

COMPROMISE AGREEMENT

Walmay Logistics, Inc.

E-18399(1)

This Agreement is entered into between:

- (1) The Federal Maritime Commission, hereinafter referred to as Commission, and
- (2) Walmay Logistics, Inc., hereinafter referred to as Respondent.

WHEREAS, the Commission is considering the initiation of an assessment proceeding against Respondent for the recovery of civil penalties for alleged violations of section 10(a)(1) and section 10(b)(2)(A) of the Shipping Act of 1984, 46 U.S.C. §§ 41102(a) and 41104(2)(A); and

WHEREAS, such a proceeding would be based on the Commission's allegation that Respondent engaged in certain practices, to wit:

Between June 14, 2015 and April 19, 2016, Respondent knowingly and willfully permitted an unrelated, non-signatory party to access COSCO contract no. CFN15001, thereby obtaining ocean transportation for such third party at less than the rates and charges that would otherwise apply.

During the same period, Respondent provided transportation in the liner trade that was not in accordance with the rates and charges set forth in its published tariff or in any non-tariff alternative authorized by the Commission's regulations.

WHEREAS, the Commission is authorized under section 13(c) of the Shipping Act, 46 U.S.C. § 41109(a), and Subpart W of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.601, et seq. to compromise and collect civil penalties arising for the alleged violations set forth and described above; and

WHEREAS, Respondent has cooperated with the Commission's investigation and provided information and factual details relevant to its transportation activities and practices giving rise to the alleged violations set forth and described above; and

WHEREAS, Respondent has terminated the practices which are the basis of the alleged violations set forth and described above and has instituted measures designed to eliminate such practices in the future.

NOW THEREFORE, in consideration of the premises herein, and in compromise of all civil penalties arising from the alleged violations set forth and described above, Respondent and the Commission hereby agree upon the following terms of settlement:

1. Respondent shall make monetary payment to the Commission by cashier's or certified check in the total amount of \$75,000.
2. This instrument shall forever bar the commencement or institution of any assessment proceeding or other claim for recovery of civil penalties from Respondent, its officers, directors, or employees with respect to the alleged violations of sections 10(a)(1) and 10(b)(2)(A) of the Shipping Act as set forth and described above, that occurred between June 14, 2015 and April 19, 2016.
3. It is expressly understood that this Agreement is not, and is not to be construed as, an admission by Respondent to the alleged violations set forth and described above.

4. This Agreement is subject to approval by the Commission's Managing Director in accordance with 46 C.F.R. § 502.604.

Walmay Logistics, Inc.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

APPROVAL AND ACCEPTANCE

The above Terms and Conditions and Amount of Consideration are hereby approved and accepted:

By the Federal Maritime Commission:

Brian L. Troiano, Deputy Director (Date)
Bureau of Enforcement

Karen V. Gregory (Date)
Managing Director