Spellman P.S., and regularly advises clients who manufacture or sell consumer products in the U.S. on compliance with rules and regulations governed by the Consumer Product Safety Commission, the Federal Trade Commission and the Food and Drug Administration. She assists manufacturers and retailers in pre-launch product audits, product recalls and in developing risk management strategies to ensure compliance with federal regulations. She can be reached at sweeney@carneylaw.com.



PAEI

Cordially Invites You to Attend the

21st Annual Membership Meeting

Wednesday, December 3, 2008 5:30 p.m. to 7:30 p.m.

Biltmore Hotel and Suites
2151 Laurelwood Rd, Santa Clara, CA 95054
(408) 988-8411

*Come network, meet friends and other members
Plenty of fun, food, beverages and exciting door prizes*

No host bar

A no-cost event for members only

RSVP by fax or email by Wednesday, November 26, 2008

To: Karen Hebert fax- (408) 274-7611 email – khebertdms@aol.com

Name (s): _____

Name of 2nd corporate member (no charge)*

***Corporate Membership Limit: 2 Attendees at no charge.**

Company: _____

Phone No. _____ Email: _____

PAEI Membership No. _____ Type: Individual ___ Corporate ___

Name(s) of additional attendees: _____

For additional attendees (co-workers, friends, spouse): \$25.00 per person to be paid by check only. Please mail checks to PAEI – Annual Meeting, 4848 San Felipe Rd., #150 PMB 107, San Jose, CA 95135. Checks must be received by Wednesday, November 26, 2008 for additional attendees.

Please RSVP in advance for all additional attendees.

Santa's Helper Corner

**Donate New, Unwrapped Gifts
and Put a Smile on a Child's Face**



2008 PAEI Toy Drive

Each holiday season InnVision distributes over 15,000 gifts to their clients. Stocking stuffers, books, stuffed animals, and toys for kids and teens are needed to fulfill their goal. Items are also collected for their adult clients such as new jackets, socks, and blankets.

PAEI would like to once again support this local organization with a toy drive. PAEI would greatly appreciate your bringing at least one new toy to the PAEI Annual Membership Meeting to help put a smile on a child's face.

Last year we gave InnVision 60 new toys for the boys and girls they sponsor. **My challenge: Let's double that number this year!!**

Thank you,

Marcia Davis

PAEI Annual Toy Drive Coordinator

If you have any questions, please feel free to send an e-mail to [Marcia](#) or to [Karen](#).



Need a gift idea?

Young kids: Multi-cultural and multi-racial dolls, non-violent toys and games, learning games, art supplies, preschool development toys.

Pre-teen/Teenagers: Portable CD players, hand held video games, blank journals/diaries, gift certificates (food, music, movies or clothes), watches, purses, wallets, sports items, DVD's.



Door prize donations

The PAEI Board is looking to its members to help spread some holiday cheer at the Annual Meeting in December. Donations for door prizes would be especially appreciated. Prizes that have been donated in the past have included gift certificates for local stores, food baskets, embroidered PAEI tote bags, a Gingerbread House and wine bottles.

Promotional items or products from your company, such as calendars, note pads, calculators, software, etc., are also greatly appreciated.

Please either take them with you to the Annual Meeting on Wednesday, December 3, or send them to our Annual Event Chairperson, Lydia Bostillo, Adobe Systems, Inc., 151 Almaden Blvd., San Jose, CA 95110.

If you have any questions, please contact Lydia at 408-536-2070.



The Bureau of Industry and Security

In Collaboration With The

Professional Association of Exporters and Importers



Are proud to offer:

“Complying with U.S. Export Controls”

January 13 -14, 2009

Santa Clara, California

This two-day program is led by BIS's professional counseling staff and provides an in-depth examination of the EAR. The program will cover the information exporters need to know to comply with U.S. export control requirements on commercial goods. We will focus on what items and activities are subject to the EAR; steps to take to determine the export licensing requirements for your item; how to determine your export control classification number (ECCN); when you can export or reexport without applying for a license; export clearance procedures and record keeping requirements; an overview of the Export Management Compliance Program (EMCP) concepts; and real life examples in applying this information. Presenters will conduct a number of "hands-on" exercises that will prepare you to apply the regulations to your own company's export activities. This program is well suited for those who need a comprehensive understanding of their obligations under the EAR. Technical, policy, and enforcement professionals from BIS, as well as specialists from other agencies such as the Office of Foreign Assets Control and the Bureau of Census will participate in certain programs.

Location/time: Hilton Santa Clara, 4949 Great America Parkway, CA 95054. Registration and a continental breakfast will begin at 7:30. The program will begin at 8:30 and end at 4:30 pm.

Accommodations: Please make your reservations directly with the Hilton Santa Clara by calling (408) 330-0001. Please mention “PAEI” to obtain a discounted rate. **Reserve your room by December 13, 2008** to receive the “PAEI” discounted rate of \$189. You may visit the hotel by viewing their facilities on line, <http://www.hiltonsantaclara.com/>.

Registration: The cost of this two day seminar is \$350. Breakfast, lunch, breaks and training materials will be provided. Please no telephone, fax, or checks will be accepted for registration for this event. All registrations must be paid in advance by credit card. No registrations will be accepted after January 6, 2009. **REGISTER NOW!** This program will sell out! **NO REFUND FOR CANCELLATIONS MADE AFTER December 22, 2008. All reservations for this event must be processed using a credit card online, at <http://www.acteva.com/booking.cfm?bevaidd=169805>** (We accept VISA, AMX, or MasterCard) PAEI Tax ID# is 680117035. For registration questions, please contact Karen Hebert: (408) 532-7234, khebertdms@aol.com

For more information or questions on the topics to be covered, please call BIS's Western Regional Office at (949) 660-0144



The Bureau of Industry and Security

In Collaboration With The
Professional Association of Exporters and Importers



Are proud to offer:

“Encryption Controls”

January 15, 2009

Santa Clara, California

This in-depth session will focus on the unique provisions related to encryption under the Export Administration Regulations (EAR). Bureau of Industry & Security (BIS) encryption specialists will cover a variety of topics, including how items with encryption functionality are classified under the EAR; how the provision for >64-bit "mass market" encryption may apply to products that you use, sell or buy; license exception provisions for encryption source code (open source and proprietary); license exception provisions for U.S. subsidiaries and certain eligible countries" and for U.S.-origin encryption parts and components incorporated into foreign products; encryption review and reporting requirements; Encryption Licensing Arrangements; conditions placed on encryption licenses, and other encryption technology issues. Required prerequisite: Essentials of Export Controls or Complying with U.S. Export Controls or equivalent experience.

If time allows, after the Question and Answer period, brief "One on One" sessions will be available with BIS Officers. These sessions will last from 5 -10 minutes. If you are interested in signing up for one of these spots, please send an e-mail to khebertdms@aol.com.

Location/time: Hilton Santa Clara, 4949 Great America Parkway, CA 95054. Registration and a continental breakfast will begin at 8:00. The program will begin at 9:00 and end at 4:00 pm.

Accommodations: Please make your reservations directly with the Hilton Santa Clara by calling (408) 330-0001. Please mention “PAEI” to obtain a discounted rate. **Reserve your room by December 13, 2008** to receive the “PAEI” discounted rate of \$189. You may visit the hotel by viewing their facilities on line, <http://www.hiltonsantaclara.com/>.

Registration: The cost of this full day seminar is \$250. Breakfast, lunch, breaks and training materials will be provided.

Please no telephone, fax, or checks will be accepted for registration for this event. All registrations must be paid in advance by credit card. No registrations will be accepted after January 6, 2009. **REGISTER NOW!** This program will sell out! **NO REFUND FOR CANCELLATIONS MADE AFTER December 22, 2008.** **All reservations for this event must be processed using a credit card online, at <http://www.acteva.com/booking.cfm?bevaid=169808>** (We accept VISA, AMX, or MasterCard) PAEI Tax ID# is 680117035. For registration questions, please contact Karen Hebert: (408) 532-7234, khebertdms@aol.com

For more information or questions on the topics to be covered, please call BIS's Western Regional Office at (949) 660-0144.



Professional Association of Exporters and Importers

“Leaders and Partners in Worldwide Regulatory Compliance”

“ITAR Compliance Regulations: Beyond the Basics”

One Day Conference

In conjunction with NASA-Ames Research Center, PAEI is proud to announce a one day ITAR Conference at the world renowned government research center in Moffett Field, CA. We are very honored to have the following speakers, who will focus beyond the basics within the ITAR Regulations:

Mr. Robert Warren – Senior Licensing Officer with the State Department

Mr. Dan Fisher-Owens – Attorney with Berlinger, Corcoran & Rowe L.L.P

Ms. Carol Truhe - Trade Compliance Manager with Actel Corporation

Ms. Pamela Pancoast - Subcontracting and Export Compliance Officer, University Affiliated Research Center, NASA Ames Research Park

Date: Tuesday, January 20, 2009

Cost: \$140.00 for PAEI members \$160.00 for non-members \$80.00 for students

If you would like to become a member and attend this event at the PAEI member rate, please go to <http://www.paei.org/join.htm> and join now.

*Time: * 7:30 a.m. to 5:00 p.m.*

Place: NASA Ames Research Convention Center, Moffett Field, CA. 94035

** 7:30 a.m. for Security Clearance. Continental Breakfast at 8:00 a.m.*

Program begins promptly at 8:30 a.m.

No Checks Accepted For This Event!

You may register for this meeting and pay by credit card in a secure environment on our web site at <http://www.acteva.com/booking.cfm?bevoid=171733>.

We accept Visa/AMX/MasterCard no later than January 5, 2009.

For further information, please contact Karen Hebert; (408) 532-7234 or by e-mail; khebertdms@aol.com.

Seating is limited. Register early!



WATCH US GROW!

September 2008

New

William G. Braier Addison-Clifton, LLC

Renew

Steve Shay Novellus Systems
 Peggy Williams FedEx Services
 Carol Noack Chevron
 Margie Furey Chevron
 Trudi I. West Hitachi Data Systems Corp.
 F-N. Brady Hitachi Data Systems Corp.
 John Burgess Omnicell, Inc.

October 2008

New

Will Tuupo Omnicell, Inc.
 Dianna Cannon Hewlett - Packard Co.
 Christine Brinkerhoff Apple Inc
 Dave Liu PLEXIS Services Inc.
 Ferry Soen PLEXIS Services Inc

Renew

John Burgess Omnicell, Inc.
 Diane Breithaupt Turin Networks
 Bill Marquering Turin Networks
 Dan Haley Hewlett - Packard Co.
 John Nieberding Varian
 Elia Quiros Varian
 Patrick Pettipiece Pitney Bowes Management Services
 Hazel Pangayan Pitney Bowes Management Services
 Les Stearns VLOC
 Susie Granata SGI (Silicon Graphics, Inc)

November 2008

New

Pilar Garcia SanDisk Corporation
 Aaron Yip Mervyns, LLC

Renew

Olivia Mendez Ind. Communications & Power
 Delia C. Pedilla SanDisk Corporation
 Nell F. Stroth N.F. Stroth & Associates
 Joe Lawhun N.F. Stroth & Associates
 Pamela Harbell Renesas Technology America
 Jasbir Banwait Renesas Technology America

2009 Membership Directory

It is that time of year again when we start to prepare for the new PAEI Membership Directory. We want to make sure that we have all current PAEI members information listed with correct contact information for your membership. If your membership is more than **30 days past expiration**, and you wish to be included, please make sure to send in your membership dues. You can renew online, using a credit card,

<http://www.acteva.com//booking.cfm?bevaid=1699>
2

Information that is included in the PAEI Membership Directory is as follows:

Members Name, Title, and Company Name

Telephone Number, Fax Number

And E-mail Address.

It is very important that we have your current e-mail address, because most PAEI announcements and PAEI newsletters are sent via e-mail only.



P.A.E.I. Membership Information

The Professional Association of Exporters and Importers is an organization of professionals involved in import/export activities. Objectives of the association include promoting and fostering the role of the import/export professional, providing on-going education relative to regulatory issues, exchanging information and enhancing industry's participation in import/export control issues and policies.

P.A.E. I. sponsors quarterly luncheon meetings with featured guest speakers, a bimonthly newsletter, networking and job placement opportunities.

P.A.E.I. membership represents both large and small companies in the high-technology community. Membership is open to all persons interested in personal and professional growth in the international arena. Two types of memberships are available and are valid for one year from date of payment. For more information call the PAEI Message Center at telephone (800) 930-PAEI.

Complete this application and return it along with your check. Make checks payable to: Professional Association of Exporters & Importers, P.O. Box 612743, San Jose, CA 95161-2743. PAEI's TAX ID NO: 680117035. You may also pay online for your membership at the PAEI web site <http://www.paei.org/>.

Check Membership Choice:

\$25 Student (must be full time student) \$50.00 Individual \$150.00 Corporate**

Name: _____

Title: _____

Phone: _____ Fax: _____

E-mail: _____

Company/Corporate Name: _____

Mailing Address: _____

City, State and Zip: _____

****Corporate members please indicate second name:**

2nd Name: _____

Title: _____

Phone: _____ Fax: _____

E-mail: _____

How did you hear about P.A.E.I.? _____