

ORIGINAL

(S E R V E D)
(NOVEMBER 6, 2002)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 02 - 16

Golden Bridge International Inc.
Possible Violations of Sections 10 (a)(1), 10 (b)(2)
and 19(a) of the Shipping Act of 1984

ORDER OF INVESTIGATION AND HEARING

Golden Bridge International Inc. (“Golden Bridge”) is a California company,¹ licensed by the Commission as an ocean transportation intermediary (“OTI”). At the time it first applied for an OTI license in February 2000, Golden Bridge reported that its business address was 755 North Nash St., El Segundo CA. While its application remained pending, Golden Bridge amended its application to reflect a new address of Suite 110, 17800 Castleton Street, City of Industry, CA 91748.

¹Golden Bridge was established May 10, 1999 by articles of incorporation signed by Jack Ling, 755 N. Nash St., El Segundo CA.

Golden Bridge received an OTI license on May 30, 2000 and currently holds itself out as a non-vessel-operating common carrier (“NVOCC”) pursuant to its automated tariff No. 016665-001. Its tariff is maintained by Ocean Tariff Bureau, Inc., and published electronically at <http://www.oceantariff.com>. Golden Bridge currently maintains a \$75,000 NVOCC bond with Washington International Insurance Company, 1200 Arlington Heights Road, Suite 400, Itasca IL 60143.

It appears that, during an extended time period continuing through August 2002, Golden Bridge may have obtained transportation for certain NVOCC cargoes which were misdescribed by Golden Bridge as to the commodity actually being shipped. In these instances, Golden Bridge was identified as the shipper signatory to various service contracts with ocean common carriers² and as the person for whose account the transportation was being provided. Contemporaneous documentation such as the NVOCC house bill of lading and freight invoice reflect that shipments declared to COSCO as “housewares” or “household goods” actually were loaded with garments (e.g. western shirts, mens suits and coats) as well as textiles (e.g. kitchen towels, curtains) and miscellaneous other commodities (e.g. auto batteries). It appears that Golden Bridge thereby obtained lower rates for its shipments than those rates and charges set forth in the applicable service contracts.

It also appears that, on many of the shipments during this time period, Golden Bridge issued its own NVOCC bill of lading for shipments in which Golden Bridge acted as a common carrier in

²As relevant herein, these contracts include:
COSCO SC 4913
COSCO SC 5813
China Shipping SC 13495

relation to its NVOCC customers. The electronic tariff published by Golden Bridge, however, appears to demonstrate that only Cargo NOS rates were published therein through at least August 2002. The commodity rate assessed by Golden Bridge to the cargo owner or shipper thus appears to differ substantially from the Cargo NOS rates published in its NVOCC tariff. Golden Bridge nonetheless charged and collected payment on the basis of the inaccurate or unpublished rates shown on Golden Bridge's invoice issued at destination.

It appears also that a large number of import shipments by Golden Bridge were transported prior to June 2000, at a time when Golden Bridge did not yet have an effective OTI license nor tariff rates for its NVOCC services. The provision of OTI services by Golden Bridge without having first been issued a license by the Commission may constitute a violation of section 19 of the 1984 Act, as amended by OSRA, 46 U.S.C. app. §1718(a). See also 46 C.F.R. §515.1. Such activities also implicate the process by which Golden Bridge sought issuance of its OTI license in the first instance.³ Considered separately or in combination with the section 10 violations alleged against Golden Bridge herein, it may be determined that Golden Bridge is not qualified to retain its license as an OTI. See e.g. 46 C.F.R. §§515.15 and 515.16; and *Stallion Cargo Inc. - Possible Violations of Sections 10(a)(1) and 10(b)(1) of the Shipping Act of 1984*, 29 S.R.R. 665 (FMC, 2001).

NOW THEREFORE, IT IS ORDERED, That pursuant to sections 10, 11, 13 and 19 of the 1984 Act, 46 U.S.C. app. §§ 1709, 1710, 1712 and 1718, an investigation is instituted to determine:

³At the time of filing Golden Bridge's application for an OTI license in February 2000, applicant and its qualifying officer affirmatively represented to the Commission that Golden Bridge was not then providing OTI services for which it required a license, that Golden Bridge was not then sharing space at 755 N. Nash Street with any other person or company, and that it was not related to any other entity by reason of ownership, employment or common officers, directors or stockholders.

1) whether Golden Bridge violated section 10 (a)(1) of the 1984 Act by obtaining transportation at less than the rates and charges otherwise applicable by an unjust or unfair device or means;

2) whether Golden Bridge violated section 10 (b)(2) of the 1984 Act by providing service other than at the rates and charges set forth in its published NVOCC tariff;

3) whether Golden Bridge violated section 19 (a) of the 1984 Act by providing ocean transportation intermediary services prior to being issued an OTI license by the Commission;

4) whether, in the event violations of sections 10 (a)(1), 10 (b)(2) and 19 (a) of the 1984 Act are found, civil penalties should be assessed against Golden Bridge and, if so, the amount of penalties to be assessed;

5) whether, in the event violations of section 10 (b)(2) of the 1984 Act are found, the tariff(s) of Golden Bridge should be suspended;

6) whether the ocean transportation intermediary license of Golden Bridge should be suspended or revoked pursuant to section 19 (c) of the 1984 Act and 46 C.F.R. 515.16; and

7) whether, in the event violations are found, an appropriate cease and desist order should be issued.

IT IS FURTHER ORDERED, That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding Administrative Law Judge only after consideration has been given by the parties and the

presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

IT IS FURTHER ORDERED, That Golden Bridge International Inc. is designated Respondent in this proceeding;

IT IS FURTHER ORDERED, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

IT IS FURTHER ORDERED, That notice of this Order be published in the Federal Register, and a copy be served on parties of record;

IT IS FURTHER ORDERED, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.72;

IT IS FURTHER ORDERED, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

IT IS FURTHER ORDERED, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.118, and shall be served on parties of record; and

IT IS FURTHER ORDERED, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Administrative Law Judge shall be issued by November 6, 2003, and the final decision of the Commission shall be issued by March 1, 2004.

By the Commission:



Bryant L. VanBrakle
Secretary

FEDERAL MARITIME COMMISSION

DOCKET NO. 02-16

GOLDEN BRIDGE INTERNATIONAL INC.
POSSIBLE VIOLATIONS OF SECTIONS 10(a)(1), 10(b)(2)
AND 19(a) OF THE SHIPPING ACT OF 1984

Notice of Investigation and Hearing

Notice is given that the Federal Maritime Commission ("Commission") served an Order of Investigation and Hearing on Golden Bridge International Inc. ("Golden Bridge") on November 6, 2002.

Golden Bridge is licensed by the Commission as an ocean transportation intermediary ("OTI"), and currently holds itself out as a non-vessel-operating common carrier ("NVOCC"). It appears that Golden Bridge may have obtained transportation for certain NVOCC cargoes which it misdescribed as to the commodity actually being shipped, resulting in it obtaining lower rates for its shipments than those rates and charges set forth in the applicable service contracts. It also appears that, on many shipments, Golden Bridge issued its own NVOCC bill of lading for shipments in which it acted as a common carrier in relation to its NVOCC customers, and charged and collected payment on the basis of the inaccurate or unpublished rates shown on its invoice issued at destination. It also appears that a large number

of import shipments by Golden Bridge were transported prior to the time it had an effective OTI license or tariff rates for its NVOCC services.

This proceeding seeks to determine whether Golden Bridge violated sections 10(a)(1), 10(b)(2) or 19(a) of the Shipping Act of 1984 and, in the event violations are found, whether penalties should be assessed and, if so, in what amount; whether Golden Bridge's tariff(s) should be suspended; whether Golden Bridge's OTI license should be suspended or revoked; and whether a cease and desist order should be issued. ,

Any person having an interest in participating in this proceeding may file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 C.F.R. 502.72.



Bryant L. VanBrakle
Secretary

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana, (FEMA-1437-DR), dated October 3, 2002, and related determinations.

EFFECTIVE DATE: October 31, 2002.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705 or Magda.Ruiz@fema.gov.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Louisiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 3, 2002: Grant Parish for Individual Assistance. La Salle and Ouachita Parishes for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02-28754 Filed 11-12-02; 8:45 am]

BILLING CODE 671642-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1436-DR]

Mississippi; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Mississippi, (FEMA-1436-DR), dated October 1, 2002, and related determinations.

EFFECTIVE DATE: October 30, 2002.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705 or Magda.Ruiz@fema.gov.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Mississippi is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 1, 2002: Copiah, George, and Greene Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans, **83.538**, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance, 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations, 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02-28753 Filed 11-12-02; 8:45 am]

BILLING CODE 6716-02-P

FEDERAL MARITIME COMMISSION

[Docket No. 02-1 6]

Golden Bridge International Inc.; Possible Violations of Sections 1 O(a)(1), 1 O(b)(2) and 19(a) of the Shipping Act of 1984; Notice of Investigation and Hearing

Notice is given that the Federal Maritime Commission ("Commission") served an Order of Investigation and Hearing on Golden Bridge International Inc. ("Golden Bridge") on November 6, 2002.

Golden Bridge is licensed by the Commission as an ocean transportation intermediary ("OTI"), and currently holds itself out as a non-vessel-operating common carrier ("NVOCC"). It appears that Golden Bridge may have obtained transportation for certain NVOCC cargoes which it misdescribed as to the commodity actually being shipped, resulting in it obtaining lower rates for its shipments than those rates and charges set forth in the applicable service contracts. It also appears that, on many shipments, Golden Bridge issued its own NVOCC bill of lading for shipments in which it acted as a common carrier in relation to its NVOCC customers, and charged and collected payment on the basis of the inaccurate or unpublished rates shown on its invoice issued at destination. It also appears that a large number of import shipments by Golden Bridge

were transported prior to the time it had an effective OTI license or tariff rates for its NVOCC services.

This proceeding seeks to determine whether Golden Bridge violated sections 10(a)(1), 10(b)(2) or 19(a) of the Shipping Act of 1984 and, in the event violations are found, whether penalties should be assessed and, if so, in what amount; whether Golden Bridge's tariff(s) should be suspended; whether Golden Bridge's OTI license should be suspended or revoked; and whether a cease and desist order should be issued.

Any person having an interest in participating in this proceeding may a file petition for leave to intervene in accordance with Rule 72 of the Commission's rules of practice and procedure, 46 CFR 502.72.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02-28756 Filed 11-12-02; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in **paragraph 7 of the Act** (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 27, 2002.

A. Federal Reserve Bank of Cleveland
(Stephen J. Ong, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. **Terry E. Forcht**, Corbin, Kentucky; Marion C. Forcht, Corbin, Kentucky; Theodore B. Forcht, Corbin, Kentucky; Rodney S. Shockley, Marietta, Georgia; and Laurie S. Forcht-Shockley, Marietta, Georgia, also known as the Forcht Family Control Group; to acquire voting shares of Laurel Bancorp, Inc., Corbin, Kentucky, and thereby indirectly acquire voting shares of Laurel National Bank, London, Kentucky.

2. **Terry E. Forcht**, Corbin, Kentucky; Marion C. Forcht, Corbin, Kentucky;