

**COMPROMISE AGREEMENT**  
FMC File No. 17261

This Compromise Agreement is entered into between:

- (1) the Federal Maritime Commission (Commission); and
- (2) Bayani Commercial, Inc. (Respondent).

WHEREAS, the Commission is considering the initiation of an assessment proceeding against Respondent for the recovery of civil penalties for alleged violation of 46 C.F.R. §515.20(c).

WHEREAS, such proceeding would be based on the Commission's allegation that Respondent engaged in certain practices, to wit:

Respondent operated without a Qualifying Individual as required under 46 C.F.R. Part 515 for a period in excess of one year.

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 violation set forth and described above; and,

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

WHEREAS, Respondent has cooperated and disclosed 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 alleged violation 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 by wire transfer in the amount of \$25,000.00.
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 alleged violation set forth above that occurred for a period in excess of one year prior to January 16, 2018.
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 violation set forth above.
4. This agreement is subject to approval by the Commission's Managing Director in accordance with 46 C.F.R. § 502.604.

Bayani Commercial, Inc.

Signature: 

Printed Name: David O. Portacsi

Title: President

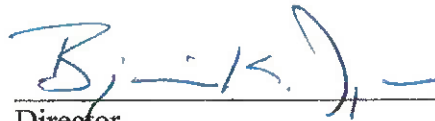
Date: August 21, 2018

**APPROVAL AND ACCEPTANCE OF COMPROMISE AGREEMENT**

FMC File No.17261

The above Terms and Conditions and Amount of Consideration are hereby approved and accepted:

By the Federal Maritime Commission:

  
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Director (Date) 8-22-18  
Bureau of Enforcement

  
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Karen V. Gregory (Date) 8/22/2018  
Managing Director