

Risk Management Q&A – One Thing After Another

Panelists:

Glenn Patton

Managing Director -- Canada
Roanoke Insurance Group

Patrice Lafayette

Vice President of Sales
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Cameron Roberts

Partner
Roberts & Keharigias LLP

Moderator: Pat Fosberry

NCBFAA NVOCC
Subcommittee Member /
John S. James Co.

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Risk Management Q&A One Thing After Another!

NCBFAA Annual Conference
Tuesday May 3, 2022 10:00 – 10:30



Your M O D E R A T O R



Pat Fosberry

Director of Export Compliance
John S. James Co.

Your SPEAKERS



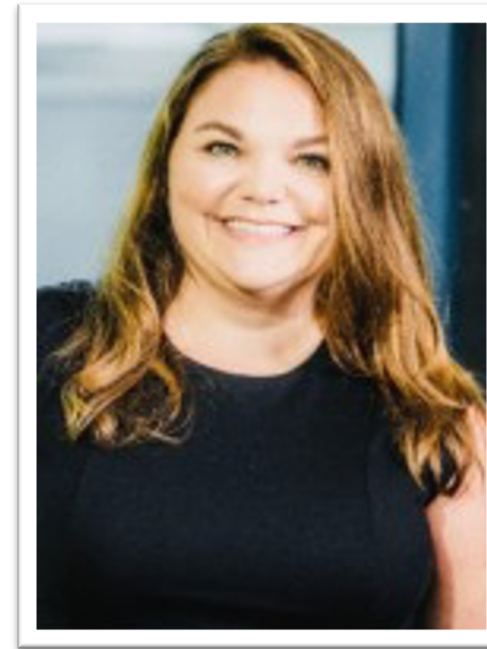
Cameron Roberts

Partner
Roberts & Kehagiaras LLP



Glenn Patton

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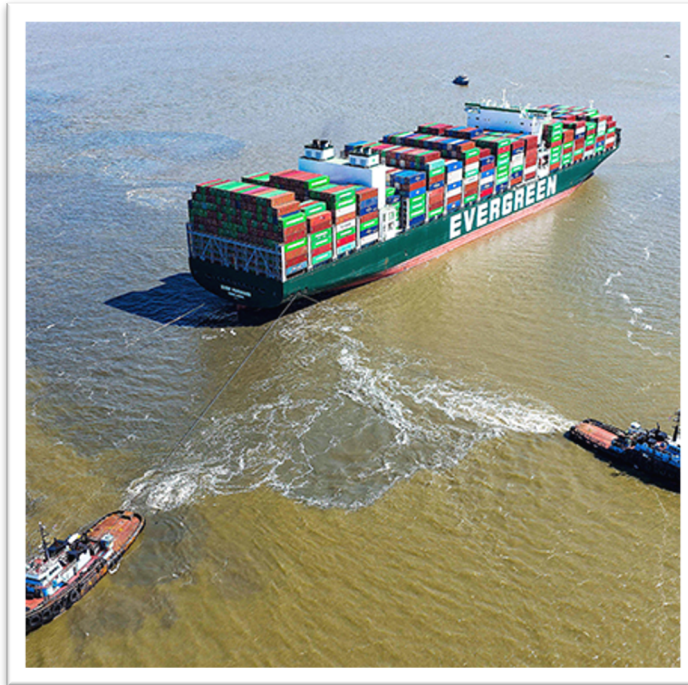


Patrice Lafayette

Vice President
Roanoke Insurance Group

Situation 1

International Shipping Concerns



Disputed Responsibility for Payment of Additional Charges – M/V Ever Forward

Solutions

- Cargo Insurance
- General Average Bond

Situation 2

Cyber Attacks

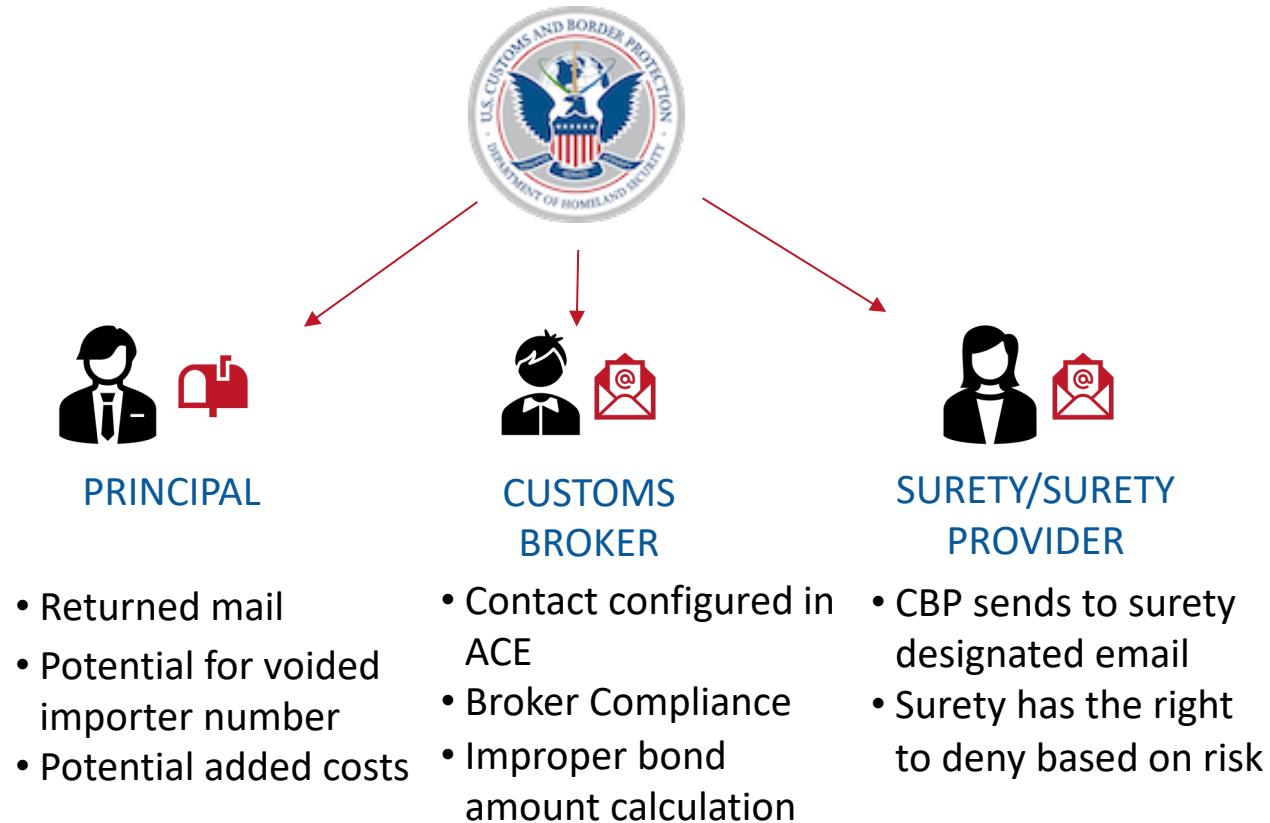


Solutions

- Transfer your cyber risk to an insurance partner to respond to complex breaches
- Let the experts handle the regulatory requirements
- **OFAC Announcement:**
Fines and Penalties will be imposed by the US Treasury if a ransom payment is made to a criminal group that is sanctioned

Situation 3

Bond Insufficiencies



common **INSUFFICIENCY** reasons

- Incorrect calculation
- Bad Address
- STB - 01 to 03 entry type
- CTB - 23 entry type

Solutions

- Proper bond amount review with the importer
- Updating the 5106 timely

Situation 4

Missing CBP Deadlines

when
DEADLINES
are missed

- Claims involving PSCs and Protests of 301 duty have increased
- Improper Classification
- Forwarder issues: freight charges, demurrage, per diem

Solution

Errors & Omissions
Insurance with First
Dollar Defense



Situation 5

CBP Exam Required

Disputed Responsibility for Payment of Additional Charges – CBP Exam –
Kitchen Cabinets from Malaysia, Demurrage, Per Diem, Detention



Solutions

- Credit agreement
- POA and quotes incorporating HBL
- FMC tariff
- NCBFAA type of Terms and Conditions of Service
- Entry cancellation
- General Order
- Insurance – abandonment benefit

Situation 6

Regulatory Changes and FMC Dispute

Disputing charges with an ocean carrier

- Start with www.OCEMA.org (Ocean Carrier Equipment Management Association)
- If unresolved, Federal Maritime Association's CADRS (Consumer Affairs and Dispute Resolution Services)
- <https://www.fmc.gov/databases-services/consumer-affairs-dispute-resolution-services/>

Small Claims Process with FMC

- Disputes up to \$50,000.00
- There is a \$112.00 filing fee.
- <https://www.fmc.gov/wp-content/uploads/2019/05/SmallClaimsComplaintFormat.pdf>

Formal Complaint Process – FMC – Violations of the Shipping Act

- <https://www.fmc.gov/resources-services/filing-a-formal-complaint/>

