

COMPROMISE AGREEMENT
FMC File No. 17106

This Compromise Agreement is entered into between:

- (1) the Federal Maritime Commission (Commission); and
- (2) Razor Enterprise Inc. d/b/a Razor Cargo Services (Respondent).

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

Between July 1, 2012 and March 31, 2013, 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 Safmarine Container Lines N.V./Maersk Line service contract no. 532530 to which it was neither a signatory nor a named affiliate; and also during the same period of time Respondent provided service in the liner trade at rates and charges not in accordance with the rates and charges contained in its published tariff.

WHEREAS, the Commission is authorized under section 13(c) of the Shipping Act, 46 U.S.C. § 41109 (a) – (b), and Subpart W of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.601 – 502.605, to compromise and collect civil penalties for the alleged violations set forth and described above; and,

WHEREAS, Respondent terminated the practices that are the basis of the alleged violations set forth herein, and has committed to maintain measures designed to eliminate such practices in the future; and,

WHEREAS, Respondent has cooperated in good faith and disclosed to the Commission information, facts, and documents relevant to the transportation activities and practices giving rise to the allegations stated above; and,

NOW THEREFORE, in consideration of the premises herein, and in compromise of all civil penalties arising from the Commission's investigation of Respondent for 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 cashier's or certified check or by wire transfer in the total amount of \$50,000.00 on or before January 18, 2016.
2. This Compromise Agreement shall forever bar the commencement or institution of any assessment proceeding or other claim of 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 that occurred between July 1, 2012 and March 31, 2013.
3. Respondent agrees to cooperate in good faith with the further efforts of the Commission to investigate, formally or informally, other entities that may have participated in providing or facilitating the unlawful access to the Safmarine/Maersk service contract specified above. Such cooperation shall include furnishing documents in Respondent's possession, identifying relevant personnel, and providing explanatory information or testimony as may be required by the Commission.
4. It is expressly understood that this Compromise Agreement is not, and is not to be construed as, an admission by Respondent to the alleged violations set forth above.

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

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:

Peter J. King, Director (Date)
Bureau of Enforcement

Vern Hill (Date)
Managing Director