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December 5, 2007

**VIA FAX**

Elizabeth W. Farrow  
Assistant Director for Licensing  
Office of Foreign Assets Control  
U.S. Department of the Treasury  
Treasury Annex-Second Floor  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

**Request for Immediate Reconsideration of OFAC Determination of December 4,  
2007 (LB-115) -- Liberia Sanctions Program - Request to Unblock Property  
Blocked in Aid of Investigation**

Dear Ms. Farrow:

This is in response to your letter of December 4, 2007 (the "OFAC Response"), responding to our letters to OFAC of November 9, 2007 and November 26, 2007, and ostensibly other relevant submissions we made to OFAC, on behalf of our client Samar Airlines, including but not limited to, our December 3, 2007 letter to Mr. Brooks-Rubin (collectively, the "Request"). The fax transmittal page preceding the OFAC Response states "Attached please find License No. LB-115." We were expecting a license and are shocked by the OFAC Response.

We request that OFAC reconsider the OFAC Response and we reiterate that OFAC grant the relief requested in the Request. We request that OFAC reopen the case. We believe that OFAC will cause the funds in question to be unblocked after reconsidering the information in the Request and considering the reasons stated below.

### **No Chichakli Property Interest**

It is our considered judgment that Mr. Chichakli does not, as a legal matter, have a property interest in the funds in question, which we maintain are blocked in aid of investigation and not otherwise under Executive Order 13348 and the relevant regulations. The mere fact that Mr. Chichakli introduced Samar Airlines to Aventura Aviation and expected to derive a finder's fee of \$50,000 therefor -- conditioned and contingent upon the successful completion of the transaction (the "Fee") does not give Mr. Chichakli a property interest in the blocked funds in question. Mr. Chichakli's past involvement in the transaction to which the funds in question relate is extremely remote.

As you know, the blocked funds are in excess of U.S. \$1.6 million. **If the blocked funds, as OFAC maintains, do constitute an interest in property of Mr. Chichakli, we request that OFAC articulate exactly what kind of property interest it is that Mr. Chichakli has, and exactly what amount of the \$1.6 million this property interest corresponds to.**

As stated in the Request, any recourse that Mr. Chichakli may have for the Fee is limited to the amount of the Fee and his recourse is only to Samar Airlines and not against the blocked funds. Mr. Chichakli has no legally cognizable property interest in the blocked funds. Mr. Chichakli and Samar Airlines were in contractual privity, and in any event, the condition that would obligate Samar Airlines to pay the Fee has failed – there has been no, and will never be a, successful completion of the transaction per the oral agreement between Samar Airlines and Mr. Chichakli. In any event, the Fee, if it were paid to Mr. Chichakli, would have been paid by Samar Airlines from funds other than the blocked funds. Samar Airlines has not heard from Mr. Chichakli since mid-September 2007, when Mr. Chichakli caused Samar Airlines' funds to be blocked by OFAC.

We think OFAC can readily understand and appreciate that Samar Airlines has no legal obligation to pay and also no intention of paying Mr. Chicakli anything. It is Samar Airlines, Aventura Aviation, and RP Aviation that have been victimized and who are being punished as a result of Mr. Chichakli's one-shot desperate attempt to make money, and his disingenuous representations to Samar Airlines and others. Mr. Chichakli's intentional and malicious actions have damaged Samar Airlines, Aventura Aviation, and RP Aviation. By refusing to unblock the funds in question OFAC is compounding that punishment and not in any way punishing or depriving Mr. Chichakli of any benefit or advantage.

As we have previously informed OFAC, the need for OFAC's swift and favorable action on the Request has taken on increased urgency. Samar Airlines has not been able to begin operations due to OFAC's blocking of the funds and the transactions in question. Samar Airlines' shareholder has informed us that Samar Airlines is being pressed by its creditors and that it is now on the verge of bankruptcy.

#### **What Information Otherwise Available to OFAC?**

OFAC bases its legal conclusion in the OFAC Response on the information provided in the Request as well as apparently on "... information otherwise available to OFAC as part of its ongoing investigation into the matter ...." **Please tell us what this information otherwise available to OFAC is.**

#### **License Request**

Even if the continued blocking of the funds in question is warranted and authorized under Executive Order 13348 and the relevant regulations, for all the reasons stated in the Request and above, **we believe that it would be consistent with U.S. law and policy and that it would also be a proper exercise of discretion to unblock the funds in question. We accordingly request that OFAC issue a license unblocking the funds.**

If OFAC requires Samar Airlines to provide any undertaking to OFAC regarding their commitment to avoid any and all future dealings with Mr. Chichakli, Samar Airlines will be more than happy to provide such an undertaking, especially because that is Samar Airlines' true intent. Once the funds are unblocked, Samar Airlines intends to purchase and Aventura Aviation intends to supply the aircraft for which the funds have been remitted, but naturally without the involvement of or any payment to Mr. Chichakli.

\* \* \*

Please act to unblock the funds without delay.

Sincerely,



Hal Eren

cc:

John E. Smith - Associate Director, Policy Program and Implementation  
Dale Thompson – Chief, General Investigations & Field Operations  
Brad Brooks-Rubin, Esq. - Attorney-Adviser, Chief Counsel's Office (OFAC)  
Andrea Colindres – Licensing Officer, Licensing Division