

ORIGINAL

RECEIVED

2011 JUN 23 PM 1:51

OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

BEFORE THE
FEDERAL MARITIME COMMISSION

WORLDWIDE LOGISTICS CO., LTD. –
POSSIBLE VIOLATIONS OF SECTIONS 10(A)(1) AND
10(B)(2) OF THE SHIPPING ACT OF 1984

Docket No. 11-04

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the Agreement) is entered into between:

- 1) the Federal Maritime Commission's Bureau of Enforcement (BOE), and
- 2) Worldwide Logistics Co., Ltd (Respondent);

WHEREAS, the Commission alleged that Respondent Worldwide:

1. Violated section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. 41104(1), by obtaining transportation at less than otherwise applicable rates through the device or means of misdescribing the commodities being shipped; and,
2. Violated section 10(b)(2) of the 1984 Act, 46 U.S.C. 41104(2), by providing service in the liner trades at rates not in accordance with a published tariff or filed in an NVOCC service arrangement; and,

WHEREAS, the Commission has acted on said beliefs by instituting FMC Docket No. 11-04 *Worldwide Logistics Co., Ltd. – Possible Violations of Sections 10(a)(1) and 10(b)(2) of the Shipping Act of 1984;*

WHEREAS, Respondent does not admit that they violated any provision of the Shipping Act of 1984;

WHEREAS, the Bureau of Enforcement asserts that it would submit a compelling case in support of its allegations that Respondent did knowingly and willfully violate sections 10(a)(1) and 10(b)(2) of the Shipping Act of 1984;

WHEREAS, the Bureau of Enforcement and the Respondent believe it is in the best interests of the parties and the shipping public to resolve the above referenced proceedings rather than engage in continued litigation; and,

WHEREAS, Respondent Worldwide Logistics Co., Ltd. has terminated the practices at issue in Docket No. 11-04, and has instituted and commits to maintain measures designed to eliminate those practices by Respondent which are the basis for the alleged violations set forth herein;

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

- 1) On or before June 22, 2011 Respondent shall make monetary payment in the form of a cashier's check or wire transfer, payable to the Federal Maritime Commission, in the total amount of \$100,000 (One Hundred Thousand Dollars).
- 2) BOE agrees that Respondent can continue to operate as an NVOCC provided that Worldwide complies with the tariff filing and bonding requirements of the Shipping Act and Federal Maritime Commission regulations.
- 3) Upon approval of the terms set forth in this Agreement by the Administrative Law Judge and the Commission, this instrument shall forever bar the commencement or institution by the Commission of any civil penalty assessment proceeding or other claim for recovery of civil penalties against Respondent for alleged violations of the

Shipping Act of 1984 as set forth in FMC Docket No. 11-04 during the period January 1, 2008 through May 1, 2011.

- 4) Nothing in this Agreement is to be understood as an admission of wrongdoing or liability by Respondent, or a violation of the Shipping Act and/or the Commission regulations.

- 5) This agreement is subject to approval by the Commission in accordance with 46 C.F.R. §502.603.

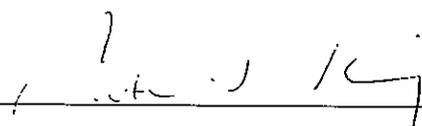
ON BEHALF OF RESPONDENT Worldwide Logistics Co., Ltd.

Signature:  _____

Printed Name: Nick Cui _____

Date: 6/17/2011 _____

ON BEHALF OF THE FEDERAL MARITIME COMMISSION

By:  _____

Peter J. King, Director
Bureau of Enforcement

Date: 6-23-2011 _____