

COMPROMISE AGREEMENT
FMC File No. 17240

This Compromise Agreement is entered into between:

- (1) the Federal Maritime Commission (Commission); and
- (2) NZS Worldwide, Inc. (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(b)(11) and 10(b)(2)(A) of the Shipping Act of 1984 (Shipping Act), 46 U.S.C. §§ 41104(11) and 41104(2)(A), and the Commission's regulations issued pursuant thereto; 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:

During the period from January 1, 2015 to June 1, 2017, Respondent knowingly and willfully accepted from, and transported cargo for, the account of one or more ocean transportation intermediaries that did not have a published tariff, bond, insurance, or other surety as required by the Shipping Act.

During the same time period, Respondent provided service in the liner trade that was not in accordance with the rates and charges contained in its published tariff or in any non-tariff alternative authorized by the Commission.

WHEREAS, the Commission is authorized under section 13(c) of the Shipping Act, 46 U.S.C. § 41109(c), 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 were 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 cooperated in the investigation and provided to the Commission information, facts, and documents relevant to its transportation activities and practices; 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 set forth above and described herein, Respondent and the Commission hereby agree upon the following terms of settlement:

1. Respondent shall make payment to the Commission by cashier's or certified check or wire transfer in the amount of \$50,000.
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 occurring between January 1, 2015 and June 1, 2017.
3. 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.
4. Respondent agrees to cooperate with the Commission with respect to its investigative and enforcement efforts against entities operating as ocean transportation intermediaries without a bond and tariff from which Respondent accepted cargo between January 1, 2015 and June 1, 2017. Such cooperation shall be deemed to include furnishing documents within Respondent's possession, identifying relevant personnel, and providing explanatory information as may be required by the Commission.

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

NZS Worldwide, 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, Deputy Director (Date)
Bureau of Enforcement

Karen V. Gregory (Date)
Managing Director