



To: CBP Officer Male

VIA EMAIL ONLY

From: BiBi Foods LLC

Date: January 26, 2025

Re: Detained containers NIDU5211178 and FDCU0172524 ("the Subject Containers")

Greetings –

We very much appreciate your prompt email reply on January 20, 2025, at 5:44 AM MST ("your January 20 email") to our third urgent request for resolution that we emailed to you on January 19, 2025, at 9:43 PM MST. We remain ready, willing, and able to work with you and everyone at CBP to resolve this situation.

We note that your January 20 email is the first and only communication to BiBi Foods LLC from anyone at U.S. Customs and Border Protection ("CBP") in response to our third urgent request for resolution that we emailed to you on January 19, 2025, at 9:43 PM MST.

In your January 20 email, you stated:

"The origin of the products that you are attempting to import has been identified as Iranian. This is in violation of the Iranian Transactions and Sanctions Regulations, 31 C.F.R part 560 (ITSR). This is the reason for the detention and I am sure you would agree is a serious matter."

We are stunned by the implication that we may be in violation of the Iranian Transactions and Sanctions Regulations, 31 C.F.R part 560 (ITSR), because of CBP's position that the origin of the products that we are attempting to import has been identified as Iranian ("the determination").

Until we received your January 20 email, we had no knowledge about the existence of the ITSR. Even if we had known about the ITSR (which we did not), it never would have occurred to us that the ITSR had any bearing on the bakery equipment we are trying to import because of our understanding the equipment did not come out of Iran and no one from Iran was involved in our purchase of that equipment.

We purchased the bakery equipment from the Seller, Easy Shop General Trading LLC, located in Dubai, UAE. The Commercial Invoice number PRB-0132/24, dated June 19, 2024, from the Seller, Easy Shop General Trading LLC, to BiBi Foods, LLC, shows the country of origin for all of the items on the invoice as "Oman".

That Commercial Invoice is attached to the Dubai Chamber of Commerce & Industry Certificate of Origin ("COO") number 23709276, dated June 24, 2024, which shows the country of origin for all of the items on the COO as "Sultanate of Oman" (see copy attached).



Your January 20 email tells us nothing except the determination with reference to the ITSR, i.e. it gives us no factual information with which to evaluate CBP's position that the origin of the products we are attempting to import has been identified as Iranian. Based on the information you furnished in your January 20, 2025 email, we have no way to make a more substantive response to your January 20 email notice of the determination because you have not explained the basis of the determination.

We are deeply troubled by the fact that your January 20 email presents the determination as a *fait accompli* without any meaningful opportunity for prior input from or response by BiBi Foods.

Under these circumstances, we must reject the determination and we request that CBP immediately place a "standstill" status on the Subject Containers and take no further action based upon the determination unless and until: (1) we receive the information we request in the remainder of this email; and (2) we have a reasonable amount of time in which to evaluate the information you deliver to us in response to this email; and (3) we have a reasonable amount of time in which to prepare in writing and deliver to CBP our response to the determination; and (4) we are afforded an opportunity at a meaningful time and a meaningful time place in the process to present our response before CBP takes any further action based upon the determination.

Information request number 1

Please furnish the name of the person who made the determination that the origin of the products has been identified as Iranian, along with their title and all of their contact information, i.e. telephone number, fax number, and email address.

Information request number 2

We respectfully request that you promptly deliver to us a complete explanation of CBP's position that the origin of the products that we are attempting to import has been identified as Iranian. At a minimum, we request that your response answer each and all of the following questions.

Who made the determination?

When was the determination made?

What evidence supports the determination?

Exactly what criteria or standards were used to evaluate the evidence?

Where exactly are the Subject Containers currently located and what exactly is their status?

What is the effect of the determination on the status and location of the Subject Containers? In other words, is the current status or location of the Subject Containers subject to a pending or imminent change? If yes, then please furnish a complete, detailed explanation.



Information request number 3

Your January 20 email states: *"The decision concerning the outcome of your shipment is out of my hands."*

When exactly did the decision concerning the outcome of our shipment go out of your hands and into the hands of someone else? Please furnish to us the name of the person into whose hands the decision concerning the outcome of our shipment went from you, along with their title and all of their contact information, i.e. telephone number, fax number, and email address.

Information request number 4

Please advise us ASAP as to the name(s) of the person(s) in whose hands the decision concerning the outcome of our shipment currently rests, along with their title(s) and all of their contact information, i.e. telephone number(s), fax number(s), and email address(es).

Information request number 5

Your January 20 email states: *"I understand this process is frustrating and lengthy. The holidays played a part as well and delayed the process."*

For the record, your January 20 email is the first time in almost four (4) months - since the Subject Containers were made available at the Barbours Cut Terminal in Houston on September 24, 2024 - that CBP informed us that the reason for the detention of the Subject Containers is the determination Iran is country of origin and ITSR. The one and only other reason CBP has ever communicated to us for the detention was stated in an email on October 1, 2024, at 8:54 AM, from CBP Officer Male to eleven (11) persons, INCLUDING Amber Agosto at Gallagher Transport for BiBi Foods: *"This shipment has also been detained by CBP for enforcement reasons pending further inspection."*

Your January 20 email is the first time that we have received any communication from you or anyone else at CBP in almost two months - since November 27, 2024, when we emailed you our second request for expedited resolution. We note that you did not respond in any way to our November 27, 2024, second request for expedited resolution.

Neither did CBP Officer Reuben D. Acosta, who told us by telephone on or about November 27, 2024, that if we would email him the second request for expedited resolution document, he would forward it to a supervisor. We have had no communications from CBP Officer Acosta or any supervisor from November 27, 2024, to date.

Please advise us ASAP as to the name(s) of each and all of those superiors/supervisory person(s) to whom CBP Officer Acosta forwarded the second of our three formal requests for expedited decision on the detained items dated November 27, 2024, 2024, along with their title(s) and all of their contact information, i.e. telephone number(s), fax number(s), and email address(es).



Information request number 6

We believe that we would still be waiting without any communication from CBP if we had not emailed you our third urgent request for resolution on January 19, 2025, at 9:43 PM MST.

Your January 20 email states: *“Now that we have passed the holiday season, I am hopeful that you will receive feedback on how to proceed.”*

After waiting for the past two months with no contact from you or anyone else at CBP, we now have your January 20 email which gives us nothing whatsoever in the way of “feedback on how to proceed”, i.e. guidance as to what our options or obligations are.

To make matters worse, your January 20 email gives us zero information about any deadlines or other understanding about how long we have in which to decide what we are going to do about this situation. Meanwhile, the detention charges continue to accrue at the rate of USD \$500.00 per day (USD \$250.00 per container per day).

In other words, we have absolutely no idea what we can or should do next, or how long we have in which to do it.

As your January 20 email says the decision concerning the outcome of our shipment is out of your hands, then please immediately: (1) advise us ASAP as to what our options or obligations are; and (2) inform us about any deadlines or other information about how long we have to decide what we are going to do about this situation; and (3) tell us who in CBP we should contact to get “feedback about how to proceed” and how we can contact them, i.e. furnish their name(s), title(s), telephone number(s), fax number(s), and email address(es).

Information request number 7

On page 1 of our third urgent request for resolution dated January 19, 2025, we clearly identified the immediate action we were then requesting from CBP, as follows.

Immediate CBP Action Requested

As of January 20, 2025, BiBi Foods faces an extremely urgent, existential challenge: how to immediately resolve the CBP hold on their detained equipment which is essential for the survival of BiBi Foods. BiBi Foods desperately needs immediate action by CBP to explain the delay, mitigate further financial losses, and ensure the continued viability of BiBi Foods.

Having done everything they know how to do to respond to CBP requirements, BiBi Foods now seeks: (1) to understand the current status of their detained shipment; (2) to learn what else, if anything, is required from BiBi Foods for CBP to release their shipment from detention; (3) to learn what options, if any, CBP has to reduce or waive detention fees during the review process.; and (4) to learn when this situation will be resolved.



After reading your January 20 email, nothing has changed for us - **we still**: (1) do not understand the current status of our detained shipment; (2) do not know what else, if anything, is required from BiBi Foods for CBP to release their shipment from detention; (3) do not know what options, if any, CBP has to reduce or waive detention fees during the review process; and (4) do not know when this situation will be resolved.

Please furnish ASAP the information we previously requested from you in our January 19, 2024 third urgent request for expedited resolution: (1) to understand the current status of our detained shipment; (2) to learn what else, if anything, is required from BiBi Foods for CBP to release our shipment from detention; (3) to learn what options, if any, CBP has to reduce or waive detention fees during the review process.; and (4) to learn when this situation will be resolved.

Information request number 8

CBP's **initial** thirty (30) day period of detention began on or about September 27, 2024.

CBP's **initial** Detention Notice was dated September 27, 2024. We have a copy of this initial Detention Notice. Item 16 states: "please send the original invoice from the manufacturer, a detailed packing list of all the items in the containers, and a country of origin certificate." BiBi Foods responded by promptly delivering each of these items to you. The bottom of the form states in pertinent part: "Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, ...".

CBP's **second** thirty (30) day period of detention began on or about October 25, 2024.

Please send us a copy of the Detention Notice dated on or about October 25, 2024 and all other documentation about CBP's **second** thirty (30) day period of detention which began on or about October 25, 2024.

Information request number 9

CBP's **third** thirty (30) day period of detention began on or about November 27, 2024, as stated in an email from CBP Officer Reuben D. Acosta to Amber Agosto on November 27, 2024 at 5:45 AM CST.

Please send us a copy of the Detention Notice dated on or about November 27, 2024 and all other documentation about CBP's **third** thirty (30) day period of detention which began on or about November 27, 2024.



Information request number 10

CBP's **fourth** thirty (30) day period of detention began on or about December 27, 2024.

Please send us a copy of the Detention Notice dated on or about December 27, 2024 and all other documentation about CBP's **fourth** thirty (30) day period of detention which began on or about December 27, 2024.

Information request number 11

On or before October 21, 2024, we completed our delivery to you of everything you requested from us or our representatives in the way of documentation and additional information, e.g. packing list, etc.

On October 21, 2024, we sent you the first of three formal requests for expedited decision on the detained items (via email on October 21, 2024, at 12:37 PM CST, from our representative, Amber Agosto with Gallagher Transport, to you, with our letter attached).

On October 22, 2024, at 8:57 AM CST, you sent an email to our representative, Amber Agosto, in which you stated: *"Good morning, I will pass this letter on to my superiors."*

Please advise us ASAP as to the name(s) of each and all of those superiors/supervisory person(s) to whom you forwarded the first of our three formal requests for expedited decision on the detained items dated October 21, 2024, along with their title(s) and all of their contact information, i.e. telephone number(s), fax number(s), and email address(es).

Information request number 12

Please explain to us in detail ASAP what those superiors/supervisory person(s) to whom you forwarded on or about October 22, 2024 the first of our three formal requests for expedited decision on the detained items dated October 21, 2024, did in regard to the Subject Containers between October 22, 2024 and January 20, 2025, when you sent us your January 20 email notice of the determination.

Information request number 13

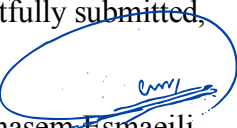
We request the name of the highest ranking CBP Officer and the highest ranking CBP Administrator responsible for CBP Operations in Houston and how we can contact them, i.e. furnish their name(s), title(s), telephone number(s), fax number(s), and email address(es).

Information request number 14

Please reply to confirm receipt of this email.



Respectfully submitted,


Abolghasem Esmacili
Owner/Operator

Attachment

Certificate of Origin

240624 Certificate of Origin Dubai Chamber from COO - 23709276 -FS INV ESG_BIBI_JEA-
HOUSTON