

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 15-04

CROCUS INVESTMENTS, LLC AND CROCUS, FZE

(Complainants)

v.

MARINE TRANSPORT LOGISTICS, INC. AND
ALEKSANDR SOLOVYEV a/k/a ROYAL FINANCE GROUP INC.

(Respondents)

RESPONDENTS' RESPONSE TO THE APRIL 12, 2016 ORDER

Respondents supplement the record in response to the April 12, 2016 Order as follows:

I. RESPONDENTS' SUPPLEMENTAL DOCUMENTS:

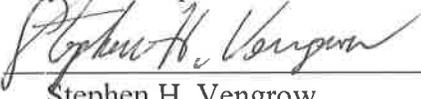
- Notice of Arrival, issued by American President Lines ("APL") for the movement by APL of the 2008 Chaparral Boat and 2011 Monterey Boat from Jebel Ali to Maher Terminal, NJ, numbered RX 090-091
- August 26, 2014 payment by Marine Transport Logistics, Inc. to Fauna & Flora Customhouse, numbered RX 092
- July 23, 2014 Invoice from Fauna & Flora Customhouse Brokerage Co., Inc. for the Duty, Customs Entry, Bond Preparation, and ISF Bond for the 2008 Chaparral Boat and 2011 Monterey Boat, numbered RX 093

II. DECLARATION OF ALEKSANDR SOLOVYEV IN RESPONSE TO
COMPLAINANTS' CERTIFICATION

Respondents additionally supplement the record with the attached Declaration of Aleksandr Solovyev in response to the April 21, 2016 Certification by Alexander Safonov.

Dated: May 4, 2016

Respectfully submitted,
MONTGOMERY McCracken
WALKER & RHOADS, LLP
Attorneys for Respondents

By: 
Stephen H. Vengrow
Eric Chang
437 Madison Ave, 29th Floor
New York, NY 10022
212-551-9500

CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen years and I am not a party to this action.
2. On May 4, 2016, I served a complete copy of Respondent's Response to the April 12, 2016 Order, in Docket No. 15-04 by e-mail and regular mail to:

Office of Administrative Law Judges
Federal Maritime Commission
800 North Capitol Street, NW
Washington, DC 20573-0001
judges@fmc.gov

Louiza Tarassova
louiza@mylawadvocate.com
Law Office of Louiza Tarassova
1420 Lake Baldwin Lane Unit A
Orlando, FL 32814



Eric Chang

Dated: May 4, 2016
New York, New York



Notice of Arrival

SHIPPER (Principal or Seller licensee and full address) MIDDLE EAST ASIA ALFA FZE SHARJAH, UAE P.BOX : 51352 TEL : 0971 4 4340897 MOB : 0971 56 1440911		B/L NUMBER 020188407	PAGE
CONSIGNEE (Non-Negotiable Unless Consigned to Order.) MARINE TRANSPORT LOGISTIC NEW HOOK ROAD 63 BAYONEE, NJ07002 TEL : 201 858 8600 FAX : 201 858 8607		EXPORT REFERENCES	
NOTIFY PARTY/INTERMEDIATE CONSIGNEE (Name and Full Address) SAME AS CONSIGNEE		FORWARDING AGENT (References) AEC CARGO SERVICES LLC 206, MOHD AL TAYAR BLDG AL MINA ROAD, BUR DUBAI	
INITIAL CARRIAGE (MODE)*		POINT AND COUNTRY OF ORIGIN UNITED STATES	DATE EXPORTED MAY. 31, 2014
IMPORTING VESSEL AND VOYAGE APL PEARL V192		DOMESTIC ROUTING / EXPORT INSTRUCTIONS / ALSO NOTIFY BL TYPE:OBL, DELIVERY MODE:CY , CAD:Y	
PORT OF DISCHARGE MAHER TERMINAL		OBL VES/VOY: APL VANCOUVER V009 RELAY AT: SIN PEA/V192	
PLACE OF RECEIPT*		OBL VES/VOY: APL VANCOUVER V009	
PORT OF LOADING JEBEL ALI		RELAY AT: SIN PEA/V192	
PLACE OF DELIVERY* MAHER TERMINAL		RELAY AT: SIN PEA/V192	
ARRIVAL NOTICE		Payment by Cheque must be made to the order of APL Co. Pte Ltd	
MARKS AND NUMBERS.	NO. OF PKGS.	DESCRIPTION OF PACKAGES AND GOODS (PARTICULARS FURNISHED BY SHIPPER)	
		GROSS WEIGHT	MEASUREMENT

1 X 40'HC CONTAINER
2 UNIT SLAC AA)LV73500.09.00 CY/CY
2008 CHAPARRAL BOAT
VIN NO FGBL3738D808
2011 MONTEREY BOAT
VIN NO RGFMC1931011

FREIGHT PREPAID

2 UNIT *** BL TOTALS ***
5500.00KG 40.000M3
12125.41LB 1412.588CF

CTR NBR* **SEAL NBR*** T/S/HT REC/DEL QUANT/TYPE
TRLU664213-4 AM30032658 D4096 CY/CY 2 UNIT

FREIGHT RATES, CHARGES, WEIGHTS, AND / OR MEASUREMENTS				LOCAL CHARGES		
SUBJECT TO CORRECTION		PREPAID (US\$)	COLLECT (US\$)			
TSC	US\$	12.00/VAN	12.00			
Q86	192	TOTAL PREPAID		ETA TO DESTINATION	PIER	BILL OF LADING
VESSEL	VOYAGE	TOTAL COLLECT	12.00	JUL. 12, 2014	F96	APLU020188407
				CY/CY		

If you have questions regarding your shipment, please contact APL Customer Service at 800-999-7733. For 24/7 shipment information, call APL Eaglelink at 800-232-4531. To update your fax number for shipment notifications please call 770-395-8231.

On Store Door Delivery moves controlled by APL trucking, please notify your local APL office (not the trucker) in writing of empty container availability in order to stop per diem charges. Please contact APL Customer Service at 800-999-7733 for local email addresses.

IMPORT DELIVERY INSTRUCTIONS

Thank you for shipping with APL. This notice is given to APL importers and associates to expedite delivery. If original bills of lading were issued, we ask that you surrender one of the original bills, properly endorsed, to APL LTD. Attn: Freight Cashier 26 Century Blvd, Suite 405 Nashville, TN 37214. To obtain the release of your goods, make payment of all outstanding freight and other charges due (demurrage, storage, fumigation, etc.). Please note cargo is subject to local Customs' jurisdiction and practice.

You are requested to arrange for prompt delivery of your cargo. By doing so, you will avoid any unnecessary cargo and equipment detention costs. If incurred, these costs (DEMURRAGE/STORAGE CHARGES) will be assessed in accordance with the applicable tariff for any delays after expiration of free time. These charges must be paid before cargo can be released. Please note: For Waterport CY Import Reefer Cargo, Genset Fees may apply. Demurrage rates and free time assessment can be provided by calling an APL Customer Service Representative at 800-999-7733. Please also refer to Clause 15 on the reverse side of the original Bill of Lading regarding the disposition of any undelivered goods.

CARRIER'S CERTIFICATE

The undersigned carrier bringing the within described merchandise to this port, hereby certifies that this copy or extract of the Bill of Lading is genuine and may be used for the purpose of making Customs entry as provided by the Tariff Act of 1930.

George Goldman



Senior Vice President
Sales, Marketing & Customer Support
APL Limited

RX 091

Marine Transport Logistic, Inc.
63 New Hook Rd
Bayonne, NJ 07002.

4795

08/26/2014

PAY TO THE
ORDER OF FAUNA & FLORA CUSTOMHOUSE

\$ 615.70

Six hundred fifteen ----- 70/100 DOLLARS

FAUNA & FLORA CUSTOMHOUSE



MEMO

402031253

Marine Transport Logistic, Inc.

4795

63 New Hook Rd
Bayonne, NJ 07002.
USA

08/26/2014

FAUNA & FLORA CUSTOMHOUSE

Bill 62072, Waybill: APLU020188407, Booking: 020188407

615.70

615.70

Marine Transport Logistic, Inc.

4795

63 New Hook Rd
Bayonne, NJ 07002.
USA

08/26/2014

FAUNA & FLORA CUSTOMHOUSE

Bill 62072, Waybill: APLU020188407, Booking: 020188407

615.70

615.70

RX 092

INVOICE

Fauna & Flora Customhouse
Brokerage Co., Inc.

152-31 135th Ave, Jamaica, NY 11434

Tel: 718-977-7700

Fax: 718-977-8231

Web: www.faunaandflora.com

INVOICE DATE	INVOICE NO
07/23/2014	244940

OUR REF NO	YOUR REF NO
102535-00	TRLU6642134
DATE ARRIVED	B/L NO./AWS NO
07/12/2014	020188407
PORT	VESSEL/AIRLINE
JEBEL ALI,	APL VANCOUVE

TO	MTL WORLDWIDE 63 HOOK ROAD BAYONNE, NJ 07002
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MARKS AND NUMBERS	DESCRIPTION OF PACKAGES AND GOODS	ACCOUNT NO
2 PIECES	BOATS 2011 VIN#RGFMC1931011 2008 VINFGBL ENTRY# H79 1632716-3	101058

	DESCRIPTION OF CHARGES	AMOUNT	
<p>TERMS AND CONDITIONS ALL SERVICES PERFORMED ARE SUBJECT TO THE TERMS AND CONDITIONS OF FAUNA & FLORA CUSTOMHOUSE BROKERAGE CO., INC. TO VIEW THESE TERMS AND CONDITIONS, VISIT OUR WEBSITE: WWW.FAUNAANDFLORA.COM</p> <p>NOTICE AS THE IMPORTER OF RECORD, PAYMENT TO THE BROKER WILL NOT RELIEVE THE GRANTOR OF LIABILITY FOR CUSTOMS CHARGES (DUTIES TAXES AND OTHER DEBTS OWED CUSTOMS) IN THE EVENT THE CHARGES ARE NOT PAID BY THE BROKER. THEREFORE IF THE GRANTOR PAYS BY CHECK, CUSTOMS CHARGES MAY BE PAID WITH A SEPARATE CHECK PAYABLE TO 'U.S. CUSTOMS'</p> <p>PAYABLE UPON PRESENTATION IN U.S. DOLLARS</p>	<p>DUTY 21.95</p> <p>CUSTOMS ENTRY SERVICE FEE 375.00</p> <p>BOND PREPARATION 93.75</p> <p>ISF BOND 125.00</p> <p>PLEASE MAKE CHECKS PAYABLE TO: FAUNA & FLORA CHB CO., INC.</p>		
	<p><u>Wire Transfer Information:</u> Beneficiary Account to be Credited: Account No. 5066007971 Fauna & Flora Customhouse Brokerage Co., Inc. 152-31 135th Avenue Jamaica New York 11434</p>	<p><u>Name & Address of Bank:</u> Valley National Bank 1455 Valley Road Wayne New Jersey 07470 Transit ABA No. 021201383 Swift Code: MBNYUS33</p>	

TOTAL DUE \$615.70
RX 093

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(Complainants)

v.

MARINE TRANSPORT LOGISTICS, INC. AND
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(Respondents)

**DECLARATION BY ALEKSANDR SOLOVYEV IN RESPONSE TO
COMPLAINANTS' APRIL 21, 2016 CERTIFICATION**

I, Aleksandr Solovyev, make the following Declaration in response to the April 21, 2016 Certification of Alexander Safonov ("Safonov") submitted by Complainants in this above-captioned proceeding.

1. I am a named Respondent in this proceeding.
2. I make this Declaration on personal knowledge.
3. On or about April 25, 2014, Andrey Tretyakov ("Andrey"), of Middle East Asia Alfa FZE, contacted me to ask me to obtain a freight quote for the ocean carriage of the 2011 Monterey Boat and 2008 Chaparral Boat at issue from Dubai to New York.
4. On April 25, 2014, I e-mailed Zahedi (zahedi@emirateslogistics.net), an agent at Emirates Logistics, LLC, in Dubai, U.A.E., to obtain a freight quote for a 40' high

cube container, moving from Dubai to New York. A copy of my April 25, 2014 e-mail is in Complainants' Appendix as CX 058.

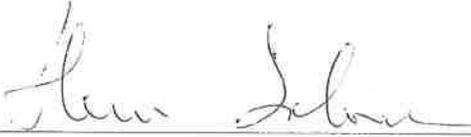
5. On April 27, 2014, Linnet (linnet@emirateslogistics.net) replied back to me by e-mail, with Zahedi (zahedi@emirateslogistics.net) in copy, providing a freight quote for US\$2,492 with Hapag-Lloyd and a rate quote of US\$3,411 with Mediterranean Shipping Company. A copy of the April 27, 2014 email is in Complainants' Appendix as CX 056-057.
6. On April 27, 2014, I forwarded Linnet's April 27, 2014 e-mail, with the two rate quotes with Hapag-Lloyd and Mediterranean Shipping Company, to Andrey (tango333@rambler.ru). A copy of my April 27, 2014 forwarding e-mail is in Complainants' Appendix as CX 056.
7. Based on the documents produced by Complainants in this proceeding, on April 28, 2014, Andrey forwarded my emails to Complainant Safonov (kd222555@gmail.com). A copy of Andrey's April 28, 2014 forwarding e-mail is in Complainants' Appendix as CX 056.
8. The only freight quotes I provided to Andrey, Safonov, and/or Middle East Asia Alfa FZE, were those that I received from Emirates Logistics, LLC, for US\$2,492 and US\$3,411, as described in my above paragraphs 5, 6, and 7.
9. I did not send Andrey a "better offer for the same delivery . . . for \$1,500," as alleged by Alexander Safonov in paragraph 4 of his April 21, 2016 Certification to this Commission.
10. I did not make any "proposal" to Andrey, Safonov, or Middle East Asia Alfa FZE for "Marine Transport Logistics, Inc." to "arrange for the shipment of the boats

from Dubai, UAE and the boats will be picked up and held by MTL in the USA”, as alleged by Alexander Safonov in paragraph 5 of his April 21, 2016 Certification to this Commission.

11. To my knowledge, Andrey decided not to use the Emirates Logistics, LLC freight quotes that I forwarded to him.
12. To my knowledge, Andrey, Safonov, or Middle East Asia Alfa FZE, decided instead to ship the two boats with American President Lines (“APL”).
13. According to the APL Bill of Lading no. APLU 020188407, the forwarding agent for the shipment was AEC Cargo Services, LLC, 206, Mohd Al Tayar Bldg, Al Mina Road, Bur Dubai. A copy of the APL Bill of Lading no. APLU 020188407 in Respondents’ Appendix as RX 05.
14. According to the APL Bill of Lading no. APLU 020188407, the total amount of ocean freight prepaid was US\$3,593.46, and not \$1,500 as alleged by Alexander Safonov in paragraph 4 of his April 21, 2016 Certification to this Commission.

I, Aleksandr Solovyev, declare under penalty of perjury that the foregoing is true and correct.

Date: ^{May} ~~April~~ 3rd, 2016
Bayonne, New Jersey



ALEKSANDR SOLOVYEV