

owners were affiliated with Amani/Betop or MEDA ZZ.⁵³⁴ Although CBP served this document to Granite Collection and Ilkem, they did not attempt to connect Stone Direct's owners to Amani/Betop.⁵³⁵ Additionally, the Companies Commission of Malaysia categorized MEDA ZZ as a sole proprietorship and listed its only owner as a Malaysian citizen named Hamidah Binti Mat Rawi.⁵³⁶ This document also contained no indication that MEDA ZZ or its owner were affiliated with Amani/Betop or Stone Direct. Although CBP served this document to Granite Collection and Ilkem, they did not attempt to connect MEDA ZZ's owner to Amani/Betop.⁵³⁷ In light of the preceding facts and in contrast to Granite Collection's and Ilkem's claims, CBP determines that Amani/Betop, MEDA ZZ, and Stone Direct are unaffiliated with each other.

Multiple facts on the record pertaining to payments and emails indicate that Granite Collection's and Ilkem's QSP from MEDA ZZ and Stone Direct originated in China. Granite Collection and Ilkem paid Amani/Betop's bank [LOCATION] for their QSP rather than MEDA ZZ or Stone Direct.⁵³⁸ This is the opposite payment arrangement that would be expected if Mr. Zeng was a sales agent for MEDA ZZ and Stone Direct as Granite Collection and Ilkem claimed. The subject line of several emails between Mr. Zeng and Ilkem state "[COMPANY]," which would be unusual if Ilkem purchased QSP from MEDA ZZ or Stone Direct.⁵³⁹ Mr. Zeng referred to MEDA ZZ and Stone Direct as a [SITUATION DESCRIPTION].⁵⁴⁰ In one instance he said "[SITUATION DESCRIPTION]."⁵⁴¹ The subject line of another email from Amani/Betop contained Chinese characters that translate as: "[DESCRIPTION]."⁵⁴² This indicates a Chinese-origin because if the QSP originated in Malaysia, there would be [DESCRIPTION] from Malaysia to the United States.

Many of the photographs that Granite Collection and Ilkem provided also indicated a Chinese origin. Ilkem provided factory photographs in which all of the [PHOTOGRAPH DESCRIPTION].⁵⁴³ Although Chinese is spoken in Malaysia, in addition to Malay, the fact that the [PHOTOGRAPH DESCRIPTION] is consistent with a factory location in China. Granite Collection and Ilkem provided photographs showing workers in a factory, and these same photographs were also found on two unrelated Chinese companies' websites.⁵⁴⁴ The fact that these websites utilized the same factory

⁵³⁴ See February 9 Memorandum at Attachment 1.

⁵³⁵ *Id.*

⁵³⁶ *Id.* at Attachment 2.

⁵³⁷ *Id.*

⁵³⁸ See Granite Collection Supplemental RFI at 7 and Exhibit F; see also Granite Collection RFI at 16 and Exhibit I, pages 5-7; see also Ilkem RFI at Exhibit M; see also Ilkem Supplemental RFI at Exhibit H. About this arrangement, Mr. Zeng told Ilkem, "[SITUATION DESCRIPTION]" *Id.* at Exhibit D, page 112.

⁵³⁹ See Ilkem RFI at Exhibit B, pages 42-43, 48-49; see also Ilkem Supplemental RFI at Exhibit D, page 1 and Exhibit I, pages 4-5.

⁵⁴⁰ See Ilkem RFI at Exhibit B, pages 27, 52-53; see also Ilkem Supplemental RFI at Exhibit D, pages 3, 5, 112; see also Granite Collection Supplemental RFI at Exhibit D, page 30.

⁵⁴¹ See Granite Collection Supplemental RFI at Exhibit D, page 30.

⁵⁴² See October 27 Memorandum at Attachment 5.

⁵⁴³ See Ilkem RFI at Exhibit C, pages 11, 17, 19-21.

⁵⁴⁴ See Granite Collection CF-28 Response at 198-206; see also Granite Collection RFI at Exhibit D, pages 5-12; see also Ilkem CF-28 Response at 230; see also Ilkem RFI at Exhibit E, page 1; see also July 19 Memorandum at Attachment 15, pages 1-11.

photographs calls into question whether Amani/Betop obtained these photographs from the internet. Additionally, if MEDA ZZ and Stone Direct were Amani/Betop affiliates, it is unlikely that Amani/Betop would distribute these photographs to competitor companies.

Ilkem provided several QSP slab photographs purportedly from MEDA ZZ's product catalog. In the top left corner of the [PRODUCT] QSP slab is [DESCRIPTION], which are similar to those found on Amani Stone's insignia.⁵⁴⁵ The photographs of [PRODUCT] and [PRODUCT] are the same photographs and product names found on Amani Stone's website.⁵⁴⁶ Ilkem's photograph for [PRODUCT] shows a [PHOTOGRAPH DESCRIPTION].⁵⁴⁷ Malaysia is a tropical country that does not receive snow; whereas some areas of China receive snow.⁵⁴⁸ Furthermore, the tops of numbers or letters are visible at the bottom of the photograph. CBP research revealed the same photograph on a QSP sales website, and this website indicated that the QSP in the photograph was the product of the Chinese QSP producer, [COMPANY], which was previously discussed in Gold Stone's section.⁵⁴⁹ The website's version of the photograph showed the full product number, [NUMBER], which is not an Amani Stone product number. The product details on the website note that its origin is "[COUNTRY]" and its [DESCRIPTION], which also indicates that it is Chinese origin.⁵⁵⁰

Correspondingly, in an undated email, Mr. Zeng wrote, "[SITUATION DESCRIPTION]," which indicates an Amani/Betop offer to [SITUATION DESCRIPTION].⁵⁵¹ In another instance, Ilkem instructed Mr. Zeng to "[REQUEST DESCRIPTION]"⁵⁵² This statement is odd because if the QSP was produced in and shipped from Malaysia, there would be no need to [DESCRIPTION].

Many of Granite Collection's and Ilkem's commercial invoices corroborated the references to Chinese departure ports by denoting "[DESCRIPTION] Qingdao" or "[DESCRIPTION] China Port."⁵⁵³ After CBP asked about these references, Granite Collection and Ilkem claimed that Amani/Betop "errantly used an invoice format that is used for China production."⁵⁵⁴ However, the fact that Amani/Betop produces QSP in China, used "an invoice format that is used for China production," and this invoice contained an [DESCRIPTION] from China indicates that the QSP originated in China. Furthermore, although Amani/Betop is not affiliated with MEDA ZZ or Stone Direct, it issued MEDA ZZ's and Stone Direct's invoices. The fact that

⁵⁴⁵ See Ilkem RFI at Exhibit B, page 97; see also July 19 Memorandum at Attachment 16, page 20.

⁵⁴⁶ See Ilkem RFI at Exhibit B, pages 93-94; see also July 19 Memorandum at Attachment 16, page 4.

⁵⁴⁷ See Ilkem RFI at Exhibit B, page 95. It is near the bottom of the page.

⁵⁴⁸ See October 27 Memorandum at Attachment 14.

⁵⁴⁹ See July 19 Memorandum at Attachment 1; see also October 27 Memorandum at Attachment 11.

⁵⁵⁰ *Id.*

⁵⁵¹ See Ilkem RFI at 102.

⁵⁵² *Id.* at 99, 108.

⁵⁵³ See Granite Collection RFI at 25; see also Interim Measures at 11; see also Granite Collection CF-28 Response at 212, 219, 240, 247; see also Ilkem CF-28 Response at 239, 247, 249, 259; see also Ilkem RFI at Exhibit F(1), page 2; Exhibit F(2), page 2; Exhibit F(3), page 2; Exhibit F(4), page 2; Exhibit F(5), page 2; Exhibit F(5), page 2; see also Ilkem Supplemental RFI at Exhibit I, pages 58, 94, 102, 105. These commercial invoices came from Granite Collection entries [NUMBER]0423, [NUMBER]1603, [NUMBER]1041, [NUMBER]1595 and Ilkem entries [NUMBER]1942, [NUMBER]2478, [NUMBER]3088, [NUMBER]6421, [NUMBER]6603, and [NUMBER]468.

⁵⁵⁴ See Granite Collection RFI at 25-26; see also Ilkem RFI at 25.

personnel from an unaffiliated Chinese QSP producer issued these invoices rather than the companies listed on the invoice also indicates a Chinese origin.

Several months after Granite Collection submitted the invoices noted above, it submitted different versions of four of the invoices. In these versions, the “[DESCRIPTION] Qingdao” and “[DESCRIPTION] China Port” were changed to “[DESCRIPTION]” or “[DESCRIPTION].”⁵⁵⁵ A few emails referred to these changes. In one email dated after CBP initiated this investigation, Granite Collection or Mr. Zeng stated, “[DESCRIPTION].”⁵⁵⁶ In another email, Granite Collection asked Mr. Zeng, “[QUESTION DESCRIPTION]” and “[QUESTION DESCRIPTION]”⁵⁵⁷ Mr. Zeng responded “[STATEMENT].”⁵⁵⁸ These conversations indicate that Amani/Betop changed these invoices after it learned about CBP’s investigation and then CBP was provided the revised invoices. Granite Collection’s RFI narratives did not point out or explain the inclusion of these edited invoices, which casts doubt on the originality of its other RFI documents.

In another email, Mr. Zeng told Granite Collection that he “[EVENT DESCRIPTION]” and then separately emailed the “[DESCRIPTION]” and “[DESCRIPTION].”⁵⁵⁹ Similarly, a related email’s subject line was “[DESCRIPTION].”⁵⁶⁰ “[CITY] is a Chinese city that is close to Mr. Zeng’s location in Quanzhou.”⁵⁶¹

After CBP inquired about “[CITY]”, Granite Collection stated that “this reference was an error.” However, these references were germane to the conversation topic on “[DESCRIPTION] QSP and occurred in multiple emails and spreadsheets, which indicates that they were not erroneous.”⁵⁶² Mr. Zeng sent “[#]” photographs of these “[DESCRIPTION].”⁵⁶³ Furthermore, “[DESCRIPTION]” includes a reference to the “[COUNTRY]” in its title, which indicates its intended destination.⁵⁶⁴ After both parties agreed on the “[DESCRIPTION] QSP’s price, quantity, and logistics, Mr. Zeng sent “[DESCRIPTION]” finalizing the sale.⁵⁶⁵ Granite Collection’s wire payment reference indicated that the payment was on the basis of this sales confirmation number, *viz.* “[NUMBER]”⁵⁶⁶ Several packing lists also denote that Granite Collection received “[DESCRIPTION] QSP.”⁵⁶⁷ Each of these facts corroborates that the “[CITY]” references were not erroneous.

⁵⁵⁵ See Granite Collection RFI at Exhibit F(1), page 2; Exhibit F(2), page 2; Exhibit F(3), page 2; and Exhibit F(4), page 2.

⁵⁵⁶ *Id.* at Exhibit B, page 21.

⁵⁵⁷ *Id.* at Exhibit C.

⁵⁵⁸ *Id.*

⁵⁵⁹ *Id.* at Exhibit B, page 6-7; *see also* Granite Collection Supplemental RFI at Exhibit C, page 2 and Exhibit D, page 37.

⁵⁶⁰ See Granite Collection Supplemental RFI at Exhibit D, page 32 and Exhibit H, page 81.

⁵⁶¹ See July 1 Memorandum at Attachment 6, page 1 and Attachment [#], page [#].

⁵⁶² See Granite Collection RFI at Exhibit B, page 6.

⁵⁶³ See Granite Collection Supplemental RFI at Exhibit H{2}, page 87.

⁵⁶⁴ *Id.* at Exhibit D, page 33.

⁵⁶⁵ See Granite Collection RFI at Exhibit B, page 10.

⁵⁶⁶ *Id.* at Exhibit B, page 15; *see also* Granite Collection Supplemental RFI at Exhibit F, page 3.

⁵⁶⁷ See Granite Collection CF-28 Response at 213, 248; *see also* Granite Collection RFI at Exhibit F(2), page 3 and Exhibit F(3), page 3; *see also* Granite Collection Supplemental RFI at Exhibit H{2}, pages 2, 11.

Several sales confirmations referred to in Granite Collection’s emails reflect the QSP’s Chinese-origin. Mr. Zeng sent Granite Collection “[DESCRIPTION]” and “[DESCRIPTION].”⁵⁶⁸ Each of their respective preview windows showed that the bottom portion of each document listed [COMPANY] as the seller and Granite Collection as the buyer.⁵⁶⁹ Likewise, Mr. Zeng sent Granite Collection “[DESCRIPTION]” and its preview window showed that its top portion listed [COMPANY] at the seller and Granite Collection as the buyer.⁵⁷⁰ Entry [NUMBER]9425’s, [NUMBER]0423’s, and [NUMBER]1595’s commercial invoices referenced these sales confirmations in their top right corners, which indicates that these invoices resulted from their referenced sales confirmations.”⁵⁷¹ The fact that these entries are tied to the sales confirmations, which in turn listed the Chinese company [COMPANY] rather than MEDA ZZ or Stone Direct, corroborates the Chinese-origin of these QSP entries.

CBP expressly requested all sales confirmations and invoices from the MEDA ZZ and Stone Direct entries multiple times.⁵⁷² Granite Collection’s correspondence demonstrated the existence of sales confirmations listing [COMPANY] as the seller; however, Granite Collection did not provide these sales confirmations. Likewise, Ilkem’s correspondence and commercial invoices referenced eight different sales confirmation numbers but Ilkem only provided the sales confirmation for entry [NUMBER]6925.⁵⁷³

Granite Collection and Ilkem provided incomplete records to CBP in other instances as well. For example, CBP requested Ilkem’s accounts payable for the two most recent fiscal years multiple times.⁵⁷⁴ However, Ilkem omitted its accounts payable for seven months of 2020.⁵⁷⁵ CBP also requested Granite Collection’s pro forma invoices.⁵⁷⁶ Granite Collection told CBP to “see entries in Exhibit F,” which only contained the pro forma invoice for entry [NUMBER]9425.⁵⁷⁷ However, Granite Collection’s correspondence referenced other pro forma invoices that it did not provide.⁵⁷⁸

⁵⁶⁸ See Granite Collection RFI at Exhibit B, pages 12, 20; see also Granite Collection Supplemental RFI at Exhibit H{2}, page 70.

⁵⁶⁹ *Id.*

⁵⁷⁰ See Granite Collection RFI at Exhibit B, page 3, 11.

⁵⁷¹ *Id.* at Exhibit B, page 20; Exhibit F(1), page 2; and Exhibit F(3), page 2; see also Granite Collection Supplemental RFI at Exhibit H{2}, page 71. These commercial invoices referenced them as such: “[DESCRIPTION],” “[DESCRIPTION],” and “[DESCRIPTION].”

⁵⁷² See Granite Collection RFI at 21-22; see also Granite Collection Supplemental RFI at 12; see also Ilkem RFI at 22; see also Ilkem Supplemental RFI at 7, 23.

⁵⁷³ See Ilkem RFI at Exhibit B, pages 43, 68, 74, and Exhibit M, pages 9-10; see also Ilkem Supplemental RFI at Exhibit D, pages 27, 118, 144, and Exhibit R, page 16. They provided sales confirmation [NUMBER]. The sales confirmations they did not provide were [NUMBERS].

⁵⁷⁴ See Ilkem RFI at 20; see also Ilkem Supplemental RFI at 5.

⁵⁷⁵ See Ilkem RFI at Exhibit K; see also Ilkem Supplemental RFI at Exhibit F.

⁵⁷⁶ See Granite Collection RFI at 24.

⁵⁷⁷ *Id.* at 24, 58; see also Granite Collection Supplemental RFI at 35, 43, 52, 57, 65, 74, 263; see also Granite Collection CF-28 Response at 164, 233.

⁵⁷⁸ See Granite Collection CF-28 Response at 164, 233; see also Granite Collection RFI at 24, 58; see also Granite Collection Supplemental RFI at 35, 43, 52, 57, 65, 74, 263.

Notably, the pro forma invoice for entry [NUMBER]9425 is similar in appearance to the preview window's visible information for [DESCRIPTION].⁵⁷⁹ Both documents listed the same bank information, total price, [DESCRIPTION] column information, and [#] of the [#] QSP models were the same, which indicates that these documents pertained to the same entry.⁵⁸⁰ Significantly, the pro forma invoice listed MEDA ZZ as the seller, whereas the sales confirmation listed [COMPANY] as the seller.⁵⁸¹ The fact that both documents pertain to the same entry and that Granite Collection never submitted the other sales confirmations pertaining to [COMPANY] indicates an attempt to hide documents portraying the QSP's Chinese-origin.

Curiously, although Granite Collection and Amani/Betop had multiple sales agreements memorialized through sales confirmation documents listing [COMPANY] as the seller and issued by Betop's Director James Zeng, Granite Collection stated that it "had no contractual relations with Betop."⁵⁸² Granite Collection's denial of its contractual relations with Amani/Betop and omission of several sales confirmations and pro forma invoices cast doubt on the reliability and completeness of its RFI responses.

Furthermore, evidence on the record indicates that Granite Collection undervalued entry [NUMBER]9425. Granite Collection declared that this entry's value was \$[NUMBER].⁵⁸³ However, the pro forma invoice indicated that the entry was worth \$[NUMBER].⁵⁸⁴ The subsequent commercial invoice denoted that the entry was worth \$[NUMBER] and that Granite Collection had already paid \$[NUMBER].⁵⁸⁵ The remaining balance was \$[NUMBER], which was the entry value Granite Collection declared to CBP.⁵⁸⁶ The commercial invoice's net quantity ties to the entry summary's net quantity, which corroborates that it is the correct invoice. Granite Collection claimed that "the invoice was not separated for each container. The container was cleared based on the invoice."⁵⁸⁷ However, this explanation is incorrect because the entry's commercial invoice ties to the packing list and bill of lading and these documents indicate that the entry's contents were in one container.⁵⁸⁸ Correspondence also refers to the entry's one container and requests Granite Collection to "[REQUEST DESCRIPTION]," which is similar to the commercial invoice's remaining balance.⁵⁸⁹

Evidence on the record indicates that Granite Collection undervalued its other entries as well. The total declared value of Granite Collection's four entries from MEDA ZZ and one entry from Stone Direct is \$[NUMBER].⁵⁹⁰ Granite Collection provided its wire transfer documents to

⁵⁷⁹ See Granite Collection RFI at Exhibit B, page 12; *see also* Granite Collection Supplemental RFI at Exhibit H{2}, page 70.

⁵⁸⁰ *Id.* One product was crossed out.

⁵⁸¹ See Granite Collection Supplemental RFI at Exhibit H{2}, page 70; *see also* Granite Collection RFI at Exhibit B, page 12.

⁵⁸² See Granite Collection RFI at 7 and Exhibit B.

⁵⁸³ See Granite Collection CF-28 Response at 231.

⁵⁸⁴ *Id.* at 164, 233.

⁵⁸⁵ See Granite Collection Supplemental RFI at Exhibit H{2}, page 71.

⁵⁸⁶ *Id.*

⁵⁸⁷ See Granite Collection RFI at 24.

⁵⁸⁸ See Granite Collection Supplemental RFI at Exhibit H{2}, pages 72, 74, 76-77.

⁵⁸⁹ *Id.* at Exhibit H{2}, pages 80-81, 85.

⁵⁹⁰ See Granite Collection CF-28 Response at 231; *see also* Granite Collection RFI at Exhibits F(1)-F(4). [ADDITION FORMULA] = [NUMBER]

Amani/Betop for these entries, which totaled \$[NUMBER].⁵⁹¹ Granite Collection also provided its accounts payable, which listed payments to Amani/Betop totaling \$[NUMBER].⁵⁹² Many of the payments from these two sources could not be tied to the payments noted in Granite Collection's entry documents, such as the commercial invoices' advanced payments and balance payments.⁵⁹³ Granite Collection did not provide any explanation for these discrepancies. This information indicates that Granite Collection undervalued its entries by \$[NUMBERS].

Many of the details in Granite Collection's and Ilkem's documents correspond to details from the Allegations.⁵⁹⁴ [NAME] is an Amani/Betop [EVENT DESCRIPTION].⁵⁹⁵ Like Mr. Zeng, [NAME] works for Amani/Betop and is located in Fujian Province, China.⁵⁹⁶ [EVENT DESCRIPTION] but that his prospective shipment's [SITUATION DESCRIPTION] Malaysia. [EVENT DESCRIPTION]. The [EVENT DESCRIPTION] from entry [NUMBER]9425 and the [EVENT DESCRIPTION] from entry [NUMBER]6421.⁵⁹⁷ [EVENT DESCRIPTION] Stone Direct [DESCRIPTION].⁵⁹⁸ [SITUATION DESCRIPTION].⁵⁹⁹ As previously noted, Mr. Zeng also told Granite Collection on [DATE] that "[SITUATION DESCRIPTION]".⁶⁰⁰

As part of the sales process, [SITUATION DESCRIPTION] in Granite Collection's and Ilkem's commercial invoices.⁶⁰¹ It is noteworthy that products listed on Stone Direct's website begin with "SD"; whereas, product numbers on Granite Collection's and Ilkem's MEDA ZZ and Stone Direct commercial invoices follow Amani/Betop's product format in which products usually begin with "[DESCRIPTION]".⁶⁰²

⁵⁹¹ See Granite Collection Supplemental RFI at Exhibit F. [ADDITION FORMULA] = [NUMBER]

⁵⁹² See Granite Collection RFI at Exhibit I. [ADDITION FORMULA] = [NUMBER]

⁵⁹³ See Granite Collection CF-28 Response at 212, 219, 240, 247; see also Granite Collection Supplemental RFI at Exhibit H{2}, page 71.

⁵⁹⁴ See Granite Collection Allegation at Exhibits 8-9; see also Ilkem Allegation at Exhibits 8-9.

⁵⁹⁵ See Granite Collection Allegation at Exhibits 5, 8-9; see also Ilkem Allegation at Exhibits 5, 8-9.

⁵⁹⁶ *Id.*

⁵⁹⁷ See Granite Collection CF-28 Response at 236; see also Ilkem RFI at Exhibit F(1), page 6; see also Granite Collection Allegation at Exhibit 9, pages 1, 4-5, 7; see also Ilkem Allegation at Exhibit 9, page 5.

⁵⁹⁸ See Granite Collection Allegation at Exhibit 9, page 1; see also Ilkem Allegation at Exhibit 9, page 1.

⁵⁹⁹ *Id.*

⁶⁰⁰ See Granite Collection Supplemental RFI at Exhibit D, page 30.

⁶⁰¹ See Granite Collection Allegation at Exhibit 9, pages 2, 8-57; Granite Collection CF-28 Response at 212, 219, 240, 247; see also Granite Collection RFI at Exhibits F(1) - F(4); see also Granite Collection Supplemental RFI at Exhibit H{2}; see also Ilkem CF-28 Response at 239, 247, 249, 259, 303, 306; see also Ilkem RFI at Exhibits F(1) - F(6); see also Ilkem Supplemental RFI at Exhibit I, pages 14-15, 58, 102 and Exhibit R, page 16. In the allegation, [SITUATION DESCRIPTION] QSP products.

⁶⁰² See Granite Collection CF-28 Response at 212, 219, 240, 247; see also Granite Collection RFI at Exhibits F(1) through F(4); see also Granite Collection Supplemental RFI at Exhibit H{2}; see also Ilkem CF-28 Response at 239, 247, 249, 259, 303, 306; see also Ilkem RFI at Exhibits F(1) - F(6); see also Ilkem Supplemental at Exhibit I, pages 14-15, 58, 102 and Exhibit R, page 16; see also February 9 Memorandum at Attachment 4, page 8; see also July 19 Memorandum at Attachment 16, page 21.

Ilkem provided what it claimed was MEDA ZZ's product catalog.⁶⁰³ In one of the catalog's photographs, there were [SITUATION DESCRIPTION] in the left background and its top caption denoted that it was the product [PRODUCT].⁶⁰⁴ The same photograph was present in Amani/Betop's [DESCRIPTION] and its caption also denoted that it was the product [PRODUCT].⁶⁰⁵ Similarly, Ilkem provided photographs from MEDA ZZ's product catalog for [PRODUCTS], which were also found in Amani/Betop's [DESCRIPTION].⁶⁰⁶ These facts indicate that the MEDA ZZ product catalog actually contained Amani/Betop products, which Amani/Betop produces in China.

The following table displays commonalities between the products listed in Granite Collection's and Ilkem's commercial invoices and Amani/Betop's [DESCRIPTION].

Importer Entry Number Declared Manu.	QSP Products on the Commercial Invoice	Corresponding or Similar Amani/Betop Products from their [DESCRIPTION]
Granite Collection [NUMBER]0423 MEDA ZZ	[]	[]
Granite Collection [NUMBER]1041 MEDA ZZ	[]	[]
Granite Collection [NUMBER]1603 MEDA ZZ	[]	[]
Granite Collection [NUMBER]9425 MEDA ZZ	[]	[]
Granite Collection [NUMBER]1595 Stone Direct	[]	[]
Ilkem [NUMBER]6421 MEDA ZZ	[]	[]
Ilkem [NUMBER]6603 MEDA ZZ	[]	[]
Ilkem [NUMBER]8468 MEDA ZZ	[]	[]
Ilkem [NUMBER]1942 MEDA ZZ	[]	[]

⁶⁰³ See Ilkem RFI at 25 and Exhibit B, page 93.

⁶⁰⁴ See Ilkem Allegation at Exhibit 9, page 10.

⁶⁰⁵ *Id.* at Exhibit 9, page 10.

⁶⁰⁶ See Ilkem RFI at Exhibit B, pages 95-96; *see also* Ilkem Allegation at Exhibit 9, pages 18, 22.

Ilkem [NUMBER]2478 Stone Direct	[]
Ilkem [NUMBER]3088 Stone Direct	[]
Ilkem [NUMBER]6925 Stone Direct	[]

Sources: Granite Collection CF-28 Response, Granite Collection RFI, Granite Collection Supplemental RFI, Granite Collection Allegation, Ilkem CF-28 Response, Ilkem RFI, Ilkem Supplemental RFI, Ilkem Allegation

The use of Amani/Betop product numbers, rather than MEDA ZZ or Stone Direct product numbers, indicates Chinese origin. Correspondingly, [

SITUATION DESCRIPTION

] ⁶⁰⁷ [EVENT DESCRIPTION] change container into another container” and, to illustrate, sent a video showing a forklift unloading QSP slabs from a shipping container in a warehouse and then immediately reloading them in another container. ⁶⁰⁸

As a corollary, Granite Collection and Ilkem claimed that the QSP at issue was outside the scope of the AD/CVD Orders because MEDA ZZ and Stone Direct manufactured it in Malaysia from raw materials. ⁶⁰⁹ As such, Granite Collection and Ilkem provided several documents ostensibly portraying MEDA ZZ’s and Stone Direct’s purchase and payment for raw materials that were used in their QSP. ⁶¹⁰ FTR and Gold Stone also provided the same MEDA ZZ purchase and payment documents. ⁶¹¹ Two of the raw material documents were dated several months after Granite Collection’s entries from Stone Direct and a couple days after Ilkem’s most recent entry from Stone Direct; therefore, these documents do not pertain to Granite Collection’s or Ilkem’s QSP. ⁶¹² Granite Collection and Ilkem also provided a photograph with a 2016 date stamp that showed large white bags of quartz powder. ⁶¹³ However, this photograph was taken too long ago to be relevant to QSP purchased in the period of investigation; additionally, MEDA ZZ was founded in 2019. Moreover, the bags in the photograph had a different company name printed on them than the quartz powder source Granite Collection and Ilkem claimed. ⁶¹⁴

Furthermore, MEDA ZZ’s and Stone Direct’s production remains unsubstantiated because MEDA ZZ did not respond to CBP’s requests for information and because CBP rejected Stone

⁶⁰⁷ See Granite Collection Allegation at Exhibit 8, pages 1, 3 and Exhibit 9, page 1.

⁶⁰⁸ *Id.* at Exhibit 9, page 1; see also Ilkem Allegation at Exhibit 9, page 1; see also Letter from the Alleger, “Quartz Surface Products from the People’s Republic of China: Public Version of Videos Submitted in Support of EAPA Allegation,” dated May 10, 2021 at Exhibit 2 (Public Version of Videos); see also Alleger Written Arguments at 7.

⁶⁰⁹ See Granite Collection RFI at 27-36; see also Ilkem RFI at 29-39.

⁶¹⁰ See Granite Collection RFI at Exhibit J, pages 2-9, 11-12; see also Ilkem RFI at Exhibit L, pages 2-9, 11-12.

⁶¹¹ See FTR CF-28 Response at 14-20, 27; see also Gold Stone RFI at Exhibit E, pages 2-9.

⁶¹² See Granite Collection RFI at Exhibit F(3), page 1, and Exhibit J, pages 11-12; see also Ilkem RFI at Exhibit L, pages 11-12.

⁶¹³ See Interim Measures at 12-13; see also Granite Collection CF-28 Response at 165, 229; see also Ilkem CF-28 Response at 255, 299.

⁶¹⁴ See Granite Collection CF-28 Response at 162, 225; see also Ilkem CF-28 Response at 253, 290.

Direct's RFI response for repeatedly failing to comply with CBP's RFI instructions, being unresponsive to two CBP emails, and for submitting an untimely, incomplete response.⁶¹⁵ Accordingly, the authenticity and accuracy of Granite Collection's and Ilkem's raw material documents remains unsubstantiated.

CBP's regulations at 19 CFR 165.5(b)(3) state that "Any interested party that provides a material false statement or makes a material omission or otherwise attempts to conceal material facts at any point in the proceedings may be subject to adverse inferences (see § 165.6){.}" Likewise, pursuant to 19 USC 1517(c)(3) and 19 CFR 165.6, CBP may apply an adverse inference if the party to the investigation that filed an allegation, the importer, or the foreign producer or exporter of the covered merchandise fails to cooperate and comply to the best of its ability with an RFI made by CBP. In applying an adverse inference against a party, CBP may use the facts otherwise available to make a final determination as to evasion pursuant to 19 USC 1517(c)(1)(A) and 19 CFR 165.27. Moreover, an adverse inference may be used with respect to U.S. importers, foreign producers, and manufacturers "without regard to whether another person involved in the same transaction or transactions under examination has provided the information sought by CBP...."

CBP repeatedly advised Granite Collection that "If you fail to cooperate and comply to the best of your ability with Section 1 of this request, CBP may apply an inference adverse to Granite Collection's interest and select from among the facts otherwise available to make the determination as to evasion pursuant to 19 CFR 165.27."⁶¹⁶ CBP also told Granite Collection that "Should you or the owner/provider of requested material provide false statements or make a material omission or otherwise attempt to conceal material facts at any point in the proceedings, associated parties may be subject to adverse inferences mentioned above{.}"⁶¹⁷ Although record evidence indicates that Granite Collection is affiliated with Keystone, Granite Collection did not report this affiliate to CBP.⁶¹⁸ This is relevant because Granite Collection did not provide multiple documents under the premise that it did not have any affiliates, which inhibited CBP's investigation. These omitted documents included business registration numbers, an organization chart that includes affiliates, an explanation of business relationships with affiliates, affiliates' list of leadership, and external communications between affiliates concerning the relevant entries.⁶¹⁹

In relying on an adverse inference for failure to cooperate and comply to the best of one's ability with a request for information, CBP will look at the facts otherwise available. In this case CBP relies on the facts from the Allegation that indicate that Granite Collection imported Chinese-origin QSP from China.⁶²⁰ As a result, the Granite Collection's entries from MEDA ZZ and

⁶¹⁵ See February 9 Memorandum at Attachment 2. This attachment indicates that MEDA ZZ is engaged in "manufacturing and selling wood and iron-based furniture, selling women accessories and beauty products." See also February 16 Memorandum at Attachment 2. This attachment shows Google Maps images of MEDA ZZ's two addresses. One of these addresses is a house and the other is a shopping center. See also July 1 Memorandum at Attachment 20.

⁶¹⁶ See Granite Collection Supplemental RFI at Exhibit A, page 1.

⁶¹⁷ *Id.* at Exhibit A, page 2.

⁶¹⁸ See Granite Collection RFI at 11-15.

⁶¹⁹ *Id.* at 2, 12-15, 18, 21.

⁶²⁰ See Granite Collection Allegation at 1, 6-13, and Exhibit 3.

Stone Direct will be subject to the China-wide entity rate for the AD Order and the all-others rate for the CVD Order on QSP from China.⁶²¹

In conclusion, multiple facts on the record establish that Granite Collection's and Ilkem's entries of QSP were undervalued and/or transshipped through MEDA ZZ and Stone Direct in Malaysia.

- Granite Collection and Ilkem ordered its merchandise from James Zeng of Amani/Betop, a Chinese producer of QSP, rather than from MEDA ZZ.
- Granite Collection and Ilkem paid Amani/Betop's bank [LOCATION] rather than MEDA ZZ's bank.
- The subject lines of several emails indicate that the merchandise originated in China.
- Factory photographs of [PHOTOGRAPH DESCRIPTION].
- MEDA ZZ's and Stone Direct's ownership documents contradicted Granite Collection's and Ilkem's claims that Amani/Betop was affiliated with MEDA ZZ and Stone Direct.
- Ilkem provided QSP slab photographs purportedly from MEDA ZZ's product catalog but some of these photographs were identical to photographs on Amani/Betop's website.
- Ilkem provided a photograph of a [PHOTOGRAPH DESCRIPTION], which indicates that it did not take place in Malaysia. Furthermore, Ilkem obtained the photograph from a QSP sales website, which indicated that the QSP in the photograph belonged to a different Chinese company. The product details also noted that its origin is "[COUNTRY]" and its [DESCRIPTION].
- In an email to Ilkem, Mr. Zeng referenced "[DESCRIPTION]."
- Many Granite Collection and Ilkem commercial invoices denoted "[DESCRIPTION] Qingdao" or "[DESCRIPTION] China Port."
- Mr. Zeng referenced [DESCRIPTION] multiple times during sales negotiations with Granite Collection.
- Granite Collection withheld from CBP multiple sales confirmations and pro forma invoices, which indicated that that it confirmed its sales with Amani/Betop rather than MEDA ZZ or Stone Direct.
- Ilkem withheld electronic communications with Granite Collection from CBP.
- Granite Collection ordered the same QSP product names and numbers contained in Amani/Betop's [DESCRIPTION].
- Record documents indicate that Granite Collection substantially undervalued its entries from MEDA ZZ and Stone Direct.

Consequently, based on the aforementioned analysis of relevant evidence, CBP determines that substantial evidence exists demonstrating that, by means of material false statements or omissions, Granite Collection and Ilkem entered Chinese-origin QSP subject to the AD/CVD Orders and failed to pay the requisite duties.

⁶²¹ The applicable China-Wide Entity rate for the AD order is 326.15 percent and the applicable All Others rate for the CVD order is 45.32 percent. *See Certain Quartz Surface Products from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value, and Final Affirmative Determination of Critical Circumstances*, 84 FR 23767 (May 23, 2019); *see also Certain Quartz Surface Products from the People's Republic of China: Final Affirmative Countervailing Duty Determination, and Final Affirmative Determination of Critical Circumstances*, 84 FR 23760 (May 23, 2019).

U.S. Importer - Next Generation

Next Generation is a Utah-based importer of QSP that was founded in 2006.⁶²² Next Generation has an affiliated company named Amazon Stone Imports, LLC (Amazon Stone). Both companies share the same address and [NAME] is their sole owner.⁶²³ Next Generation entered one entry of QSP slabs in 2020 from MEDA ZZ. However, Next Generation did not select MEDA ZZ as the supplier, communicate with MEDA ZZ, or pay MEDA ZZ.⁶²⁴ Instead, Next Generation ordered this entry's merchandise from Joyce Jiaoping Jian of Xiamen Timeless Stone Co., Limited, also known as Xiamen Timeless Imp. & Exp. Co., Ltd. (Timeless Stone).⁶²⁵ Timeless Stone is a QSP supplier in Xiamen, China.⁶²⁶

Next Generation declared to CBP that its entry's value was \$12,298.⁶²⁷ The commercial invoice that was purportedly from MEDA ZZ also stated that the QSP was worth \$12,298.⁶²⁸ However, the entry's other documents indicate that this amount undervalued the entry's QSP. In its RFI narrative, Next Generation stated that the "original invoice was for around [NUMBER]."⁶²⁹ Ms. Jian told Next Generation that the shipment's "total amount is 36313\$."⁶³⁰ The pro forma invoice listed the QSP's value at \$36,313.⁶³¹ Next Generation's two payments to Timeless Stone's Xiamen-based bank also totaled \$36,313.⁶³² In response to CBP's inquiry, Next Generation could not explain this discrepancy and only stated that they had "no knowledge regarding the reasons a MEDA ZZ invoice was created or why it has the amount it has."⁶³³ Consequently, in light of the discrepancy between the value declared to CBP and the amount Next Generation paid, CBP determines that value mentioned in Ms. Jian's email, the pro forma invoice, and the payment documents more accurately reflect the true value of the QSP entry. As such, CBP determines that the QSP's value was falsely declared at entry.

Correspondence from early in the sales process indicates that the merchandise originated in China. Ms. Jian asked Next Generation, "can you tell me if you have the experience of importing from China?"⁶³⁴ Additionally, Next Generation told Ms. Jian, "Thank you ... for sending me your catalog, we will make an order from you eventually."⁶³⁵ Each of the product numbers in Timeless Stone's catalog begins with "TS", which indicates that the QSP was from Timeless Stone rather than MEDA ZZ.⁶³⁶

⁶²² See Next Generation Supplemental RFI at 7.

⁶²³ *Id.* at 2-3, 7-8; see also Next Generation RFI at 6, 25, 27, 35. Next Generation's articles of amendment indicate that [NAME] has been the sole owner of Next Generation since 2011.

⁶²⁴ See Next Generation RFI at 4, 11.

⁶²⁵ *Id.* at 40, 488-525, 568; see also July 19 Memorandum at Attachment 17, pages 19, 21.

⁶²⁶ See July 19 Memorandum at Attachment 17, pages 19, 21; see also February 10 Memorandum at Attachment 10.

⁶²⁷ See Next Generation RFI at 18.

⁶²⁸ *Id.* at 19, 41.

⁶²⁹ *Id.* at 15. CBP never received this invoice; however, Next Generation paid Timeless Stone a 30 percent deposit based on its total amount.

⁶³⁰ *Id.* at 513.

⁶³¹ *Id.* at 49.

⁶³² *Id.* at 40, 584.

⁶³³ *Id.* at 15.

⁶³⁴ *Id.* at 571.

⁶³⁵ *Id.* at 491.

⁶³⁶ *Id.* at 492.

Timeless Stone provided photographs that also indicated that the QSP originated in China. In one email, Ms. Jian stated, “{y}esterday we have load the container. Here enclose the loading photos.”⁶³⁷ One of these photographs depicts the back of a truck trailer with a shipping container on top.⁶³⁸ The shipping container’s left door is open and QSP slabs are visible inside the container. The truck trailer below the shipping container has a hand-painted Chinese character on it followed on the right by a hand-painted “D” and “K285.”⁶³⁹ Below those hand-painted characters was a yellow license plate with black letters. The license plate’s Chinese character is the same as the Chinese character hand-painted above it and is again followed by the Roman character “D” to the right of it. The top of “K285” is visible in the row below the Chinese character and the letter “D.”⁶⁴⁰ Subsequent research revealed that this Chinese character represents Fujian Province, China and the “D” represents Xiamen City, which is in Fujian Province.⁶⁴¹ Subsequent research also showed that Malaysian license plates can be black, white, red, or blue but not yellow.⁶⁴² Furthermore, Malaysian license plates do not have Chinese characters but only Roman characters.⁶⁴³

Even more significantly, Ms. Jian made several explicit statements to Next Generation that the merchandise originated in China and was then transshipped through Malaysia. In one instance, Ms. Jian told Next Generation, “send the sample to us ASAP so that we can arrange to produce. Because the quartz slabs should be transferred to Malaysia...”⁶⁴⁴ Ms. Jian, who has a Xiamen address, later stated that the “Quartz slabs of Alabaster White and Premium Plus White have been finished well. I have gone to inspect them myself yesterday.”⁶⁴⁵ Ms. Jian then told Next Generation that the “cargoes have been transshipped in Malaysia on Saturday.”⁶⁴⁶ Finally, Ms. Jian explained that “It estimates that cargoes will arrive in the USA after one month. We sailed them from Xiamen to Malaysia, then Malaysia sails to the USA.”⁶⁴⁷

In conclusion, multiple facts on the record establish that Next Generation’s QSP was undervalued and transshipped through MEDA ZZ in Malaysia.

- Next Generation ordered its merchandise from Joyce Jiaoping Jian of Timeless Stone, a Chinese supplier of QSP, rather than from MEDA ZZ.
- Next Generation paid Timeless Stone’s bank in China rather than MEDA ZZ’s bank.
- Ms. Jian provided a photograph to Next Generation indicating the QSP was loaded into a shipping container in China.

⁶³⁷ *Id.* at 514.

⁶³⁸ *Id.* at 45, 514.

⁶³⁹ *Id.*

⁶⁴⁰ *Id.*

⁶⁴¹ See February 10 Memorandum at Attachment 6, pages 15-16, 40-42.

⁶⁴² *Id.* at Attachment 6, pages 43, 45-47, 51-61, 65.

⁶⁴³ *Id.*

⁶⁴⁴ See Next Generation RFI at 499.

⁶⁴⁵ *Id.* at 507; see also July 19 Memorandum at Attachment 17, pages 19-20.

⁶⁴⁶ See Next Generation RFI at 518.

⁶⁴⁷ *Id.* at 521.

- Ms. Jian twice explained the merchandise’s transshipment in Malaysia to Next Generation. In another email, Ms. Jian explicitly stated that merchandise originated in Xiamen, China.
- Correspondence, sales, and payment documents demonstrate that Next Generation paid far more for the merchandise than the value of the merchandise it declared to CBP.

Consequently, based on the aforementioned analysis of relevant evidence, CBP determines that substantial evidence exists demonstrating that, by means of material false statements or material omissions, Next Generation entered Chinese-origin QSP subject to the AD/CVD Orders and failed to pay the requisite duties.

U.S. Importer - North Creation

North Creation is an Indiana-based importer of QSP.⁶⁴⁸ North Creation imported four entries of QSP from Stone Direct in 2020 and one entry of QSP from MEDA ZZ in 2021.⁶⁴⁹ North Creation stated that it did not directly contact Stone Direct or MEDA ZZ or select them as suppliers.⁶⁵⁰ Instead, North Creation ordered these entries’ QSP from a trading company in Taiwan named Admire Heart Corporation (AHC).⁶⁵¹ North Creation first contacted AHC in [DATE].⁶⁵² AHC later selected Stone Direct and MEDA ZZ as suppliers for several of North Creation’s subsequent entries.⁶⁵³

AHC selected [ACRONYM] shipping terms for these entries, under which [DESCRIPTION].⁶⁵⁴ AHC also [SITUATION DESCRIPTION].⁶⁵⁵ AHC further stated that it [SITUATION DESCRIPTION], whereas North Creation then [SITUATION DESCRIPTION].⁶⁵⁶

Regarding North Creation’s entries from Stone Direct, record evidence indicates that AHC first contacted Stone Direct in [DATE].⁶⁵⁷ AHC’s contact person was Stone Direct’s sales manager Carlos, also known as [NAME].⁶⁵⁸ AHC subsequently ordered four entries of QSP from Carlos.⁶⁵⁹ Some of the resulting documentation contained irregularities, as described below, that cast doubt on its completeness and reliability.

⁶⁴⁸ See North Creation RFI at 7.

⁶⁴⁹ See North Creation DC NTAC Report at 13.

⁶⁵⁰ See North Creation RFI at 10-11, 16-17.

⁶⁵¹ *Id.* at 10, 17; see also AHC RFI at 1, 3.

⁶⁵² See North Creation RFI at 17.

⁶⁵³ See AHC RFI at 4, 14.

⁶⁵⁴ See North Creation RFI at 43-44, 72-73, 106, 110-111, 130-131, 152-153, 171, 174-175; see also AHC Supplemental RFI at 4-5.

⁶⁵⁵ See, e.g., AHC RFI at 31-41.

⁶⁵⁶ See, e.g., North Creation RFI at 174-175.

⁶⁵⁷ See North Creation RFI at 54; see also AHC RFI at 4.

⁶⁵⁸ See North Creation RFI at 26; see also AHC RFI at 4.

⁶⁵⁹ See North Creation RFI at 46-154.

North Creation provided documentation for entry [NUMBER]1692, which included the house bill of lading.⁶⁶⁰ This bill of lading had a different bill of lading number than the one listed on the CBP entry declaration.⁶⁶¹ Although CBP requested “All pertinent transportation documents ... such as master and house ocean bills of lading,” North Creation did not provide the master bill of lading used for the entry declaration.⁶⁶² Additionally, the master bill of lading number referenced on the house bill of lading differed from the number listed on the CBP entry declaration.⁶⁶³ The fact that multiple master bills of lading exist and that North Creation did not provide all of them casts doubt on the completeness of this entry’s documentation and on the entry’s ultimate origin.

Entry [NUMBER]5636’s declared export date was [DATE].⁶⁶⁴ However, the house bill of lading denoted a departure date of [DATE]. AHC’s correspondence with North Creation also referenced the earlier [DATE] departure date.⁶⁶⁵ Furthermore, the bill of lading North Creation provided had a different bill of lading number than the one listed on the CBP entry declaration.⁶⁶⁶ Although CBP requested “All pertinent transportation documents ... such as master and house ocean bills of lading,” North Creation did not provide this entry’s master bill of lading.⁶⁶⁷ The fact that North Creation did not provide all of the entry’s bills of lading and that multiple departure dates exist cast doubt on the completeness and accuracy of this entry’s documentation.

Entry [NUMBER]5222’s declared export date was [DATE].⁶⁶⁸ However, the house bill of lading listed a departure date of [DATE].⁶⁶⁹ AHC’s correspondence with North Creation contain contradictions that further complicate efforts to determine the actual departure date. At one point, AHC stated that the QSP had already “[EVENT DESCRIPTION]” and also stated it would be “[EVENT DESCRIPTION].”⁶⁷⁰ Additionally, the house bill of lading denotes a different master bill of lading number than the one listed on the CBP entry declaration. Although CBP requested “All pertinent transportation documents ... such as master and house ocean bills of lading,” North Creation did not provide this entry’s master bill of lading.⁶⁷¹ The facts that North Creation did not provide all of the entry’s bills of lading and that multiple departure dates exist cast doubt on the completeness and accuracy of this entry’s documentation. Furthermore, CBP’s entry declaration denotes that its import date was [DATE], which indicates that the transit time was 45 days. This transit time is more than the normal transit time from Port Klang to the United States and may include shipment time from China to Malaysia.

⁶⁶⁰ *Id.* at 53.

⁶⁶¹ *Id.* at 53, 65.

⁶⁶² *Id.* at 23.

⁶⁶³ *Id.* The house bill of lading referenced master bill of lading number [NUMBER].

⁶⁶⁴ *Id.* at 137.

⁶⁶⁵ *Id.* at 297.

⁶⁶⁶ *Id.* at 136-137, 144.

⁶⁶⁷ *Id.* at 23.

⁶⁶⁸ *Id.* at 115.

⁶⁶⁹ *Id.* at 122.

⁶⁷⁰ *Id.* at 251.

⁶⁷¹ *Id.* at 23.

Entry [NUMBER]4910's declared export date was [DATE].⁶⁷² However, the house bill of lading listed a departure date of [DATE].⁶⁷³ This bill of lading also denotes a different master bill of lading number than the one listed on the CBP entry declaration, and it was not signed.⁶⁷⁴ Furthermore, CBP's entry declaration lists an import date of [DATE], which indicates that the transit time was 55 days. This transit time is more than the normal transit time from Port Klang to the United States and, peradventure, includes shipment time from China to Malaysia. The fact that CBP never received a final house bill of lading, any master bill of lading, and that multiple departure dates exist cast doubt on the completeness and accuracy of this entry's documentation and on its ultimate origin.

CBP research revealed the LinkedIn profile of a Stone Direct employee who, as of March 2021, had coordinated its logistics from China since February 2015.⁶⁷⁵ He stated the following as part of his main responsibilities:

Helping to set up the company since {the} first day {of} registration, locate the supply of product in China and involve in the Biggest Stone Expo in the world in Xia Men, China.
- Negotiate and arranging with the supplier{.}
- Manage the shipment from supplier factory till the Malaysia Factory through sea freight between Xiamen Port and Klang Port.⁶⁷⁶

Significantly, he indicated that he located Stone Direct's supply of "product" from China and not of raw materials or inputs, thus indicating that he sourced finished merchandise from China.⁶⁷⁷ He states that these shipments arrived in Port Klang from Chinese supplier factories. This indicates that these Chinese factories produced the merchandise before its arrival in Port Klang, which is consistent with finished QSP. Although he refers to Stone Direct as a factory, photographs from Stone Direct's website do not portray any machinery that that can transform quartz sand, polyester resin, and other inputs into finished QSP slabs.⁶⁷⁸ Furthermore, the machinery present in the photographs are for cutting, which does not transform the merchandise into Malaysian-origin QSP under the scope of the AD/CVD Orders.⁶⁷⁹ Consequently, these facts indicate that North Creation's QSP from Stone Direct was sourced from China.

Likewise, North Creation's documentation on Stone Direct's purchase and use of raw materials is also questionable. North Creation provided some of Stone Direct's delivery invoices for raw materials.⁶⁸⁰ However, the purchased raw material quantities do not tie to the production documents' raw material quantities consumed. For example, according to these documents, Stone Direct needed an additional 22 metric tons of quartz sand and 1.45 metric tons of polyester

⁶⁷² *Id.* at 90.

⁶⁷³ *Id.* at 89-90, 100. The master bill of lading number was [NUMBER].

⁶⁷⁴ *Id.* at 100. The master bill of lading number that it referenced was [NUMBER].

⁶⁷⁵ See July 1 Memorandum at Attachment 4.

⁶⁷⁶ *Id.*

⁶⁷⁷ *Id.* Please note that the Stone Direct employee wrote the details of his LinkedIn profile in English, he states that he speaks English, and he states he has given presentations in the United Kingdom. Thus, CBP believes that use of the term "product" in this context meant final product and did not encompass simply "raw materials."

⁶⁷⁸ See February 9 Memorandum at Attachment 4.

⁶⁷⁹ *Id.* at Attachment 4, pages 17, 19.

⁶⁸⁰ See North Creation CF-28 Response at 6-7, 16-20.

resin to produce the entries' QSP.⁶⁸¹ Additionally, if the raw material invoices and production documents that GHS provided are also included in these calculations, Stone Direct still did not have enough quartz sand and polyester resin to produce for all of GHS' and North Creation's QSP.⁶⁸² The fact that the quartz sand and polyester resin quantities purchased do not match the quantities consumed in the production of QSP renders these figures unusable for CBP's purposes and points to their potential inauthenticity.

Regarding North Creation's entry from MEDA ZZ, AHC provided a MEDA ZZ email address, [EMAIL ADDRESS], that AHC ostensibly did not use. As such, AHC did not provide any correspondence to, from, cc'ing or mentioning this email address or its owner [NAME].⁶⁸³ The email's owner, [NAME], is listed as an [POSITION] in MEDA ZZ's list of owners and corporate officers.⁶⁸⁴ In contrast, AHC elsewhere stated that it only contacted MEDA ZZ's "[NAME AND DESCRIPTION]".⁶⁸⁵

On [DATE], AHC ordered the entry's QSP from [NAME] and stated, "[DESCRIPTION]"⁶⁸⁶ [NAME] replied, "[STATEMENT]".⁶⁸⁷ Similarly, Goldtop also sells the product "[PRODUCT]" and Vincent Wu is one of Goldtop's sales managers.⁶⁸⁸ Furthermore, Gin [EVENT DESCRIPTION] price from Vincent Wu of Goldtop.⁶⁸⁹ These facts collectively indicate that the merchandise ultimately originated from Goldtop rather than MEDA ZZ.

In addition to QSP, this entry also included [PRODUCT].⁶⁹⁰ While discussing North Creation's potential order of stainless steel sinks, AHC stated that the "difference is square corner, not round corner because the round corner has anti-dumping duty."⁶⁹¹ This is true, for round corner stainless steel sinks from China, which are subject to the AD/CVD Orders on Drawn Stainless Steel Sinks from China.⁶⁹² As such, AHC was offering to sell North Creation stainless steel sinks from China that were also subject to AD/CVD. AHC later told North Creation to "keep the shape as your original round corner sink" and provided them with an invoice, which indicates that AHC ultimately sold Chinese-origin round corner sinks to North Creation.⁶⁹³ AHC "later informed North Creation that {it} could arrange for 'kitchen sinks ship

⁶⁸¹ *Id.*

⁶⁸² See GHS RFI Sect D at Exhibit D.1.f Part 2.

⁶⁸³ See AHC RFI at 2, 4-5, 11, 13; see also FTR CF-28 Response at 10; see also [COMPANY] Supplemental RFI at 4.

⁶⁸⁴ See FTR CF-28 Response at 10.

⁶⁸⁵ See AHC RFI at 4-5, 13-14, 75-76.

⁶⁸⁶ See North Creation RFI at 161; see also AHC RFI at 75-76.

⁶⁸⁷ *Id.*

⁶⁸⁸ See July 1 Memorandum at Attachment 7, page 42.

⁶⁸⁹ See Gin RFI at 34.

⁶⁹⁰ See North Creation RFI at 155-159.

⁶⁹¹ *Id.* at 231.

⁶⁹² See *Alleger Written Arguments* at 8-9; see also *Drawn Stainless Steel Sinks from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 21592 (April 11, 2013); see also *Drawn Stainless Steel Sinks from the People's Republic of China: Countervailing Duty Order*, 78 FR 21596 (April 11, 2013).

⁶⁹³ See North Creation RFI at 232.

together with quartz countertops.”⁶⁹⁴ Thus, these facts collectively indicate that the QSP that accompanied the stainless-steel sinks was also from China.

With respect to MEDA ZZ’s purported production, North Creation and AHC did not provide any substantiating documentation. MEDA ZZ did not respond to CBP’s RFIs and so it also did not provide production documentation. Because CBP does not have any information to substantiate MEDA ZZ’s production of North Creation’s QSP, and because CBP cannot be certain of MEDA ZZ’s production capabilities generally, CBP cannot be certain that MEDA ZZ had the capability to produce the QSP that North Creation entered from them. Consequently, the origin of the QSP that North Creation imported from MEDA ZZ cannot be reliably assumed to be Malaysia origin. Furthermore, there are explicit admissions of transshipment concerning other entries from MEDA ZZ.⁶⁹⁵

After production of the merchandise, the Chinese logistics company, [COMPANY], was included on the entry’s logistics emails.⁶⁹⁶ Due to its location in [CITY], where Goldtop is [DESCRIPTION AND COMPANY] was conveniently placed to facilitate the QSP’s initial movement from China to Malaysia.⁶⁹⁷ Furthermore, four other Malaysian and American companies were involved in this entry’s transportation: [LIST OF COMPANIES].⁶⁹⁸ The case record indicates that these companies coordinated the logistics of this entry.⁶⁹⁹ For example, in one email, a [COMPANY] employee coordinated with a [COMPANY] employee.⁷⁰⁰ Because freight forwarders from Malaysia and USA were already involved in the entry, an additional freight forwarder from [CITY], China appears superfluous; that is, unless the merchandise originated in [CITY], China. As such, these logistics companies were located in geographically disparate locations and were placed to take over where [COMPANY] left off.

Correspondingly, some uncertainty remains concerning the entry’s departure date. On [DATE], AHC told the freight forwarder [COMPANY] that the [SITUATION DESCRIPTION].⁷⁰¹ On [DATE], in the last email discussing the departure date, [COMPANY] gave AHC an estimated sailing date of [DATE].⁷⁰² However, the bill of lading listed a [DATE] departure date from Malaysia.⁷⁰³ None of the documents CBP received explained why the departure date moved eight days, from [DATE] to [DATE].

Furthermore, even if the [DATE] departure date is accepted for calculation purposes, the transit time remains abnormally long. The [DATE] import date on the CBP entry declaration ostensibly leads to a 57-day transit time from Malaysia to the Port of [CITY].⁷⁰⁴ This transit

⁶⁹⁴ *Id.* at 294; *see also* Alleger Written Arguments at 9.

⁶⁹⁵ *See* Next Generation RFI at 521; *see also* Top Shop RFI at Exhibit J, page 915.

⁶⁹⁶ *See* AHC RFI at 70-74.

⁶⁹⁷ *See* July 1 Memorandum at Attachment 7.

⁶⁹⁸ *See* North Creation RFI at 163, 168-169; *see also* AHC RFI at 66-74, 77.

⁶⁹⁹ *See* AHC RFI at 66-74.

⁷⁰⁰ *Id.* at 72.

⁷⁰¹ *Id.* at 74.

⁷⁰² *Id.* at 70.

⁷⁰³ *See* North Creation RFI at 166.

⁷⁰⁴ *Id.* at 159, 163, 166. [COMPANY]’s invoice estimated that the shipment would arrive in [CITY] on [DATE].

time is enough time for two trips from Malaysia to [CITY]; thus, it is easily enough time for the QSP to go from China to Malaysia and from Malaysia to the United States. For context, [NAME] told Gin that the shipping time from Qingdao Port to Port Klang was five to seven days and Port Klang to the Port of Tampa was about 38 days.⁷⁰⁵

With respect to AHC's RFI responses, there were several instances in which AHC provided false answers that cast doubt on the reliability of its responses and documentation. AHC claimed that AHC "[SITUATION DESCRIPTION]."⁷⁰⁶ However, the website of AHC's brand Star Quartz Stone states that its "factory is located in International Stone Industry City and High-Tech Development Zone Industrial Park in China, Taiwan, Vietnam, Malaysia and Korea."⁷⁰⁷ AHC also claimed multiple times that AHC [SITUATION DESCRIPTION].⁷⁰⁸ However, Tien Chen is listed as the CEO of AHC, AMI High Tech Corporation, and XWIN Prognostics Technology Co., Ltd.⁷⁰⁹ After CBP pointed out these research results, AHC stated "[SITUATION DESCRIPTION]" in spite of the fact that the three companies share the same CEO.⁷¹⁰

Additionally, in late 2019, AHC facilitated North Creation's entries from a Malaysian exporter named WKA Corporation Sdn Bhd (WKA).⁷¹¹ In response to CBP's inquiry, AHC stated that it did not visit WKA's factory because of the COVID-19 pandemic.⁷¹² However, the timeline of the COVID-19 pandemic and of AHC's interactions with WKA demonstrate that this was not true. AHC stated that it contacted WKA in [DATE], issued its purchase order to WKA in October 2019, and CBP records indicate the WKA entries entered the United States in [DATE].⁷¹³ However, the COVID-19 pandemic did not effectively begin in Malaysia until February 2020.⁷¹⁴ Therefore, AHC's statement was false because it could have visited WKA's Malaysia facility between September 2019 – [DATE].

In conclusion, multiple facts on the record establish that North Creation's QSP was transshipped through MEDA ZZ and Stone Direct in Malaysia.

- North Creation ordered its merchandise from AHC rather than from MEDA ZZ or Stone Direct.
- North Creation ordered its MEDA ZZ entry through AHC, who in turn ordered through "[NAME]." [NAME] appears to be [NAME] Goldtop. Likewise, one of the products North Creation ordered appears to be a Goldtop product.

⁷⁰⁵ See Gin Supplemental RFI at 131.

⁷⁰⁶ See AHC RFI at 3; see also AHC Supplemental RFI at 3-4.

⁷⁰⁷ See July 19 Memorandum at Attachment 25, page 21; see also October 27 Memorandum at Attachments 2-3.

⁷⁰⁸ See AHC RFI at 3; see also AHC Supplemental RFI at 3-4; see also October 27 Memorandum at Attachments 2-3.

⁷⁰⁹ See July 19 Memorandum at Attachment 25, pages 1, 3, 7-8, 10, 14; see also October 27 Memorandum at Attachments 2-3.

⁷¹⁰ See AHC Supplemental RFI at 3-4.

⁷¹¹ See AHC RFI at 3, 5, 7.

⁷¹² *Id.* at 3.

⁷¹³ *Id.* at 5, 7; see also North Creation DC NTAC Report at 13.

⁷¹⁴ See July 19 Memorandum at Attachment 23, pages 16-20. "Covid-19 was first detected in Malaysia on 25 January 2020.... The first local infection of Covid-19 was identified on 4 February 2020, and the number of infected individuals remained below 25 until 1 March."

- North Creation did not provide all of the requested bills of lading, which calls into question the completeness of its documentation.
- The transit times of multiple entries were abnormally long, which indicates shipment included transit from both China to Malaysia and from Malaysia to the United States.
- The LinkedIn profile of a Stone Direct employee referenced Xiamen Port and explained Stone Direct’s sourcing of finished merchandise from China.
- The raw material documents for Stone Direct that North Creation provided indicated that Stone Direct did not purchase enough raw materials to produce North Creation’s QSP.
- The involvement of a Chinese freight forwarder in addition to multiple other Malaysian and United States freight forwarders indicates transit from China to Malaysia.
- MEDA ZZ did not respond to CBP’s RFI, thus, the existence of its production remains unsubstantiated. In turn, its production of North Creation’s merchandise also remains unsubstantiated.

Consequently, based on the aforementioned analysis of relevant evidence, CBP determines that substantial evidence exists demonstrating that, by means of material false statements or material omissions, North Creation entered Chinese-origin QSP subject to the AD/CVD Orders and failed to pay the requisite duties.

U.S. Importer - Total Scope

On December 10, 2020, CBP sent a CF-28 and several additional questions to Total Scope concerning an entry of QSP from Stone Direct.⁷¹⁵ Later that day, Total Scope’s customs broker responded to CBP and said “Received. Will get this to you once received.”⁷¹⁶ After Total Scope’s response deadline passed, CBP again contacted Total Scope’s customs broker on January 13, 2021.⁷¹⁷ Total Scope’s customs broker responded later that day and stated “we have provided documents to the importer on numerous occasions, but they have not responded. I will follow up again and revert.”⁷¹⁸ CBP then emailed Total Scope directly on January 25 and January 27, 2021, but received no response.⁷¹⁹

After CBP took interim measures on Total Scope and the case’s other 14 importers, it sent an RFI to Total Scope on March 1, March 5, March 22, and March 29, 2021.⁷²⁰ CBP also called Total Scope’s telephone number, left a voicemail notifying them of the EAPA investigation, and requested that they return the call at their earliest convenience.⁷²¹ Nevertheless, CBP never received an email response or telephone call from Total Scope. In its March 22 and March 29, 2021 emails, CBP told Total Scope that it did not receive Total Scope’s RFI response by the deadline and then gave Total Scope an additional opportunity to submit its response.⁷²² In both emails CBP advised Total Scope that “{i}f Total Scope does not submit its RFI response, CBP’s

⁷¹⁵ See February 16 Memorandum at Attachment 4, pages 1-4, 9.

⁷¹⁶ *Id.* at Attachment 4, page 8.

⁷¹⁷ *Id.* at Attachment 4, pages 7-8.

⁷¹⁸ *Id.* at Attachment 4, page 7.

⁷¹⁹ *Id.* at Attachment 4, page 10.

⁷²⁰ See July 1 Memorandum at Attachment 1, pages 1-9.

⁷²¹ *Id.* at 1 and Attachment 1, pages 10-11.

⁷²² *Id.* at Attachment 1, pages 1-3.

intention is to apply an inference adverse to the interests of Total Scope as referenced in 19 USC 1517(c)(3) of the statute and 19 CFR 165.6 of the regulations applicable to this investigation.”⁷²³

EAPA’s regulations at 19 CFR 165.6(a) state that if an “importer ... of the covered merchandise fails to cooperate and comply to the best of its ability with a request for information made by CBP, CBP may apply an inference adverse to the interests of that party in selecting from among the facts otherwise available to make the determination as to evasion....”⁷²⁴ Because Total Scope failed to respond to CBP’s requests for information on March 1, March 5, March 22, and March 29, 2021, CBP finds that Total Scope has not cooperated and complied to the best of its ability. As such, CBP is applying an adverse inference against Total Scope and relying on adverse information submitted in the Total Scope Allegation.⁷²⁵ In particular, CBP is relying on the Total Scope Allegation’s claims that Total Scope entered QSP that Amani/Betop manufactured in China, transshipped through Malaysia to the United States, and was falsely claimed as Malaysian origin.⁷²⁶

Written Arguments

A. Alleger’s Arguments

The Alleger’s written arguments are referenced in other areas of this determination.

B. Astera’s Arguments

Astera asserted that its submissions to CBP made during the EAPA investigation “were made in good faith and based on the word and assurances of” StoneVic USA.⁷²⁷ EAPA does not have a culpability requirement necessary to find evasion. Therefore, CBP does not need to establish any level of intent in making its determination. As noted in the preceding Astera section, CBP determined that Astera’s entries from MEDA ZZ evaded the payment of AD/CVD duties on QSP from China.

C. FTR, Gold Stone, Granite Collection, and Ilkem’s Arguments

The same counsel represented FTR, Gold Stone, Granite Collection, and Ilkem and submitted similar written arguments for each importer. Therefore, CBP is treating these written arguments together.

FTR, Gold Stone, Granite Collection, and Ilkem assert MEDA ZZ and Stone Direct are affiliates of Amani/Betop.⁷²⁸ As explained in each of these importers’ and exporters’ preceding sections, FTR, Gold Stone, Granite Collection, and Ilkem could not offer any substantiation of this claim. MEDA ZZ’s and Stone Direct’s company information from the Malaysian government also offer

⁷²³ *Id.*

⁷²⁴ *See also* 19 USC 1517(c)(3)(A).

⁷²⁵ *See* 19 USC 1517(c)(3)(B)-(C); *see also* 19 CFR 165.6(c); *see also* Total Scope Allegation.

⁷²⁶ *See* Total Scope Allegation at 1, 6-11, and Exhibits 3, 8-9.

⁷²⁷ *See* Astera Written Arguments at 2.

⁷²⁸ *See* FTR Written Arguments at 6-7; *see also* Gold Stone Written Arguments at 6-7; *see also* Granite Collection Written Arguments at 2; *see also* Ilkem Written Arguments at 7-8.

no indication that MEDA ZZ and Stone Direct are affiliated with any other company or with each other. The Malaysian government document denotes that MEDA ZZ is a sole proprietorship owned by a sole Malaysian citizen; whereas Stone Direct is owned by two different individuals with Malaysian addresses. Thus, MEDA ZZ is unaffiliated with Stone Direct and is not affiliated with any other Chinese company.

FTR, Gold Stone, Granite Collection, and Ilkem assert the Allegations are mere conjecture and that its aggregate trade data were circumstantial. The merits of the Allegations and the aggregate trade data were discussed in detail in CBP’s initiation memorandum and in its notice of initiation and interim measures. In summary, CBP determined that the Allegations’ claims, its aggregate trade data, and the other evidence CBP had at the time met the two evidentiary thresholds – reasonably suggesting evasion and reasonable suspicion of evasion – needed to initiate this investigation and to implement interim measures. Consequently, CBP has since continued its investigation and has continued to gather evidence. In this case, there is substantial evidence of evasion specific to each of the Importers and to MEDA ZZ and Stone Direct. This evidence includes explicit admission of transshipment, fraudulent documents, and multiple other items of specific evidence that are discussed in each of the Importers’, MEDA ZZ’s, and Stone Direct’s sections.

FTR, Gold Stone, Granite Collection, and Ilkem assert that the Allegations’ videos are circumstantial, including the video that shows a forklift moving QSP in a warehouse from one shipping container to another.⁷²⁹ Regarding this video, FTR, Gold Stone, Granite Collection, and Ilkem asked rhetorically “What evidence is there that the shipping container on the right side of the scene is from China” and “What evidence is there that the same shipping container was {used} as a means of merchandise conveyance ... into Malaysia” rather than being used as a place of storage?

In response, CBP notes that the context is key and this video’s context is that on [DATE], “in a series of messages exchanged with a potential customer, the Amani Stone representative stated that Amani Stone could sell QSP that was manufactured in China but transshipped through Malaysia.”⁷³⁰ On [DATE] at [TIME], the Amani/Betop representative sent the video in question, 00000009-VIDEO-2020-07-07-00-25-19, to the potential customer.⁷³¹ Only 19 seconds later the Amani/Betop “representative explicitly stated that in Malaysia the companies ‘change container into another container.’”⁷³² Less than five minutes before sending this video, the representative also sent the following messages:

[

MESSAGE DESCRIPTIONS

].⁷³³

⁷²⁹ See FTR Response to Written Arguments at 5-8; *see also* Gold Stone Response to Written Arguments at 5-8; *see also* Granite Collection Response to Written Arguments at 5-9; *see also* Ilkem Response to Written Arguments at 5-8.

⁷³⁰ See Allegations at 3; *see also* Allegations at Exhibits 8-9.

⁷³¹ See Allegations at Exhibit 9, page 1; *see also* Public Version of Videos at 1 and Exhibit 2.

⁷³² See Allegations at 3; *see also* Allegations at 8-10 and Exhibit 9.

⁷³³ See Allegations at Exhibit 9, page 1.

Because the Amani/Betop representative's statement is only 19 seconds after the video and because the content of the statement mirrors what is happening in the video, the statement is clearly intended to explain the video. Furthermore, because this statement explains how Amani/Betop conducts its transshipment and elaborates on previous statements concerning transshipment and also explains the video, the video concerns transshipment as well. The messages immediately preceding the video refer to Amani/Betop's [

EVENT DESCRIPTION

]. Thus, the context of

the messages preceding the video indicate that the container is from China and was used for conveyance from China rather than as storage.

FTR, Gold Stone, Granite Collection, and Ilkem assert that their "extensive documentation" such as the manufacturer's raw material documents, factory information, and shipping records, evidenced that their respective QSP "was manufactured and shipped from Malaysia."⁷³⁴

Conversely, multiple items of evidence discussed in the preceding sections for MEDA ZZ, Stone Direct, FTR, Gold Stone, Granite Collection, and Ilkem demonstrate that the QSP was manufactured in China. This evidence includes, but is not limited to, evidence that a Stone Direct employee sourced finished merchandise from China, evidence that Granite Collection and Ilkem ordered Amani/Betop QSP numbers, and invoices sent to Granite Collection and Ilkem that stated [DESCRIPTION] China Port.

Furthermore, because Stone Direct repeatedly did not comply with CBP's RFI instructions and submitted an untimely, incomplete response, CBP rejected Stone Direct's RFI response. As such, Stone Direct's raw material and production documents have not been substantiated. With reference to the raw material and production documents, several facts call their authenticity into question. In the documents North Creation provided, the raw material quantities that MEDA ZZ ostensibly purchased did not tie to the raw material quantities consumed in the production documents.⁷³⁵ Although North Creation, GHS, Granite Collection, and Ilkem provided raw material documents allegedly for Stone Direct, multiple items of evidence that were previously discussed in each of their respective sections indicated that the QSP was actually produced in China.

Because MEDA ZZ did not respond to CBP's RFI, MEDA ZZ's purported production and its associated raw material and production documents have not been substantiated. Furthermore, this lack of substantiation, along with the Malaysian government document's description of MEDA ZZ as a manufacturer and seller of furniture and women's beauty products, calls the existence of MEDA ZZ's QSP production into question. With reference to the raw material and production documents, several facts call their authenticity into question. Several importers provided CBP with the same raw material documents and failed to indicate that the quantities

⁷³⁴ See FTR Written Arguments at 2; see also Gold Stone Written Arguments at 2; see also Granite Collection Written Arguments at 7-8; see also Ilkem Written Arguments at 2; see also Granite Collection Response to Written Arguments at 9-10; see also Ilkem Response to Written Arguments at 9-10; see also FTR Response to Written Arguments at 9-10; see also Gold Stone Response to Written Arguments at 10-11.

⁷³⁵ See North Creation CF-28 Response at 6-7, 16-20.

Actions Taken Pursuant to the Affirmative Determination as to Evasion

In light of CBP's determination that substantial evidence demonstrates that the Importers entered covered merchandise into the customs territory of the United States through evasion, and pursuant to 19 USC 1517(d) and 19 CFR 165.28, CBP will suspend or continue to suspend the entries subject to this investigation, until instructed to liquidate. For those entries previously extended in accordance with Interim Measures, CBP will rate adjust and change those entries to type 03 and continue suspension until instructed to liquidate these entries.⁷⁷⁰ CBP will also make corrections to the valuation of certain entries as discussed herein. Finally, CBP will continue to evaluate the Importers' continuous bonds in accordance with CBP's policies and will require single transaction bonds as appropriate. None of the above actions preclude CBP or other agencies from pursuing additional enforcement actions or penalties.

Sincerely,



Brian M. Hoxie
Director, Enforcement Operations Division
Trade Remedy Law Enforcement Directorate
CBP Office of Trade

⁷⁷⁰ Entry type "03" is the code that CBP requires importers use to designate a consumption – Antidumping/ Countervailing Duty entry as subject to AD and/or CVD duties. The instructions for CBP Form 7501 (Entry Summary) state that code 03 shall be used for entries subject to AD/CVD duties. *See* <https://www.cbp.gov/trade/automated/ace-transaction-details>.