

# FEDERAL MARITIME COMMISSION

INDIGO LOGISTICS, LLC; LILIYA  
IVANENKO, AND LEONID IVANENKO -  
POSSIBLE VIOLATIONS OF SECTION 19  
OF THE SHIPPING ACT OF 1984 AND THE  
COMMISSION'S REGULATIONS AT 46  
C.F.R. PART 515

Docket 11-06

Served: December 2, 2011

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**BY THE COMMISSION:** Richard A. LIDINSKY, Jr.,  
Chairman; Joseph E. BRENNAN, Rebecca F. DYE, Michael A.  
KHOURI, and Mario CORDERO, Commissioners.

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## **ORDER TO CEASE AND DESIST**

On April 7, 2011, the Commission issued an Order of Investigation and Hearing to determine: whether the Respondents violated Section 19 of the Shipping Act, 46 U.S.C. §§ 40901, 40902, and the Commission's regulations at 46 C.F.R. Part 515, by acting as an ocean transportation intermediary (OTI) without a license or evidence of financial responsibility; whether, in the event violations of the Shipping Act are found civil penalties should be assessed against Respondents and, if so the amount of penalties to be assessed; and whether in the event violations are found, appropriate cease and desist orders should be issued. Order

of Investigation and Hearing at 3. The Commission's Bureau of Enforcement (BOE) was named as a Party to the proceeding.

Pursuant to 46 U.S.C. § 41307, the Commission sought, and on April 15, 2011, obtained, a preliminary injunction against Respondents prohibiting them from acting as an OTI without a license and evidence of financial responsibility. *Federal Maritime Commission v. Indigo Logistics, LLC, Liliya Ivanenko and Leonid Ivanenko*, Case No. 1:11 – Civ.-1134-TCB, United States District Court for the Northern District of Georgia.

On October 14, 2011, the BOE and the Respondents filed a Proposed Settlement Agreement and a Joint Memorandum in Support of the Proposed Settlement Agreement requesting approval of the Agreement. Under the terms of the Settlement Agreement, Respondents agree to admit to the violations which formed the basis of the Commission's Investigation and agree to pay a \$50,000 civil penalty. The Settlement Agreement also requires Respondents not to engage in business as an OTI or as an agent of an OTI for a period of five years. The Settlement Agreement requires the Respondent to dissolve Indigo Logistics, LLC; to close all websites maintained by Indigo Logistics, LLC or any affiliated entity advertising Indigo Logistics, LLC's services; arrange for the removal of links on any other websites to such websites maintained by Indigo Logistics LLC and to relinquish all domain names associated with or related to Indigo Logistics, LLC. On October 20, 2011, the ALJ issued an initial decision approving the Settlement Agreement, finding that it did not appear to violate any law or policy and was free of fraud, duress, undue influence, mistake or other defects. No party filed exceptions and the Commission did not seek review. The ALJ's Order became administratively final on November 21, 2011.

As a condition of settlement, the Respondents agreed to the entry of an Order prohibiting each of them from acting as an OTI as defined in Section 19 of the Act, or as an agent of an OTI, for a period of five years from the service date of an administratively final order discontinuing this proceeding. *See* Settlement Agreement, ¶4. This provision is part of the negotiated settlement between BOE and the Respondents resolving the violations of the Act admitted to by the Respondents. The Respondents are therefore prohibited from acting as an OTI as defined in Section 19 of the Act, or as an agent of an OTI, for a period of five years from the date of this Order.

### **CONCLUSION**

THEREFORE, IT IS ORDERED, That Respondents Indigo Logistics, LLC, Liliya Ivanenko and Leonid Ivanenko are prohibited from acting as an ocean transportation intermediary, or as an agent of an ocean transportation intermediary, for a period of five years from the service date of this order.

FINALLY, IT IS FURTHER ORDERED, That this proceeding is discontinued.

By the Commission.

Karen V. Gregory  
Secretary