

COMPROMISE AGREEMENT
FMC File No. 17202

This Compromise Agreement is entered into between:

- (1) the Federal Maritime Commission, hereinafter referred to as Commission, and
- (2) SWAT International Inc., hereinafter referred to as Respondent.

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

WHEREAS, such proceeding would be based on the Commission's allegations that Respondent engaged in certain practices violative of the Shipping Act, to wit:

Respondent knowingly and willfully obtained ocean transportation for property at less than the rates or charges that would otherwise be applicable by the device or means of unlawfully accessing Kawasaki Kisen Kaisha, Ltd (K-Line) Service Contract No. SHA5071904 to which it was not a signatory or named affiliate; and

Between June 5, 2015 and March 25, 2016, Respondent provided service that was not in accordance with the rates or charges contained in its published tariff or 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)-(b), and Part 502 of the Commission's Regulations, 46 C.F.R. Part 502, to compromise and collect civil penalties;

WHEREAS, Respondent has terminated the practices that are the basis of the alleged violations set forth herein, and has instituted and committed to maintain measures designed to eliminate these practices.

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

1. Respondent shall make payment to the Commission by certified check, cashier's check, or wire transfer in the total amount of \$85,000 (Eighty-Five Thousand Dollars).
2. This agreement 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 arising from the Commission's investigation of Respondent for the alleged violations set forth above.
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 above.
4. This agreement is subject to approval by the Commission's Managing Director in accordance with 46 C.F.R. §502.604.

SWAT International Inc.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

APPROVAL AND ACCEPTANCE OF COMPROMISE AGREEMENT

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

By the Federal Maritime Commission:

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

Karen V. Gregory, (Date)
Managing Director